



# City of Culver City

Mike Balkman  
Council Chambers  
9770 Culver Blvd.  
Culver City, CA 90232  
(310) 253-5851

## Staff Report

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**File #:** 18-0573, **Version:** 1

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**CC - (PUBLIC HEARING CONTINUED FROM NOVEMBER 27, 2017): Adoption of an Urgency Ordinance Amending Chapter 17, Zoning, of the City of Culver City Municipal Code (CCMC), Section 17.400.095 - Residential Uses - Accessory Dwelling Units (Zoning Code Amendment P2017-224-ZCA) to Prohibit Accessory Dwelling Units in Certain Hillside Areas, and Declaring the Urgency Thereof and that it Shall Take Effect Immediately (Four-Fifths Vote Required).**

**Meeting Date:** December 11, 2017

**Contact Person/Dept:** Michael Allen / Planning Manager  
Sol Blumenfeld / Community Development Director

**Phone Number:** 310-253-5727

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒ **Action Item:** ☐ **Attachments:** ☒

**Commission Action Required:** Yes ☒ No ☐ **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (11/22/17); (Posted) City Website (11/21/17); (Published) Los Angeles Times (11/1/17), (Published) Culver City News (11/02/17);

**Department Approval:** Sol Blumenfeld, Community Development Director (11/30/17)

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### **RECOMMENDATION**

Staff recommends the City Council adopt an urgency Ordinance (Attachment 1), amending Culver City Municipal Code (CCMC), Title 17 - Zoning (Zoning Code) Section 17.400.095 - Residential Uses - Accessory Dwelling Units, as it relates to the prohibition of Accessory Dwelling Units (ADUs) in the Culver Crest area (Zoning Code Amendment P2017-224-ZCA), and declaring the urgency thereof and that it shall take effect immediately. **(This item requires a four-fifths vote.)**

### **PROCEDURE:**

1. The Mayor declares that, on November 27, 2017, the City Council adopted a motion to receive and file the affidavit of mailing and posting of public notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as

desired.

3. The Mayor declares that the public hearing was opened on November 27, 2017 and continued to December 11, 2017.
4. The City Council receives public comment.
5. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council discusses the matter and arrives at its decision.

## **BACKGROUND**

In order to address on-going concerns regarding development in the Culver Crest hillside neighborhood, the City Council adopted Urgency Ordinance No. 2017-005, establishing a 45-Day Moratorium on the issuance of any new building permit for development and construction in the Lower and Upper Culver Crest hillside neighborhoods.

On April 18, 2017 the City Council adopted Ordinance No. 2017-006, extending the temporary moratorium by 10 months and 15 days (including a reduction in the area and properties subject to the moratorium) in order to allow the City time to thoroughly research options for regulating the development and construction on the hillside and prepare and present recommended regulations to the Planning Commission for recommendation to the City Council.

On May 30<sup>th</sup>, 2017 City Council approved an agreement with John Kaliski Architects (JKA) to prepare a study of hillside design and development standards (Study). As a result, JKA submitted a proposed expanded scope of work to address concerns discussed at the December 20, 2016 meeting between community members and City staff.

While the Study continues to look at design guidelines for the hillside area, the project team has identified the following issues related to hillside development density and ADUs which are of concern:

- (1) There are existing substandard roadway widths coupled with curvilinear roadway configuration that may limit or prohibit emergency vehicle access or response time during an emergency.
- (2) The eastern half of the Culver Crest neighborhood is in a "Very High Fire Hazard"; and
- (3) The area contains potential liquefaction zones and potential surficial landslide hazards.

## **DISCUSSION**

JKA has been tasked with outlining planning methods and providing recommendations to guide design and development within the Culver Crest hillside and found that the neighborhood is constrained by severe safety concerns related to fire and landslide areas depicted in Maps No. 1 and

No. 2 (Attachments 2 and 3, respectively).

In some cases a Very High Fire Hazard Severity Zone overlap with Liquefaction Zones that have a potential for surficial landslides. The confluence of these hazardous conditions and substandard roadway widths may prevent emergency vehicle access and impact emergency response times which jeopardize public safety.

Based on feedback during two community meetings, review of the existing Zoning Code, City geotechnical reports and studies, other City documents and plans, and review of State law, which allows a local agency to designate areas within its jurisdiction where accessory dwelling units may be permitted based on criteria, that may include, the impact of ADUs on public safety, JKA has recommended the City consider hillside safety issues in preparing development standards; define certain hillside streets as substandard; limit or prohibit further intensification of uses in areas where there is a safety impact related to further development, such as Culver Crest; and limit additional density, specifically with respect to the location of ADUs.

The potential approaches suggested by JKA to limiting/prohibiting ADUs include the following:

**1. Identifying substandard street widths which cannot support additional density with ADUs. (Map 1)**

Street widths may limit the response time of emergency vehicle access. Numerous California cities define streets as substandard in hillside neighborhoods when they do not meet minimum curb to curb dimensions, therefore imposing additional restrictions on development.

**2. Identifying hazardous conditions that constrain further single family development with ADUs and prohibit new ADUs in the Culver Crest neighborhood where identified. (Map 2)**

Previously documented hazards including wildfire hazard, liquefaction and potential for surficial landslides, noted in the Culver City Hazards Mitigation Plan, suggest prohibiting additional hillside density.

As a result of the overlapping hazardous conditions found in the Study, including potential very high fire severity, landslide, liquefaction, as well as the potential for limited emergency response times or access due to substandard roadway widths, staff proposes the prohibition of ADUs within the area as shown in Map 4-2 in Exhibit A to the Ordinance.

Staff also preliminarily examined narrow roadway widths relative to other hazards that may impact emergency services in the only other hillside residential single family neighborhood in the City, Blair Hills, and determined that there were some streets with substandard widths and hazardous conditions related to liquefaction and potential surficial landslides in the area. Therefore staff will further study this area and, if warranted, an additional amendment may be prepared thereafter to address density related to ADUs in the Blair Hills neighborhood.

**Planning Commission Recommendation**

On November 15, 2017, the Planning Commission adopted a Resolution recommending to the City Council approval of Zoning Code Amendment P2017-224-ZCA, amending Culver City Municipal Code (CCMC), Title 17 - Zoning (Zoning Code) Section 17.400.095 - Residential Uses - Accessory Dwelling Units, as it relates to the prohibition of Accessory Dwelling Units (ADUs) in the Culver Crest area.

### **Urgency Measure**

On November 20, 2017, the City Planning Division received a plan submittal for an ADU to be located on property within the Culver Crest Neighborhood. The proposed Ordinance is immediately required to preserve the public health, safety and welfare and should be adopted immediately as an urgency ordinance, to make certain that building permits for ADUs are not issued in areas where the location of ADUs may create an impact to public safety. There is a current and immediate threat to the public health, safety and welfare of the City and its community, thereby necessitating the immediate enactment of the proposed Ordinance, in that the issuance of building permits for ADUs in the Culver Crest hillside area may create an impact to public safety, based on the findings of the JKA memorandum as set forth herein above and in the proposed Ordinance. Based on such findings, the adoption of the proposed Ordinance as an urgency measure, pursuant to Government Code Section 36937(b) and Culver City Charter Section 614, is warranted.

As set forth in the proposed Ordinance, it shall take effect immediately and, upon adoption of the Ordinance, the Zoning Code Amendment (P2017-0224-ZCA) shall apply to all pending ADU projects in the identified Culver Crest area, including those which are currently in plan check and have not been issued a building permit as of the date of adoption of this Ordinance.

### **Environmental Determination**

Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA), Zoning Code Text Amendment (P2016-0224-ZCA) is within the scope of the Culver City General Plan Update Program EIR approved on September 24, 1996 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances under which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new significant information has been found that would impact either PEIR 1 or PEIR 2; therefore, no new environmental analysis is required

### **FISCAL ANALYSIS**

There are no fiscal impact related to adoption of the urgency ordinance for the subject Zoning Code Amendment.

### **ATTACHMENTS**

1. Proposed Ordinance (including Exhibit A - Zoning Code Text Amendment)
2. Map 1 - Existing Right of Way Map
3. Map 2 - Hazards Map

4. JKA Memo Regarding Density and ADUs

**MOTION**

That the City Council:

Adopt an urgency Ordinance approving Zoning Code Amendment P-2017-0224-ZCA, amending Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.400.095 - Residential Uses - Accessory Dwelling Units, and declaring the urgency thereof and that it shall take effect immediately. (This item requires a four-fifths vote.)