

RESOLUTION NO. 2016-R\_\_\_\_

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 CULVER CITY, CALIFORNIA, APPROVING DENSITY  
5 BONUSES AND OTHER BONUS INCENTIVES P2015-0127-  
6 DOBI AND TENTATIVE TRACT MAP, P2015-0127-TTM,  
7 FOR A PROPOSED MIXED USE PROJECT CONSISTING  
8 OF A 5-STORY BUILDING WITH 37 MULTI-FAMILY  
9 RESIDENTIAL DWELLING UNITS, THREE OF THOSE  
10 UNITS RESERVED AS AFFORDABLE DWELLINGS,  
11 ABOVE 7,206 SQUARE FEET OF GROUND FLOOR RETAIL  
12 COMMERCIAL SPACE WITH SURFACE AND  
13 SUBTERRANEAN PARKING, INCLUDING TANDEM  
14 PARKING SPACES IN THE SUBTERRANEAN AREA, AT  
15 12803 WASHINGTON BOULEVARD IN THE COMMERCIAL  
16 GENERAL (CG) ZONE.

(Density Bonuses and Other Bonus Incentives and  
Tentative Tract Map, P2015-0127-DOBI and -TTM)

17 WHEREAS, on October 28, 2015, Axis Mundi RE II, LLC (the "Applicant")  
18 filed a Site Plan Review (SPR) and Administrative Use Permit (AUP) application to allow  
19 a mixed use project consisting of 27 multi-family residential dwelling units above 7,293  
20 square feet of ground floor retail commercial space with surface and subterranean  
21 parking, including public parking and tandem parking; and,

22 WHEREAS, On March 23, 2016 and May 18, 2016 the Applicant revised  
23 the application to include a request for a Density Bonuses and Other Bonus (DOBI)  
24 Incentives application and a Tentative Tract Map (TTM) application that results in a  
25 proposed five-story mixed use development consisting of 37 multi-family residential  
26 dwelling units, including three very low income dwelling units and 7,206 square feet of  
27 ground floor retail commercial space, surface and subterranean parking, including public  
28 parking and tandem parking spaces (the "Project"). The Project site is located at 12803

1 Washington Boulevard and is described as Lots 55 through 63 of Tract No. 5951 and  
2 with Los Angeles County Assessors Numbers 4236-021-080, 081, 082 and 083, in the  
3 City of Culver City, County of Los Angeles, State of California; and,

4 WHEREAS, in order to implement the proposed Project, approval of the  
5 following applications are required:  
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7 1. Site Plan Review: To ensure the Project is in compliance with all required  
8 standards and City ordinances and establish all onsite and offsite conditions of approval  
9 to reflect the site features and compatibility of the proposed Project with the uses on  
adjoining properties; and,

10 2. Density Bonuses and Other Bonus Incentives: To ensure implementation of  
11 State law requirements for density bonuses and other bonus incentives and the goals and  
policies of the Housing Element of the City's General Plan;

12 3. Administrative Use Permit: To ensure that the use of tandem parking  
13 spaces for some of the Project's required parking is in compliance with all required  
14 standards and City ordinances and establish conditions of approval to ensure the use is  
compatible with the Project site and surrounding area; and,

15 4. Tentative Tract Map: To ensure the subdivision complies with State and  
16 local subdivision law and ordinances; and,

17 WHEREAS, on July 27, 2016, after conducting a duly noticed public hearing  
18 on the subject applications, including full consideration of the applications, plans, staff  
19 report, environmental information and all testimony presented, the Planning Commission  
20 (i) adopted a Negative Declaration, in accordance with the California Environmental  
21 Quality Act (CEQA), finding the Project will not result in significant adverse environmental  
22 impacts; and (ii) adopted Resolution No. 2016-P009, conditionally approving Site Plan  
23 Review P2015-0127-SPR and Administrative Use Permit P2015-0127-AUP and  
24 recommending to the City Council approval of Density Bonuses and Other Bonus  
25 Incentives, P2015-0127- DOBI and Tentative Tract Map, P2015-0127- TTM; and,  
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28 WHEREAS, on September 12, 2016, after conducting a duly noticed public  
hearing on the aforementioned DOBI and TTM requests, including full consideration of

1 the applications, plans, staff reports, environmental finding, Planning Commission  
2 recommendation, and all testimony presented; the City Council (i) by a vote of \_\_\_ to \_\_\_,  
3 determined that the circumstances under which the Negative Declaration was prepared  
4 and adopted by the Planning Commission have not significantly changed, and no new  
5 significant information has been found that would impact the Negative Declaration;  
6 therefore, no additional environmental analysis is required; and (ii) by a vote of \_\_\_ to  
7 \_\_\_, approved Density Bonuses and Other Bonus Incentives, P2015-0127- DOBI and  
8 Tentative Tract Map, P2015-0127- TTM, subject to Conditions of Approval referenced  
9 herein below.  
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12 NOW, THEREFORE, the City Council of the City of Culver City, California,  
13 DOES HEREBY RESOLVE as follows:

14 Section 1. Pursuant to the foregoing recitations and the provisions of  
15 Culver City Municipal Code (CCMC), the following findings are hereby made:  
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17 **Density Bonuses and Other Bonus Incentives:**

18 As outlined in CCMC Title 17, Section 17.580.020, the following required findings for a  
19 Density Bonus and Other Bonus Incentives are hereby made:

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

22 The mixed use Project with ground floor commercial retail uses is consistent with  
23 General Plan Land Use Objective 24, Objective 5, and Objective 6, because it will  
24 protect and enhance residential and business uses within the City's Western Sub-  
25 Area, encourage new business opportunities, and revitalize the physical character  
26 and economic wellbeing of this specific commercial corridor. This Project is  
27 consistent with the General Plan Housing Element which calls for an increase in  
28 the City's housing stock, especially affordable housing. The City's allocation for  
the current California State Regional Housing Needs Assessment (RHNA) cycle is  
185 units. Of those 185 expected units, 24 are targeted for very low income  
households and 77 are targeted for market rates. This Project will address a  
portion of Culver City's share of the RHNA by constructing 34 market rate units  
and three very low income affordable units. The Project is consistent with Housing  
Element Objective 2 – Housing Supply/Policy 2.D – because it will promote mixed

1 use residential development in an area that allows mixed use while being sensitive  
2 to adjacent residential uses. Policy 2.D also calls for reinforcing the commercial  
3 nature of the area which the ground floor retail accomplishes. The Project is  
4 consistent with Objective 3 of the Land Use Element which encourages affordable  
5 housing because the Project is providing three very low income affordable units.  
6 The granting of a density increase and a concession or relief from CCMC required  
7 setbacks and height limit is consistent with Land Use Element Policy 3.A and  
8 Housing Element Policy 3A that call for providing incentives for the development  
9 of new affordable housing consistent with State Density Bonus Law. The Project  
10 is consistent with Housing Element Policy 3.B which calls for support of affordable  
11 housing development by private developers. The Project is consistent with  
12 General Plan Housing Element Measure 4.A. which calls for the City to work with  
13 developers who wish to process DOBI applications.

14 The density increase from 35 to 50 dwelling units per acre is consistent with the  
15 March 10, 2008, City Council adopted resolution number 2008-R015 establishing  
16 a Community Benefit Incentive Program in connection with the Mixed Use  
17 Development Standards (Community Benefits). The developer is providing 21  
18 public, metered parking spaces as a community benefit in return for increased  
19 density. Further, the density increase that results in three very low income  
20 affordable dwellings is consistent with state and local laws and policies as noted  
21 above. These density increases are consistent with expected thresholds of  
22 development and build-out projections as delineated in the General Plan Land Use  
23 Element, the SCAG 2016-2040 RTP/SCS, the SCAG/HCD Regional Housing  
24 Needs Assessment for the 2013-2021 Housing Cycle, and the SCAQMD 2012  
25 AQMP.

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

29 The site provides adequate onsite circulation and parking in compliance with all  
30 Zoning Code and State Density Bonus Law requirements and will not produce any  
31 vehicular or pedestrian hazards. No off-site circulation hazards are presented by  
32 the proposed Project since access points are designed to ensure elimination of  
33 conflicts between vehicles entering the surface parking and vehicles entering the  
34 subterranean parking. Adequate sidewalks, elevators, and interior courtyards and  
35 walkways assure pedestrian access that is separated from the vehicular access  
36 points. The use and enjoyment of neighboring development is not negatively  
37 impacted or interfered with, as the building is separated by a 15 foot wide alley at  
38 the rear facing residential areas and the building is stepped backed from the  
adjacent residential uses as the building increases in height.

Reduction in setbacks and increase in height 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 three very low  
income units, which is needed in the area. Further, massing of the Project, with

1 the rear step back and build out to property lines at the front and sides is shifted  
2 towards the commercial corridor. The 56 foot height limit and zero setback at the  
3 front and sides is consistent with Commercial General development standards for  
4 non-mixed use commercial buildings and articulation with balconies and terraces  
5 help soften the zero setback at these elevations that face commercial activity.

6 The Project takes up a whole city block and is bounded by three commercial streets  
7 and an alley with the widths of these public rights of way providing a barrier between  
8 the Project and surrounding properties. Further, rear landscaping, street trees,  
9 and potted plants along sidewalks adjoining the Project will provide an additional  
10 buffer between adjoining properties and the Project, preserving privacy for both  
11 Project residents, Project commercial users, and neighboring properties. The  
12 conditions of approval and compliance with all CCMC requirements and other City  
13 standards and guidelines will ensure that the proposed Project will not be a  
14 detriment to the public interest, health, safety, or general welfare, or injurious to  
15 persons, property, or improvements in the vicinity and zoning district in which the  
16 property is located. The use of both Community Benefits and State Density Bonus  
17 Law density increases will compliment any future proposed mixed use projects in  
18 nearby commercial properties that may seek to increase their density in similar  
19 fashion. Further, by increasing housing density on the site and providing three  
20 affordable housing units and 21 public parking spaces the Project will be in the  
21 best interest of the public health, and general welfare.

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

24 The site is located in an existing urbanized neighborhood, and is currently vacant.  
25 However, public facilities to the site currently exist and will be upgraded,  
26 augmented, and/or replaced as needed. City review of the Project did not  
27 determine that upgrades to the existing facilities could not be achieved. Further,  
28 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, street lights, 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 result in upgrades to the three surrounding streets'  
surfacing, curbs, gutters, and sidewalks.

29 **D. Adequate evidence exists to ensure that the development of the property  
30 would result in the provision of affordable housing in a manner consistent  
31 with Government Code, Section 65915, or as may be amended, and the  
32 purpose and intent of this Title.**

33 The Project's base density per the Zoning Code after community benefits as  
34 allowed under Mixed Use standards is 27 units. Based on State Density Bonus  
35 Law, the applicant is requesting a 35% density increase in return for reservation of  
36 at least 11% of the total base density units for very low income households. The

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Project proposes a density increase of 10 units for a total of 37 units. Eleven percent of the base 27 units will be made affordable to very low income households or individuals. This equates to  $11\% \times 27 = 2.97$  or three units. The Project will result in 37 units with three of those 37 units 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 property would 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 37 units with three of those 37 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 for.

**Tentative Tract Map:**

As outlined in CCMC Title 15, Section 15.10.260 and 15.10.265.D, the following required findings for a Tentative Tract Map (Tentative Tract Map No. 65473) are hereby made:

**1. The proposed map is consistent with applicable general and specific plans.**

The General Plan Land Use Element designates the site as General Corridor, which corresponds to the Commercial Genial (CG) Zone, and per the Land Use Element is intended to allow commercial uses and medium density housing opportunities; this Project is mixed use encompassing both commercial and residential uses. Per the Zoning Code, lot areas in the CG zone are determined by the subdivision process with no minimum lot area thereby acknowledging the one lot subdivision of properties for condominium or air space units. The subject site is consistent with the other commercial properties that have been subdivided for air space units in the surrounding area; its lot area will not be modified as a result of the proposed map. Therefore, the proposed map is consistent with the applicable general plan, and there is no applicable specific plan.

**2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

The design and improvement of the proposed airspace subdivision is in compliance with applicable general plan objectives and elements. The Project design and improvements will result in the construction of a mixed use project with ground floor commercial uses, 37 dwellings units above the commercial spaces, and three affordable units on a current vacant lot. This Project as designed and described is consistent the General Corridor land use designation and respects all provisions and development regulations of State Density Bonus Law, the Zoning

Code, and the General Plan. The application does not include any variance or request to amend the General Plan or Zoning designation. The ground floor commercial retail will encourage local pedestrian use of the site and the new retail space will encourage local patronage of the Project. This commercial activity along with the residential aspect of the mixed use Project is consistent with General Plan Land Use Objective 24 which calls for protection and enhancement of residential and business uses within the City's Western Sub-Area. The Project is consistent with General Plan Land Use Objective 5 – Economic Diversity – because the new ground floor retail space will encourage new business opportunities that will expand Culver City's economic base. 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 commercial corridor that is characterized by underutilized or vacant buildings or lots. The Project is consistent with Housing Element Objective 2 – Housing Supply/Policy 2.D – because it will promote mixed use residential development in an area that allows mixed use while being sensitive to adjacent residential uses through code required on-site parking, metered commercial parking, architectural treatment, and landscaping. Policy 2.D also calls for reinforcing the commercial nature of the area which the ground floor retail accomplishes. The Project is consistent with Objective 3 of the Land Use Element which encourages affordable housing because the Project is providing three very low income affordable units. The granting of a density increase and a concession or relief from CCMC required setbacks and height limit is consistent with Land Use Element Policy 3.A and Housing Element Policy 3A that call for providing incentives for the development of new affordable housing consistent with State Density Bonus Law.

3. **The site is physically suitable for the type of development.**

The subject site is a rectangular, generally flat parcel, which measures 240 feet in length and 100 feet in depth and is approximately 24,022 square feet in area, taking up an entire City block in the Commercial General (CG) Zone. The site conforms to typical lot dimensions and lot area required for a mixed use project of this size and is consistent with the Zoning Code that does not provide a minimum commercial lot area but rather relies on the subdivision process for this standard. The site is absent of physical or topographic constraints. The proposed development consists of 37 dwelling units, commercial ground floor uses, and surface and subterranean parking. The density is consistent with allowable CG densities, community benefit densities, and State Density Bonus Law. The site is accessible by means of two driveways and ample pedestrian sidewalks, elevators, stairs, and courtyard private sidewalks. The site is accessed by Washington Boulevard, Meier Street, and Moore Street, all commercial streets of adequate width and carrying capacity. The site is served by necessary utilities. Therefore, the subject site is physically suitable for the proposed residential development.

4. **The site is physically suitable for the proposed density of development.**

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As noted above, the site's dimensions and area are consistent with commercial mixed use developments of this size. The proposed development consists of 37 dwelling units, commercial ground floor uses, and surface and subterranean parking. The density is consistent with allowable CG densities, community benefit densities, and State Density Bonus Law. The site is physically suitable and of sufficient size to construct the 37 units and will provide the State Density Bonus Law required off-street parking and height and setbacks consistent with State Density Bonus Law concessions regarding these specific development standards. The Project will be consistent with CCMC requirements and other City standards for circulation, open space, and related improvements. The proposed condominium subdivision will not result in a change to the allowable density other than that what is allowed per community benefits and State Density Bonus Law.

**5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The proposed subdivision is only of airspace and not of actual land parcels, and is designed in conformance with all required Zoning Code standards and State Density Bonus Law. The subject site is located in an existing urbanized area and there is no known fish or wildlife habitat on the subject site or surrounding area. Therefore, the proposed condominium subdivision and improvements will not cause any damage to any fish or wildlife or their habitat.

**6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.**

The proposed Tentative Tract Map subdivision will not cause any known serious public health problems. The design of the proposed condominium subdivision is in compliance with the CG Zone standards and State Density Bonus Law. It has also been conditioned that the subdivision and proposed improvements must be in compliance with all applicable federal, state, and local codes and statutes, as well as all conditions of approval required by reviewing City divisions/departments such as Fire Prevention Division, Building and Safety Division, and Engineering Division. Further, the site located in an urbanized setting, was commercially developed in the past, and the proposed use is commercial and residential, consistent with neighboring properties. Therefore, the improvements are unlikely to cause any known serious public health problems.

**7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision or alternate easements, for access or for use, will be provided, that are substantially equivalent to ones previously acquired by the public.**

The proposed Tentative Tract Map is for the purpose of creating airspace lots for a condominium subdivision and there are no on-site easements. Furthermore, the

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proposed design and the on-site and off-site improvements will not conflict with any existing and/or proposed easements. Public right-of-way access and placement of utilities will not be affected or impaired by the proposed condominium subdivision. The Project will include subsurface encroachments with City required maintenance of those subsurface encroachments; these encroachments will be appropriately permitted by the City and existing Public right-of-way access as noted above will not be affected.

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby approves Density Bonuses and Other Bonus Incentives, P2015-0127- DOBI and Tentative Tract Map, P2015-0127- TTM; subject to the conditions of approval set forth in Exhibit A to Planning Commission Resolution No. 2016-P009.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JIM B. CLARKE, Mayor  
City of Culver City, California

ATTESTED BY:  
  
\_\_\_\_\_  
JEREMY GREEN, Deputy City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
CAROL A. SCHWAB, City Attorney

A16-00767