



Staff Report

File #: 25-425, Version: 1

Item #: PH-3.

CC - PUBLIC HEARING: (1) Adoption of a Resolution Certifying the Environmental Impact Report (EIR) that Includes California Environmental Quality Act (CEQA) Required Findings and a Mitigation Monitoring and Reporting Program (MMRP) (P2023-0218-EIR) in Compliance with CEQA for a Mixed-Use Residential and Commercial Development on an Approximately 2.23-Acre Site Located at 5700 Hannum Avenue (Project); (2) Introduction of an Ordinance Amending the Culver City General Plan Land Use and Zoning Maps, Approving a Density and Other Bonus Incentives, and Approving a Comprehensive Plan that Establishes Planned Development Zone No.18, thereby Allowing Construction of the Project (P2023-0218-CP,-DOBI,-GPMA,-ZCMA); and (3) Adoption of a Resolution Approving a Request for Extended Construction Hours for the Project.

Meeting Date: November 11, 2024

Contact Person/Dept: Jose Mendivil, Associate Planner/ Planning and Development
Emily Stadnicki, Current Planning Manager/ Planning and Development

Phone Number: (310) 253-5757 / (310) 253-5727

Fiscal Impact: Yes No **General Fund:** Yes No

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - Planning Commission (11/07/2024); (Posted) City Website (10/17/2024); (Mailed) Property owners and occupants within a 500 ft radius (10/17/2024); (Posted) on-site signs (10/18/2024); (Published) Culver City News (10/17/2024).

Department Approval: Mark E. Muenzer, Planning and Development Director (10/17/2024)

RECOMMENDATION

Staff recommends the City Council:

1. Adopt a resolution certifying the Project Environmental Impact Report with CEQA Required Findings and a Mitigation Monitoring and Reporting Program (P2023-0218-EIR/Attachment No.1); and
2. Introduce an ordinance approving Comprehensive Plan, Density and Other Bonus Incentives, General Plan Map Amendment, and Zoning Code Map Amendment (P2023-0218-CP, -DOBI, -GPMA, -ZCMA) creating Planned Development No. 18 and subject to Conditions of Approval, (Attachment No. 2); and
3. Adopt a resolution approving an Extended Construction Hours request, subject to the Conditions of Approval (Attachment No. 3).

PROCEDURES

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.

2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff.
3. The Mayor seeks a motion to open the public hearing, providing the Applicant the first opportunity to speak, followed by the general public.
4. 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

Request

The Applicant requests the City approve a Planned Development to allow a mixed-use project at 5700 Hannum Avenue (Project Site) in the Commercial Regional Business Park (CRB) Zone. Specific requests include:

1. Certification of an EIR
2. Approval of a Comprehensive Plan to create a Planned Development (PD) Zone that provides development standards specific to the PD Zone
3. Density and Other Bonus Incentives to increase density to include 27 on-site, very-low-income units
4. General Plan and Zoning Map Amendments to redesignate the site to the PD 18 Zone
5. Extended Construction Hours.

The Project Summary (Attachment No. 5) and Comprehensive Plan (Attachment No. 6) provide a synopsis of the project details and proposed plan. The Zoning Code stipulates the entitlement actions described above be approved by the City Council after recommendation by the Planning Commission. On July 10, 2024, the Planning Commission recommended the City Council approve all requests. See the Planning Commission staff report, adopted resolutions, and draft minutes for a detailed discussion and Project description (Attachment Nos. 8, 9, and 10).

Existing Conditions

Please refer to the Planning Commission Staff report (Attachment No. 8, page 2) for a discussion on existing conditions.

Project Description (the "Project")

The Project is a new six-story (up to 78-foot high) mixed-use residential and commercial development with two semi-subterranean levels, 309 residential units (including 27 very low-income units) and 5,600 square feet of retail space. There is a total of 7,507 square feet of publicly accessible open space, 19,526 square feet of private open space, and 27,123 square feet of residential common open space.

There are 428 vehicle parking spaces (399 residential, 6 guest, and 23 commercial) in two semi-subterranean vehicle parking levels with additional at grade parking on the first floor, and two vehicle access points: residential only on Buckingham Parkway and commercial and residential on Hannum Avenue. The Project also contains 92 bicycle spaces: 11 short-term and 81 long-term.

Project details and plan layout are provided in the Project Summary (Attachment No. 5) and the Comprehensive Plan (Attachment No. 6).

ANALYSIS

To approve the Project, a General Plan Map Amendment, Zoning Code Map Amendment, and Comprehensive

Plan (CP) are required. A CP is the Planning entitlement that permits construction of the PD as proposed by the applicant, while the map amendments noted above create the PD Zone, which details the development standards and allowed uses for the CP that are unique to that PD and not part of existing zoning districts. (The CP takes the place of a Site Plan Review, which reviews a project based on the existing zoning district.)

The intent of a Comprehensive Plan is to allow for flexibility in the application of the Zoning Code standards for larger scaled developments. Additionally, the Density and Other Bonus Incentives request is in accordance with California state density law set forth in Government Code Sections found 65915 - 65918 ("Density Bonus Law") that requires the City to increase density if the applicant provides affordable housing on the Project Site. Finally, the applicant requests extended construction hours which may be approved by the City Council pursuant to CCMC Section 9.07.035.

General Plan and Zoning Code Map Amendments

Culver City Municipal Code (CCMC) Section 17.100.020.E. - Effect of Zoning Code Amendments on Projects in Progress, states:

All land use permit applications that have been determined by the Division to be complete before the effective date of this Title, or any amendment to this Title, will be processed in compliance with the requirements in effect when the application was accepted as complete.

The Project was deemed complete on April 17, 2024, before the new General Plan and Zoning Code October 9, 2024 effective date. Therefore, the Project Site is considered to have a Regional Center and Commercial Regional Business Park (CRB) Land Use and Zone designation, respectively, even though the surrounding area has a new Mixed Use High and Mixed Use High (MU-HD) Land Use and Zone designation, respectively. The General Plan and Zoning Map amendments are still required for this Project to change the Regional Center and CRB Zone designations to the Mixed Use High land use designation and PD Zone.

Further, the process for the Project is a unique situation in that the Planning Commission recommended approval prior to October 9, 2024, when the Regional Center and CRB designations were still in effect.

The previous Regional Center and CRB designations did not allow housing, so the Applicant requested the General Plan and Zoning Code Map Amendments to change the land use and zoning designations to designations that support housing. The Zoning Map Amendment will create the Planned Development No. 18 (PD-18) Zone specifically which facilitates the density, height, setbacks, and proposed uses.

Density and Other Bonus Incentives (DOBI)

The Project's proposed base density is 100 du/ac and is requesting a density increase pursuant to Density Bonus Law which requires the City to grant a density bonus and concessions or waivers as the Applicant is including at least 5% of the total base units for rent to very low-income households. An incentive or concession is a development standard such as height, setbacks, and parking, that if applied, will make the Project cost prohibitive. A waiver is a standard that if applied, will have the effect of physically precluding construction of the Project.

For this Project, DOBI related data based on Density Bonus Law and provision of Very Low Income (VLI) units is as follows:

Base Density Units	Percent Base Units VLI	Number of VLI	Percent Density Bonus	Number of Bonus Units	Total Units
223	12%	27	38.75%	87 (86 proposed)	309

Per Density Bonus Law, the City is required to grant two incentives or concessions because at least 10% of the base 223 units are Very Low Income. The Applicant is requesting one concession: height and is not requesting waivers. They request the height be allowed at a maximum of 78 feet, above the 56-foot height limit. Density Bonus Law requires the City bear the burden of proof, and provide written findings, based upon substantial evidence, that a concession is not needed to reduce the cost of constructing the affordable units; or that it will have a specific, adverse impact upon public health and safety; or that it is contrary to state or federal law.

Height, as proposed by the Applicant, in and of itself does not create an adverse impact on the public health and safety. Height is listed in Density Bonus Law as a development standard that can be waived under concessions and waivers.

Comprehensive Plan

For a complete and detailed discussion on the Comprehensive Plan and its design, development standard, and allowed use features, see the Comprehensive Plan (Attachment No. 6) and Planning Commission staff report (Attachment No. 8, pages 4-7).

Construction Management Plan

See the Planning Commission staff report for a discussion on the Project’s proposed construction management plan (Attachment No. 8, page 7).

Extended Construction Hours Request

The applicant is requesting to extend construction hours beyond the construction hours stated in the CCMC. A detailed explanation for the request is included in the Applicant’s written request for extended construction hours (Attachment No. 14). The CCMC limits construction hours to:

- 8:00 am - 8:00 pm Mondays through Fridays
- 9:00 am - 7:00 pm Saturdays
- 10:00 am - 7:00 pm Sundays

The applicant is requesting to extend the daily construction hours as noted below:

Type of Construction	Daily Construction Hours	Duration	Commencement of Activity
Earthwork Shoring/Excavation	7:00 am to 3:00 pm daily	90 days over 120 day period	2 nd month of construction
Concrete Pours for Mat Foundation	7:00 am to 5:00 pm weekdays and 7:00 am to 6:00 pm weekends	6 nonconsecutive days over 8 week period	7 th month of construction
Concrete Pours for Decks	7:00 am to 5:00 pm weekdays	30 nonconsecutive days over 7 month period	11 th month of construction
Tower Crane Erection/Disassembly	7:00 am to 5:00 pm weekdays	2 separate 3-day events (6 days total)	1 st event on 7 th month of construction and 2 nd event on 20 th month of construction

The early start time for these activities will reduce overall construction traffic and noise impacts by reducing the Project construction by approximately 2 months. Further, construction related traffic at the 7:00 am start time is less likely to impact area traffic which is expected to be less than traffic conditions at 8:00 am. The extended construction hours will be subject to conditions of approval and mitigation measures, including the Construction Management Plan, Pedestrian Protection Plan, Construction Traffic Management Plan, and Noise studies.

July 10, 2024, Planning Commission Hearing

Residents who generally live near the Project Site raised the following issues:

Extended Construction Hours. Several people expressed concern over extended construction hours and wanted to know the number of extended hours and at what time construction would end. The above table provides a detailed summary noting start and stop times, duration, and when specific extended construction activity begins. These activities commence at the beginning of Project construction, within the 1st year except for tower crane disassembly near the end. Tower crane disassembly requires 3 days. None of the extended hours activity goes beyond the code required daily end time.

Air flow and breeze restriction due to the project. Residents stated that natural wind and breezes from the ocean will be obstructed by the Project and that this issue needs to be reviewed in the Environmental Impact Report (EIR - Attachment No. 7). The Final EIR notes that per CEQA statutes and guidelines, wind and ocean breeze is not an environmental factor requiring review. The Final EIR (Chapter 2, pages 2-4) also reported that during summer, wind in the Project vicinity generally flows from the southwest to the northeast. Residential dwellings east of the site should not have wind or breeze impacts because the Project lies directly west of those dwellings (instead of southwest).

Traffic. Several commentors stated the Project EIR didn't address traffic or account for projects currently in the development process. The City's Mobility and Traffic Engineer reviewed the traffic study and determined it adequately assessed the Project's traffic generation along with overall traffic in the Project vicinity. Staff agrees with traffic study conclusions and does not recommend mitigations.

The Planning Commission Draft Minutes (Attachment No. 10) provide further details on the Planning Commission discussion.

ENVIRONMENTAL DETERMINATION

A Draft and Final Environmental Impact Report (EIR) were prepared for the Project by the consultant ESA (Attachment No. 7). Pursuant to the California Environmental Quality Act (CEQA), the City of Culver City is the Lead Agency and is responsible for preparing the Draft and Final EIR.

At the start of the process the consultant prepared an Initial Study to identify potential environmental impacts. The Initial Study determined that the Project had the potential to significantly impact several environmental issues and a Draft EIR was prepared to address those issues and consider feasible mitigation measures and alternatives to the Project. The issues studied in the Draft EIR are:

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Mandatory Findings of Significance

The City circulated a Notice of Preparation of an Environmental Impact Report and Community Meeting/EIR Scoping Meeting (NOP) to State, regional, and local agencies, and members of the public for a 46-day review period from August 29 to September 28, 2023. The purpose of the NOP was to solicit input regarding the scope and content to be included in the Draft EIR. The Community Meeting/EIR Scoping Meeting was held on September 12, 2023. Appendix A of the Draft EIR includes the NOP, Initial Study, Scoping Meeting Materials, and Comments on the NOP.

Draft Environmental Impact Report

A Draft EIR was prepared pursuant to CEQA requirements based on the Initial Study and scoping meeting. The Draft EIR is an informational document that informs public agency decision-makers and the public generally of the environmental effects associated with the Project, and ways to minimize significant environmental effects through mitigation measures or reasonable alternatives to the Project. The Draft EIR determined that there would be significant and unavoidable impacts resulting from onsite construction noise if occurring outside permitted hours. However, Page 3 of the Draft EIR Executive Summary states that if an extended hours permit is obtained, impacts will be less than significant.

Final Environmental Impact Report

The Lead Agency must evaluate comments received on the Draft EIR, prepare written responses, and consider the information contained in a Final EIR before recommending approval of a project. The Final EIR consists of the Draft EIR or a revision of the Draft; comments and recommendations received on the Draft EIR either verbatim or in summary; a list of persons, organizations, and public agencies commenting on the Draft EIR; the responses of the Lead Agency to significant environmental points raised in the review and consultation process; a Mitigation and Monitoring Reporting Program (MMRP) listing all mitigations; and any other information added by the Lead Agency.

The Final EIR has been prepared and includes responses to comments (Attachment No. 7). Based on analysis of the comments, supplemental analysis and/or revisions to the Draft EIR were not required. The Draft EIR with all appendices and the Final EIR together provide the CEQA documentation for the project.

Mitigation Measures have been incorporated into the project's design. Measures to reduce impacts to less than significant are applied to the following environmental issues: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Noise, Public Services, Transportation (which includes the Mobility and Transportation Demand Management (TDM) Plan), Tribal Cultural Resources,

and Utilities and Service Systems. With the inclusion of these mitigation measures, impacts on the environment are reduced to a less than significant level. Conditions of Approval require that the Applicant implement the Mitigation Measures as contained in the MMRP.

CHANGES SINCE PLANNING COMMISSION RECOMMENDATION

No Need for Statement of Overriding Considerations (SOC)

The Project proposes construction hours beginning at 7:00 am instead of 8:00 am on weekdays, 9:00 am on Saturdays, and 10:00 am on Sundays. The Entitlements that were presented to the Planning Commission included an SOC because of significant and unavoidable impacts due to construction noise from construction occurring outside the permitted construction hours. However, the Draft EIR also states that this impact is reduced to less than significant if construction occurs during permitted hours.

The Applicant is requesting extended construction hours as part of the Entitlements. If the City Council approves the extended construction hours request, as recommended, the proposed hours are permitted hours and impacts from construction noise are less than significant. If the extended construction hours request is not granted, then construction outside of the normal construction hours is not allowed and will not occur. Accordingly, there will be no significant and unavoidable impacts due to construction noise occurring outside of permitted hours and no SOC is necessary for the Project.

General Plan Map Amendment to Mixed Use High

The Planning Commission held a public hearing on the Project on July 10, 2024. At the conclusion of the hearing the Planning Commission recommended the City Council approve a General Plan Map Amendment to change the then-existing Regional Center land use designation to the then-available General Corridor land use designation to ensure the Project Site's land use designation allowed residential uses. On October 9, 2024 the new General Plan took effect. The General Plan no longer includes a land use designation called General Corridor. The General Plan now includes a new Mixed Use High land use designation which accommodates residential development of 100 dwelling units per acre. As a result, staff recommends (with Applicant consent) that the Project Site's land use designation be changed to Mixed Use High.

COMMUNITY OUTREACH

For a complete discussion on Community outreach, see the Planning Commission staff report and Community Meeting Information (Attachment No. 8, pages 8-9, and Attachment No. 12). A public notice was mailed on October 17, 2024, with the comment period closing at 3 pm on November 11, 2024. As of the writing of this staff report, two comments have been received (Attachment No. 15).

RECOMMENDATION

The Project requires the certification of an EIR, approval of a Comprehensive Plan, General Plan Map Amendment, Zoning Code Map Amendment, and Extended Construction Hours. The proposed PD zoning created with approval of the Comprehensive Plan and the other actions listed above will result in 309 dwelling units, 27 of them income restricted. This will advance the City's housing supply and affordable housing supply goals and objectives as stated in the certified Housing Element. With approval of extended construction hours, overall construction time will be reduced. In addition, the corner of Hannum Avenue and Buckingham Parkway will be activated with a commercial component.

Based on the analysis contained herein staff believes the findings for the various entitlements as outlined in the Draft Resolutions and Ordinance (Attachment Nos. 1-3) can be made and recommends that the City Council approve the Project.

FISCAL ANALYSIS

There is no fiscal impact to the City from adopting the resolutions and introducing the ordinance.

ATTACHMENTS

1. Proposed City Council Resolution No. 2024-R___ (P2023-0218-EIR), with Exhibit A: Findings Required by CEQA and Exhibit B: Mitigation Monitoring and Reporting Program
2. Proposed City Council Ordinance No. 2024-___ (P2023-0218-CP, -DOBI, GPMA, -ZCMA) with Exhibit A: Conditions of Approval; Exhibit B: Code Requirements; Exhibit C: General Plan Map Amendment; Exhibit D: Zone Code Map Amendment
3. Proposed City Council Resolution No. 2024-R___ for Extended Construction Hours subject to the Conditions of Approval
4. Vicinity Map
5. Project Summary
6. Comprehensive Plan dated May 9, 2024
7. Draft and Final Environmental Impact Report
8. Planning Commission Staff Report dated July 10, 2024, w/o Attachments
9. Adopted Planning Commission Resolutions w/o Attachments
10. Final Planning Commission Meeting Minutes dated July 10, 2024
11. Kosmont Market/Fiscal/Economic Analysis dated August 2023
12. Community Meeting Information
13. Preliminary Construction Management Plan
14. Extended Construction Hours Request
15. Public Correspondence

MOTIONS

That the City Council:

1. Adopt a Resolution certifying the Project EIR, making CEQA Required Findings and approving the Mitigation Monitoring and Reporting Program (MMRP) (Attachment No. 1); and
2. Introduce an Ordinance approving Comprehensive Plan, Density and Other Bonus Incentives, General Plan Map Amendment, and Zoning Code Map Amendment (P2023-0218-CP, -DOBI, -GPMA, -ZCMA), thereby creating Planned Development No. 18, subject to the Conditions of Approval as stated in said ordinance (Attachment No. 2); and
3. Adopt a Resolution granting an Extended Construction Hours request, subject to the Conditions of Approval as stated in the Ordinance (Attachment No. 3).