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RESOLUTION NO. 2008-R~~005~~

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ESTABLISHING A COMMUNITY BENEFIT INCENTIVE PROGRAM IN CONNECTION WITH SECTION 17.400.065 OF THE ZONING CODE - MIXED USE DEVELOPMENT STANDARDS.

The City Council of the City of Culver City DOES HEREBY RESOLVE as follows:

Section 1. The City Council, pursuant to applicable law, held a duly noticed hearing on February 11, 2008 to consider proposed amendments to the Culver City Municipal Code (CCMC) related to Mixed Use Developments Standards and to adopt a resolution authorizing Community Benefit Incentives and establishing the process and procedures for implementation of Community Benefits, as defined below.

Section 2. Section 17.400.065 of the CCMC allows mixed use development on certain commercially zoned property at a base residential density of 35 dwelling units per acre, but allows the density to increase provided the project incorporates Community Benefits established by resolution of the City Council.

Section 3. Based on the foregoing, the City Council hereby establishes:

- A. The types of Community Benefits.
- B. Process for establishing Community Benefits.
- C. The process for Community Benefit approval.
- D. The Community Benefit contribution; and
- E. Procedures for providing the Community Benefit.

1 Section 4. Type of Benefit – A Community Benefit is defined as a project
2 amenity that achieves particular community goals such as providing neighborhood
3 streetscape improvements, in addition to what may be required as part of a discretionary
4 review and approval of a project, or public parking, in addition to that required by the
5 CCMC. The following list of Community Benefits may be included in mixed use
6 development projects. The list of Community Benefits includes, but is not limited to the
7 following:

- 8 A. Streetscape Improvements – As Part of an Area
9 Improvement Plan, in addition to what may be required as part of a
10 discretionary review and approval of a project.
- 11 B. Pocket Parks and Public Open Space (Minimum 5,000
12 sq. ft.), in addition to park space otherwise required by the CCMC.
- 13 C. Metered Public Parking in Excess of that Required by the
14 CCMC. (Minimum of 10 Public Parking Spaces -Applies Only to
15 Project Sites of 20,000 sq. ft. or Greater).
- 16 D. Other Community Benefits as Approved by City Council.

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19 Section 5. Process for Establishing Community Benefits – The City Council
20 shall establish Community Benefits through the following process:

- 21 A. Identify commercial areas (districts coterminous with
22 commercial corridors) that may utilize the community benefit
23 incentives.
- 24 B. Identify a menu of select community benefits applicable
25 to each district.
- 26 C. Arrange community meetings for various districts to
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1 prioritize benefits.

2 D. Community meetings to be conducted in nearby City or
3 school facilities.

4 E. Provide memorandum to City Council regarding outcome
5 of meetings.

6 F. City Council deliberates on specific benefits and adopts
7 resolution identifying benefits for each district.

8 G. Applicant for each mixed use project will be apprised of
9 required community benefit during Preliminary Plan Review.

10 H. Planning Commission conducts discretionary hearing
11 and community benefit is codified in project conditions of approval.

12
13 Section 6. Process for Community Benefit Approval – The City Council
14 shall establish certain commercial neighborhood districts for consideration of Community
15 Benefits through a City Council hearing. The City Council hearing shall identify Community
16 Benefits which could be applied to any project located within the commercial neighborhood
17 district boundary. The commercial neighborhood district hearings shall be conducted
18 following adoption of the amendments to the CCMC related to Mixed Use Developments
19 with public notice provided to all business owners, residents and property owners within a
20 1000 foot radius of perimeter of the subject commercial neighborhood district boundary.
21 Said notice shall be provided pursuant to Section 17.630 of the CCMC.
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24 Section 7. Community Benefits Contribution Amount – The method for
25 establishing the developer's contribution shall be based upon the proportionality of the
26 benefit relative to the developer's profit for the project. The Community Benefits
27 Contribution is proposed as a proportional share of the Additional Base Density Value.
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1 The Community Benefits Contribution shall be defined as the developer's cost to provide
2 the Community Benefits. The Additional Base Density Value shall be defined as the
3 additional profit derived from the additional number of dwelling units permitted through
4 increase density allowed for providing the community benefit. The Community Benefits
5 Value shall be defined as the total cost of providing the required Community Benefit and
6 calculated as follows:

7
8 A. Community Benefits Contribution: 50% of the Additional
9 Base Density Value.

10 B. Additional Base Density Value: Additional Number of
11 Dwelling Units Allowed x Market Value Sales Price x .15
12 (Developer's Assumed Profit).

13 Section 8. Procedures for providing the Community Benefits – The
14 Community Benefits shall be incorporated into the project design, directly on-site and
15 maintained for the life of the project unless it is part of a public improvement, whereupon it
16 shall be provided with an in lieu fee contribution.

17
18 A. In Lieu Fee Contribution – When the Community Benefits
19 are part of off-site public improvements, the developer shall provide
20 the Community Benefits Contribution in full to an in lieu fund
21 established for the sole purpose of funding the public improvement,
22 unless it is feasible for the developer to pay and install the required off-
23 site public improvements.

24
25 B. Community Benefits Provided On-Site – The Community
26 Benefits shall be incorporated on development plans and in the
27 Conditions of Approval as part of the project discretionary review
28

process.

C. Community Benefits Identified in Project Resolution –

The developer shall sign an Affidavit for Acceptance of Conditions certifying agreement to provide the required Community Benefits as part of the project development. The resolution or other approval of a project shall not become operative if the developer fails to sign the affidavit, and the project permit granting increased density shall be null and void. If the developer fails to maintain the required Community Benefits identified in the project Resolution, then any Conditional Use Permit or other revocable permit granted by the City as part of the approval of the project shall be referred to the Planning Commission for revocation pursuant to Chapter 17.660 of the Zoning Code and the matter may be referred to the City Attorney for enforcement pursuant to Chapter 17.650 of the Zoning Code.

D. Community Benefits – Public Open Space or Metered

Public Parking. When the Community Benefits required for the project are Public Open Space or Metered Public Parking, the developer shall record a covenant that runs with the land to:

i. Maintain in a clean, sanitary and available condition the Community Benefits for the life of the project.

ii. Ensure the Public Open Space and Metered Public Parking is open and available to the public during normal operating hours of the retail/commercial facilities within the mixed use development project or as determined by the City

Council.

iii. Allow the City to derive any Metered Public Parking revenue through parking enforcement operations for the public parking.

iv. Provide an irrevocable easement recorded against the property to allow the City to enter the site from time to time to conduct parking enforcement operations for the public parking.

Section 9. This Resolution shall take effect on the effective date of Ordinance No. 2008- 006.

APPROVED and ADOPTED this 10th day of March 2008.

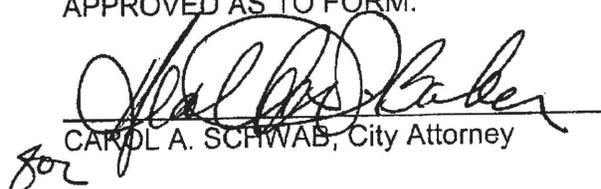


ALAN CORLIN, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:


CHRISTOPHER ARMENTA, City Clerk
A08-00030
By Ela Valladares
Deputy City Clerk


CAROL A. SCHWAB, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Resolution No. 2008-R015 as duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 10th day of March 2008, by the following Councilmember vote:

AYES: Gross, Malsin, Rose, Silbiger, Corlin

NOES: None

ABSTAIN: None

ABSENT: None

Dated this 20th day of March, 2008



Ela Valladares
Deputy City Clerk and Ex-Officio Clerk of the City Council
City of Culver City, State of California

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