

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 11/28/05		Item Number: <u>JPH-1</u>	
AGENDA ITEM: Conversion of an Existing Building Currently under Construction as Rental units and Commercial Leases into Nine Air Space Condominium Units at 8601 Through 8633 Washington Boulevard in the East Washington Overlay (EWO) and Underlying Commercial (C-3) Zones.			
Contact Person/Dept.: Jose Mendivil		Phone Number: (310) 253-5757	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notices were mailed on November 7, 2005 to all property owners and occupants within a 300 foot radius of the site, extended to end of city block; on November 11, 2005, the site was posted; courtesy notices were mailed on November 7, 2005, to the City Council, Planning Commission, Cultural Affairs Commission, Culver City Homeowners Association, Culver City Chamber of Commerce, CAO, and Department Heads; Master Notification List on 11/23/05.			
Department Approval: Susan Evans 11/10/05		CAO Approval: Martin Cole for Jerry Fulwood 11/22/05	
City Controller Approval: Marlee Chang 11/22/05			

RECOMMENDATION:

That the City Council sustain the Planning Commission recommended approval of Tentative Tract Map, TTM P-2005052 (Tentative Tract Map No. 63006) subject to the Recommended Conditions of Approval as stated in City Council Resolution No. 2005-R___ (Attachment No. 4).

PROCEDURES:

1. Mayor seeks motion to receive and file affidavit of mailing of notices.
2. Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
3. Mayor opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
4. Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. City Council discusses the matter and arrives at its decision.

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BACKGROUND:

Previous Entitlements

On August 27, 2003, the Planning Commission approved Site Plan Review (SPR) and Conditional Use Permit (CUP) applications submitted by SPF Architects (the "Applicant") that allowed the construction of a two-story, 25,969 square-foot office live/work building with tandem parking at the project site. The first story included a coffee house, art gallery/studio, and offices and the second story included eight live/work units. Both surface and subterranean parking (with some tandem spaces in the subterranean area) were part of the approved SPR. After Planning Commission approval, the City issued the applicant a building permit and since that issuance, the applicant has been constructing the project as approved (with minor modifications that are discussed below).

Current Request

On July 29, 2005, the Applicant submitted an application for a Tentative Tract Map to allow the conversion of the existing building (currently under construction and being built for rental units and commercial leases) into nine air space condominium units consisting of two commercial condominiums on the ground floor and seven live/work condominiums on the second floor at 8601 through 8633 Washington Boulevard.

On September 14, 2005, the Planning Commission approved the request and passed Planning Commission Resolution No. 2005-P016 (Attachment No. 5) which recommended the City Council approve the Tentative Tract Map request. In addition, because the Tentative Tract Map approval is contingent upon a condominium conversion for a building already entitled and under construction, the Zoning Code's Condominium Conversion standards require that site plan review findings, separate from the originally approved August 27, 2003, SPR findings, be made. Those condominium conversion SPR findings were made as part of Planning Commission Resolution No. 2005-P016 (Attachment No. 5).

Culver City Municipal Code (CCMC) Title 15 - Chapter 15.10, Subdivisions, requires the Planning Commission to recommend approval (or disapproval) to the City Council of Tentative Tract Maps which are proposed subdivisions of five or more lots/units. This application is for nine air space condominium units. The Planning Commission has reviewed the Applicant's request and has recommended the City Council approve the subdivision.

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DISCUSSION:

Approval of the condominium conversion will result in two commercial condominium units on the first story and seven live/work condominium units on the second story. One commercial condominium will consist of the offices and gallery/studio while a restaurant at the far west end will take up the second commercial condominium.

The restaurant space was originally going to be a coffee house but during construction of the building the applicant asked if that space could be used as a full service restaurant. After analysis of onsite parking and square footage of the space, staff determined that the restaurant would be small enough that parking would not be an issue. Any future increase in the restaurant space will require more parking than what has been provided for on the site. On the second story, the approved SPR called for eight live/work units. However, during construction, the applicant requested permission to combine two of the units to create one larger unit. The revised floor design was in keeping with the live/work nature of the project and did not affect parking. Both of these minor design changes were administratively approved as permitted through the original SPR Conditions of Approval.

With regard to maintaining the project's live/work units and the on-site tandem parking, the City will require that the Covenants, Conditions, and Restrictions (CC & R's) and the Condominium Association By-laws make reference to any land use restrictions resulting from the originally approved SPR. Attachment No. 7, which is a site plan summarizing the originally approved SPR, indicates that required parking for each condominium unit can be accommodated even with the tandem parking spaces.

The State Subdivision Map Act, CCMC Title 15, and CCMC Title 17 regulate the subdivision of land and condominium conversions. The map process allows the City to review the proposed subdivision conversion to ensure necessary improvements and dedications for streets and other facility needs are provided. The process also ensures the reservation of required easements and assures those easements are maintained. In their review, the Engineering Division of the Public Works Department did not require easements. The Engineering Division has reviewed the proposed subdivision conversion and found it to be in compliance with State and local regulations.

The CCMC Condominium Conversion section requires the applicant to submit various reports indicating the building is in compliance with building code standards and also requires the applicant to notify tenants of the proposed subdivision conversion. The applicant was issued a Building Safety permit and the site is currently under construction under the originally approved SPR; it is being built in compliance with current building code standards. There are no tenants; however,

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prospective tenants are informed in writing of the Tentative Tract Map/Condominium Conversion application.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) guidelines, this project is a Class 32 Categorical Exemption. It is a part of a larger in-fill project (the original SPR) that was found to be a Class 32 Categorical Exemption.

CONCLUSION

The condominium conversion request does not result in changes to the originally approved site plan review. The only key issue is that instead of having rental live/work units and commercial lease spaces, the units will now be able to be sold separately as live/work condominiums and commercial condominiums. All conditions of approval for the original site plan review are still in effect.

FISCAL ANALYSIS:

There is no immediate fiscal impact resulting from this item. However, if the tentative tract map is not approved, the Applicant will only be able to lease the individual units. This lack of flexibility in being able to lease or sell units, depending on market forces, could result in the inability to fill units. A delay in the ability for units to be occupied could result in a loss of potential City revenues resulting from the absence of businesses locating in the development.

ATTACHMENTS:

1. Project Summary
2. Area Map
3. Aerial Photograph
4. Draft Resolution No. 2005-R____
5. Approved Planning Commission Resolution No. 2005-P016
6. Tentative Tract Map No. 63006 file dated July 7, 2005
7. Plan Summarizing Site Plan Review (Previously Approved) file dated July 7, 2005

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MOTION:

That the City Council:

Adopt Resolution No. 2005-R sustaining the Planning Commission recommended approval of Tentative Tract Map, TTM P-2005052 (Tentative Tract Map No. 63006) subject to the Recommended Conditions of Approval.

OR,

Adopt Resolution No. 2005-R modifying the Planning Commission recommended approval of Tentative Tract Map, TTM P-2005052 (Tentative Tract Map No. 63006) by adding, deleting, or revising Recommended Conditions of Approval.

OR,

Reject and overrule the Planning Commission recommended approval of Tentative Tract Map, TTM P-2005052 (Tentative Tract Map No. 63006).