



City of Culver City

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Staff Report

File #: 23-519, **Version:** 1

Item #: PH-1.

PC - PUBLIC HEARING: Consideration of a Tentative Parcel Map No. 83986 Consisting of the Creation of Two Air Space Units for Condominium Purposes Located at 4464 Sepulveda Boulevard; the Development is Exempt from the California Environmental Quality Act as a Ministerial Project Pursuant to Government Code 65913.4.

Meeting Date: January 25, 2023

Contact Person/Dept: Andrea Fleck, Planning Technician
Erika Ramirez, Current Planning Manager

Phone Number: 310-253-5737 / 310-253-5727

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

City Council Action Required: Yes No **Date:** N/A

Public Notification:(E-Mail) Meetings and Agendas-Planning Commission (1/19/23); (Posted) City Website (1/3/23); (Mailed) Property owners and occupants within a 500-foot radius of the site (1/3/23); (Sign Posted) on Project Site (1/3/23)

Department Approval: Jesse Mays, Assistant City Manager (1/18/23)

RECOMMENDATION

Staff recommends the Planning Commission Approve Tentative Parcel Map No. 83986, P2022-0335-TPM, subject to the Conditions of Approval as stated in proposed Resolution No. 2023-P001. (The Development is Exempt from the California Environmental Quality Act as a Ministerial Project Pursuant to Government Code 65913.4.)

PROCEDURES

1. Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing and receives comments from the general public pertaining to the project.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.

- 4. Commission discusses the matter and arrives at its decision for the project.

BACKGROUND

Request

On October 27, 2022, Community Corporation of Santa Monica (the “Applicant”) submitted an application for a Tentative Parcel Map to allow the subdivision of a 1.4-acre parcel into two air space units located at 4464 Sepulveda Boulevard, APN: 4215-009-016 as part of a previously approved SB 35 Streamlined Ministerial mixed-use development with 100% of the 95 residential units to be covenanted for households at affordable income levels, in the Commercial General (CG) and Commercial Neighborhood (CN) Zones.

Existing Conditions

The development site is approximately 180 linear feet along Sepulveda Boulevard with Braddock Drive to the west and Franklin Avenue to the east, as shown on the Vicinity Map (Attachment No. 2). The site is flat in topography and rectangular in shape and has dimensions of approximately 179 feet in width and approximately 345 feet in depth for a total lot area of 61,728 square feet. The property is currently developed with an existing 14,000 square-foot religious facility and preschool building (“Culver-Palms United Methodist Church”), surface parking, and a shared driveway with the neighboring YMCA facility.

Surrounding Area/General Plan/Zoning

The surrounding neighborhood is a mix of commercial uses along Sepulveda Boulevard and low-density residential to the rear of the site. The City’s General Plan Land Use Element designates the site as General Corridor, and the site is split between two zoning districts. The portion of the site fronting Sepulveda is zoned Commercial General (CG) and the rear portion of the site is zoned Commercial Neighborhood (CN). Surrounding zoning and land use are shown in Table 1.

Table 1: Surrounding Zoning and Land Use

Location	Zoning	Land Use Designation
North	R1	Single Family Dwelling
East	CG/CN	General Corridor
South	CG	Neighborhood Serving Corridor
West	CG/CN	General Corridor

Project Description

The proposal is a subdivision of a 1.4-acre parcel into two air space units located at 4464 Sepulveda Boulevard. The proposed mixed- use development for 95 covenanted affordable housing units is exempt from discretionary review as it qualified for a SB 35 Streamlined Ministerial Review Process in accordance with California Government Code Section 65913.4. However, pursuant to CCMC Chapter 15.10, the Planning Commission is the Acting Body on the proposed subdivision and pursuant to Section 66451.3 of the Subdivision Map Act maps are required to be considered for approval during a public hearing. Staff has released a Request for Proposal that includes revising the Culver City Municipal Code Subdivision Chapter to include an administrative process for these types of subdivisions, but until the revisions are made the Planning Commission remains the Acting Body.

ANALYSIS/DISCUSSION:

Culver City Municipal Code Chapter 15.10 (Subdivisions) sets the rules, regulations, standards, and process in which the land within the City of Culver City may be divided or subdivided. Pursuant to Zoning Code Table 2 -6 of Section 17.220.020 the minimum lot sizes for commercially zoned parcels are determined through the Subdivision review process.

SB 35

California Senate Bill 35 (SB-35) was signed by Governor Jerry Brown on September 29, 2017, and took effect January 1, 2018. SB 35 applies in cities that are not meeting their Regional Housing Need Allocation (RHNA) goal for construction of above-moderate income housing and/or housing for households below 80% area median income (AMI). SB 35 amends Government Code Section 65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process. Currently, the City of Culver City meets its RHNA goal for construction of above-moderate income housing. However, the City is not meeting the RHNA goal for affordable housing below 80% AMI. Therefore, at this time, developments providing on-site affordable housing at 80% AMI are eligible for streamlining in Culver City provided they meet all the eligibility criteria. To be eligible for streamlining, the development must meet all the following criteria:

- **Affordability:** At least 50% of the proposed residential units must be dedicated as affordable to households at 80% AMI for either rental or ownership projects. To assure that the affordable units remain so dedicated, they must be covenanted.
- **Number of Units:** The development must contain at least two or more residential units.
- **Zoning and Residential Uses:** The development must be located on a legal parcel or parcels that are zoned to allow residential uses. Mixed-use developments must include at least 2/3 of the floor area of the proposed development to be dedicated to residential uses.
- **Location:** The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.
- **Demolition of Residential Units:** The development must not demolish any housing units that have been occupied by tenants in the last 10 years, are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
- **Historic Buildings:** The development must not demolish a historic structure that has been placed on a national, state, or local historic register.
- **Consistent with Objective Standards:** The development must meet all objective standards of the Zoning Code at the time of SB 35 application submittal. Such objective standards are those that require no personal or subjective (discretionary) judgment, such as objective dimensional requirements, and as otherwise set forth below.
- **Prevailing Wages:** If the development is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- **Skilled and Trained Workforce provisions:** A skilled and trained workforce, as defined in Government Code Section 65913.4 (a)(8)(B)iii, must complete the development if the project consists of 75 or more units that are not 100 percent subsidized affordable housing.
- **Subdivisions:** The development must not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the

requirements to pay prevailing wages and to use a skilled and trained workforce.

- **Notification to California Native American tribes:** After providing notice of the intent to develop the site to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed development site, a determination by the City that: the development site is not a tribal or cultural resource on a national, state, tribal or local historic register list; that the parties to a scoping consultation have documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment; or that the parties to the scoping consultation do not disagree as to whether a potential tribal cultural resource will be affected by the proposed development.

On June 16, 2022, the City issued a Letter of Compliance advising the Applicant that the request for a streamlined ministerial review process for a proposed mixed-use development located at 4464 Sepulveda Boulevard was received, reviewed pursuant to California Government Code Section 65913.4 and Culver City Municipal Code (CCMC) Title 17, and approved subject to conditions of approval. The proposed mixed-use development consists of the following:

- Demolition of an existing 14,000 square-foot religious facility and pre-school building;
- Construction of a new 139,500 square-foot, six-story, 95-unit residential building at a height of 70 feet 6 inches, including 63 grade-level parking spaces and 64 parking spaces located one level below grade for a total of 127 parking spaces;
- Construction of a new 6,731 square-foot, one-story religious facility building at a height of 35 feet with a tower extending to 55 feet high; and
- Construction of a new 7,269 square-foot, two-story pre-school building at a height of 28 feet 6 inches.

The development proposes to reserve 100% percent of all units for households meeting income levels as established by the State of California and the County of Los Angeles, with rent levels complying with Federal, State, County, and Culver City affordable housing criteria for low-income households, including two (2) manager's units, and 21 permanent supportive housing units subject to funding availability. The development proposes to implement incentives offered to eligible projects under California Government Code Section 65915 that do not count toward the maximum number of allowable concessions/incentives, including a waiver of the minimum required number of parking spaces, a height increase of up to 33 feet, and a waiver from any maximum controls on density.

The proposed mixed- used development was previously approved through the June 16, 2022, Letter of Compliance which made the following determinations:

DETERMINE, pursuant to California Government Code Section 65913.4, that the Project is a Streamlined Infill Project for a development that shall satisfy all of the objective planning standards of Government Code Section 65913.4(a) and (b) and is therefore subject to the streamlined, ministerial review process provided by Government Code Section 65913.4 (c) and (d);

DETERMINE, pursuant to Government Code Section 65913.4, and Public Resources Code Section 21080(b) (1), based upon the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project; and

APPROVE a ministerial review of a Site Plan Review and State Density Bonus and Other Bonus Incentives for a project totaling 95 units affordable for lower income household occupancy for a period of 55 years, including two (2) manager's units, with the following four (4) concessions/incentives and two (2) waivers or reductions of developments standard pursuant to Government Code Section 65915:

Concessions and Incentives

1. Reduction of required 15'-0" ground-level front setback.

2. Reduction of required 35'-0" rear setback for portions of the building greater than 35'-0" in height on a parcel adjacent to R1 or R2 Zone(s).
3. Relief from minimum residential unit size requirements.
4. Relief from requirement that the overall non-residential floor area be a minimum of 10% of the mixed-use project's total gross floor area.

Waivers or Reductions of Development Standards

1. Waiver from required 60-degree clear-zone angle measured from 15 feet above the existing grade and 10 feet from the side and rear property lines adjacent to residential zones, required for portion of the building greater than 15'-0".
2. Waiver from minimum required 100 cubic feet of storage space per residential unit.

TENTATIVE PARCEL MAP

Government code Section 65913.4 specifies that a local government's Planning Commission has 90 days to review a modification to a SB 35 project if the development contains 150 or few housing units. The application is within the 90-day review period. The review shall determine consistency with all objective subdivision standards in the local Subdivision Ordinance.

CCMC Section 17.220.020 - Table 2-6, Commercial Districts Development Standards (CN, CG, CC, CD), states the minimum lot area is determined through the Subdivision review process. The State Subdivision Map Act and CCMC Chapter 15.10 regulate land divisions and require the submittal of a Tentative Parcel Map for Subdivisions of land to be approved by the Planning Commission.

The subject lot is existing legal lot of record and will maintain its current 61,728 square foot lot area. Two airspace lots will be created for ownership purposes.

The key objective of the Tentative Parcel Map process is to allow the City to review the proposed Subdivision to ensure all necessary improvements and requirements are provided. City staff reviewed the Tentative Parcel Map No. 83986 (Attachment No. 3) for the proposed Subdivision and found it to follow all applicable State and local regulations as more specifically outlined in the recommended conditions of approval. The proposed airspace lots maintain the shared driveway to provide vehicular access to the Site and the neighboring parcel and allows on-site pedestrian access to all common areas.

All required Subdivision findings can be made for the development, and all required vehicular, pedestrian, and utility/drainage easements will be made a part of the final map assuring all airspace parcels have required access to the public right-of-way.

PUBLIC OUTREACH

On January 3, 2023, notices of public hearing were mailed to owners and occupants with a 500-foot radius of the project site and a sign was posted on the property. As of the writing of this report, staff has not received any written public comments during the noticing of the Planning Commission hearing.

CONCLUSION:

Based on the proposed Tentative Parcel Map No. 83986 and recommended conditions of approval, staff considers the development: consistent with objective standards, compliant with criteria set forth in SB 35, compatible with the surrounding neighborhood; adequately served by public facilities; and, consistent with the General Plan, Zoning Code, and all CCMC and State Subdivision requirements. The findings for Tentative

Parcel Map, P2022-0335-TPM are made as outlined in proposed Resolution No. 2023-P001 (Attachment No. 1).

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the development is statutorily exempt from CEQA as a ministerial project qualifying for Streamlined Ministerial Processing under Government Code 65913.4.

MOTION:

That the Planning Commission:

Approve Tentative Parcel Map No. 83986, P2022-0335-TPM, subject to the Conditions of Approval as stated in Resolution No. 2023-P001.

ATTACHMENTS:

1. Proposed Resolution No. 2023-P001 and Exhibit A - Conditions of Approval
2. Vicinity Map
3. Tentative Parcel Map No. 83986