

RESOLUTION NO. 2022-R____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING DENSITY AND OTHER BONUS INCENTIVES P2022-0178-DOBI, FOR A PROPOSED MIXED-USE PROJECT CONSISTING OF A 3-STORY AND 4-STORY BUILDING WITH 34 MULTI-FAMILY RESIDENTIAL DWELLING UNITS THAT INCLUDE 2 VERY LOW INCOME AND 4 WORKFORCE UNITS, ABOVE 2,725 SQUARE FEET OF NEW GROUND FLOOR COMMERCIAL CULTURAL SPACE AT 9763 CULVER BOULEVARD AND 9814 WASHINGTON BOULEVARD IN THE COMMERCIAL DOWNTOWN (CD) ZONE.

(Density and Other Bonus Incentives, P2022-0178-DOBI)

WHEREAS, on June 14, 2022, REthink Development (the “Applicant”), filed applications for a Site Plan Review and Density and Other Bonus Incentives to allow demolition of a vacant single family house and construction of a new 52 foot high, 3 to 4-level, 22,778 square foot mixed use building with a new 2,725 square foot, ground floor commercial arts space and 34 residential units that includes 2 very low-income and 4 workforce housing units, in the Commercial Downtown (CD) Zone (the “Project”). The Project site is described as Lot 4 and a portion of Lot 27 of Block No, 1 of Tract. No. 1775 and Lot 3 of Block No. 1 of Tract No. 1775, with. Los Angeles County Assessor numbers 4207-006-915 and 4207-006-003; and,

WHEREAS, to implement the proposed Project, approval of the following applications is required:

1. Site Plan Review P2022-0178-SPR: To ensure the Project is in compliance with the required standards, design guidelines, and ordinances of the City; minimize potential adverse effects on surrounding properties and the environment; and protect the integrity and character of the residential, commercial, and public areas of the City; and

1 2. Density and Other Bonus Incentives P2022-0178-DOBI: To ensure
2 implementation of State law requirements for density bonuses and other bonus incentives and
3 the goals and policies of the Housing Element of the City's General Plan; and,

4 **WHEREAS**, Pursuant to CEQA Guidelines, initial review by the Planning
5 Commission established there are no potentially significant adverse impacts upon the
6 environment. On August 10, 2022, the Commission adopted a Categorical Exemption (CE)
7 pursuant to CEQA Section 15332, Class 32 – In-Fill Developments, because it is consistent
8 with the Downtown General Plan Land Use designation, the CD Zoning standards, and State
9 Density Law. The Project Site is on a 0.29-acre site surrounded by urban uses, developed with
10 buildings and surface parking, and has no value as habitat for endangered, rare, or threatened
11 species. The Project will not result in any significant effects relating to traffic, noise, air quality,
12 or water quality because it is within the anticipated development threshold for this area. Project
13 specific studies did not identify significant impacts and required utilities and public services is
14 provided as determined by City departments. The Project is within the scope of the adopted
15 CE and the circumstances under which the CE was prepared have not significantly changed,
16 and no new significant information is found that affects the CE. Therefore, no additional
17 environmental analysis is required; and,

18 **WHEREAS**, on August 10, 2022, after conducting a duly noticed public hearing
19 on the subject application, including full consideration of the application, plans, staff report,
20 environmental information and all testimony presented, the Planning Commission (i) by a vote
21 of 4 to 0, adopted a Categorical Exemption, in accordance with CEQA, finding the Project will
22 not result in significant adverse environmental impacts; (ii) by a vote of 4 to 0, conditionally
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1 approved Site Plan Review, P2022-0178-SPR; and (iii) by a vote of 4 to 0, recommended to
2 the City Council approval of Density and Other Bonus Incentives, P2022-0178- DOBI; and,

3 **WHEREAS**, on September 12, 2022, after conducting a duly noticed public
4 hearing, including full consideration of the staff report and all testimony presented, the City
5 Council (i) by a vote of ___ to ___, approved a Disposition and Development Agreement (DDA);
6 and (ii) by a vote of ___ to ___, the City Council established the following development standards
7 as part of the DDA approval:
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- 10 1. Relief from commercial ground floor restrictions for mixed use and establishing
11 revised ground floor uses.
 - 12 2. Relief from outside unit storage space per unit and establishing a “no required”
13 standard for storage space
 - 14 3. Relief from minimum 75% 0-setback facing Culver and Washington Boulevards and
15 establishing new standards that allows varied setbacks; and,

16 **WHEREAS**, on September 19, 2022, after conducting a duly noticed public
17 hearing on the aforementioned DOBI, including full consideration of the applications, plans,
18 staff reports, environmental finding, Planning Commission recommendation, and all testimony
19 presented; the City Council (i) by a vote of ___ to ___, determined that the circumstances under
20 which the Categorical Exemption was prepared and adopted by the Planning Commission have
21 not significantly changed, and no new significant information has been found that would impact
22 the Categorical Exemption; therefore, no additional environmental analysis is required; (ii) by
23 a vote of ___ to ___, approved Density and Other Bonus Incentives, P2022-0178-DOBI,
24 subject to Conditions of Approval referenced herein below; and (iii) by a vote of ___ to ___, the
25 City Council approved the following concessions and waivers as part of the DOBI approval:

26 **Concessions:**

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- 28 1. Relief from the 3 story/44 FT height limit to allow a height of 52 FT/4 stories.
 - 29 2. Relief from required on-site loading.
 3. Relief from all required parking.

Waivers:

1. Relief from minimum unit size.
2. Relief from the maximum 25% allowed micro/studio units to allow 100% small units.

as set forth herein below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the foregoing recitations and the provisions of the Culver City Municipal Code (CCMC), as outlined in CCMC Title 17, Section 17.580.020, the following required findings for a Density and Other Bonus Incentives are hereby made:

A. The project would be compatible with the purpose and intent of the General Plan and the provisions of this Title.

The Culver City General Plan Land Use Element designates the property as Downtown. The property is zoned Commercial Downtown which permits the proposed mixed-use development. The application includes concessions and waivers to allow relief of certain development standards to ensure affordable and workforce housing as required under State Density Law. This commercial arts and existing restaurant activity are consistent with General Plan Land Use Objective 22 which encourages reinvestment in the Downtown area to improve economic activity, visual quality, and the pedestrian environment. Preservation of the existing restaurant spaces contributes to a positive nightlife ambience created by sidewalk café and restaurant uses, consistent with Policy 22.A. The new ground floor use implements Policy 22.B that encourages entertainment opportunities and options because the new space will be an arts and cultural space. The Project is consistent with General Plan Land Use Objective 6 – Commercial Corridors – because the mixed-use development will revitalize the physical character and economic wellbeing of this specific portion of the Downtown commercial corridor by repurposing a vacant dilapidated house that breaks the pattern of an otherwise active Downtown community.

The Project's housing component is consistent with various Housing Element policies. It implements the Housing Element quantified objectives and Regional Housing Needs Assessment (RHNA) 6th Cycle, 2021 to 2029 by providing 2 of the 554 very low-income units and 32 of the 1,069 above market rate units that includes 4 workforce housing units, as noted below:

Table 44: Quantified Objectives

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction	554	554	604	560	1,069	3,341
Preservation	30	30	60	0	0	120
Conservation	29	30	134	38	0	231

More specifically, the housing component implements Objective 2 – Housing Supply by expanding opportunities for a variety of housing types such as provisions for small studio and one-bedroom units. The housing’s proximity to Culver City Bus Line 1 and Metro Line 33, both of which connect with the Metro E Line (Expo) Culver City station furthers Policy 2.B that promotes housing access to the LA Metro E Line Culver City Station. The Project design, as noted above in previous Findings above, is compatible with surrounding Downtown developments such as the Brick and Machine as called for in Policy 2.C that promotes mixed use residential developments that are compatible with nonresidential uses in the area. A concession eliminates the required parking as stated in Policy 2.G that promotes reduced parking requirements to incentivize production of affordable housing. The Project’s 2 very-low-income units, 4 workforce units, and 28 market rate units provides a diverse range of rental housing opportunities meeting the needs of Culver City’s varied socioeconomic segments, consistent with Objective 3. - Housing Affordability. The Project executes Policy 3.A because it involves granting a density increase and relief from Zoning Code required height limits, on-site loading and parking, minimum unit size, and percentage of small units through concessions and waivers, as called for by the Zoning Code and the State Density Bonus law in return for affordable housing units.

These density increases are consistent with expected development thresholds and build-out projections as delineated in the Culver City 1996/2000 General Plan Land Use Element, the SCAG’s Connect SoCal 2020 (2020–2045 Regional Transportation Plan/Sustainable Communities Strategy), the SCAG/HCD Regional Housing Needs Assessment 6th Cycle, 2021 to 2029, and the SCAQMD 2016 Air Quality Management Plan (AQMP).

B. The project will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The Site provides adequate onsite pedestrian circulation and complies with Zoning Code and State Density Law requirements. A concession eliminating parking will reduce potential vehicular hazards. No off-site circulation hazards are presented by the Project since access points are designed to ensure elimination of conflicts between Project residents and businesses and surrounding Downtown users. Adequate sidewalks, a residential only lobby with elevator, and interior courtyards and walkways assure pedestrian access that is separated from the Project’s ground floor commercial spaces. The use and enjoyment of neighboring developments are not negatively impacted or

interfered with, as the existing ground floor restaurant use within the Project as well as restaurants further east of the Project Site will continue during construction and will not be encroached upon once the Project is operational. The Kirk Douglas Theatre will continue to operate during construction and will not be encroached upon once the Project is operational.

Concessions and waivers will not be detrimental to the public interest, health, safety, and general welfare because such relief of code requirements allowed under State Density Bonus Law will result in 2 very low income and 4 workforce units, which is necessary to achieve Culver City's housing needs and the regional housing needs as directed by the 6th RHNA Cycle. Further, massing of the Project, with a narrow look and differing setbacks, including a near 0 setback in certain portions continues the Downtown building frontage and pedestrian experience on both Washington and Culver Boulevards. The 52-foot height limit is consistent with the maximum allowed height of 56-feet in the City and upper level outside decking for residents provides an inviting view for the Downtown community.

The Project replaces a dilapidated, vacant house with a new ground floor arts venue complimenting existing adjacent restaurant and theatres uses and 34 new residential uses including affordable dwellings. The conditions of approval and compliance with all CCMC requirements and other City standards and guidelines will ensure the Project will not be a detriment to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located. The use of both Community Benefits and State Density Bonus Law density increases will compliment any future mixed-use projects in the Downtown area that may seek to increase their density in similar fashion. Further, by increasing housing density on the site and providing 2 affordable housing units and 4 workforce housing units will be in the best interest of the public health, and general welfare.

C. The number of dwellings can be accommodated by existing and planned infrastructure capacities.

The site is in an existing urbanized neighborhood, and is currently developed with a vacant, dilapidated house and a restaurant building. Public facilities to the site currently exist and will be upgraded, augmented, and/or replaced as required by project conditions. City review of the Project did not determine that upgrades to the existing facilities could not be achieved. Further, the existing and proposed public service facilities necessary to accommodate the Project such as the width and pavement of the adjoining streets, traffic control devices, sewers, storm drains, sidewalks, streetlights, proposed street trees, fire protection devices, and public utilities are provided for adequately as confirmed by the City agencies that reviewed the Project during the interdepartmental review process. Finally, the Project will upgrade a portion of the Project that is dilapidated and vacant.

D. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with

Government Code, Section 65915, or as may be amended, and the purpose and intent of this Title.

The Project's base density per the Zoning Code Mixed Use standards and after community benefits that provide 4 workforce housing units is 22 units. Based on State Density Bonus Law, the applicant is requesting a 50% density increase in return for reservation of 2 very low-income households. The Project proposes a density increase of 15 units for a total of 34 units. The Project's 2 very low-income units will be covenanted for 55 years for very low-income individuals or households. The covenant requiring affordability for 55 years will be a Project condition. Adequate evidence exists to ensure that the development of the Project site will result in the provision of affordable housing in a manner consistent with Government Code, Section 65915.

E. There are sufficient provisions to guarantee that the designated dwelling units would remain affordable in the future.

The Project will result in 34 units with 2 of those units covenanted for 55 years for very low-income individuals or households. The covenant requiring affordability for 55 years will be a Project condition and will be administered by the City's Housing Authority to ensure compliance with State affordable housing law including residents of these units meeting very low-income criteria. Certificates of Occupancy will not be granted until covenants are recorded with the County and the Housing Authority has approved the selection process for the tenanting of the Affordable units.

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby approves Density and Other Bonus Incentives, P2022-0178-DOBI, including concessions and waivers noted above; subject to the conditions of approval set forth in Exhibit A to Planning Commission Resolution No. 2022-P015; and the applicable code requirements set forth in Exhibit B to Planning Commission Resolution No. 2022-P015. The site and floor plans approved by the Planning Commission on August 10, 2022, and Exhibits A and B, are collectively referred to as "Project Requirements."

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SECTION 3. The Project Requirements are hereby imposed on the proposed mixed-use development and Density and Other Bonus Incentives at 9814 and 9810 Washington Boulevard and 9763 and 9739 Culver Boulevard.

APPROVED and ADOPTED this 19TH day of September 2022.

DR. DANIEL LEE, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED AS TO FORM:

JEREMY BOCCHINO, City Clerk


HEATHER BAKER, City Attorney