

MEETING DATE: **03/10/08**

AGENDA ITEM: **2nd Reading of Mixed Use Ordinance.**

ATTACHMENTS

	<u>Pages</u>
1. Ordinance No. 2008-_____ Zoning Code Map Amendment, ZCA P2007168	1-15
2. City Council Resolution No. 2008-R_____ establishing a Community Benefit Incentive Program	16-21

Attachment 1

ORDINANCE NO. 2008-__

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING TITLE 17, ZONING, OF
THE CULVER CITY MUNICIPAL CODE (CCMC),
SECTION 17.400.065 MIXED USE DEVELOPMENT
STANDARDS.

(Zoning Code Amendment P-2007168)

WHEREAS, on October 8, 2007 the City Council considered changes to the
Mixed Use Development Standards and directed staff to initiate a Zoning Code Amendment;
and

WHEREAS, on November 28, 2007 the Planning Commission conducted a
duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2007168, fully
considering all reports, studies, testimony, and environmental information presented, and
determined by a vote of 5 to 0 that Zoning Code Amendment, ZCA P-2007168 should be
recommended to the City Council for adoption; and

WHEREAS, on February 11, 2008, the City Council conducted a duly noticed
public hearing on the Zoning Code Amendment, ZCA P-2007168, fully considering all
reports, studies, testimony, and environmental information presented, and determined by a
vote of __ to __ that Zoning Code Amendment, ZCA P-2007168 shall be adopted as set
forth herein below.

The City Council of the City of Culver City, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. Pursuant to the foregoing, the following findings are hereby
made:

1 1. ZCA P-2007168 ensures and maintains internal consistency with the
2 goals, policies, and strategies of the General Plan and will not create any inconsistencies
3 with the Zoning Code.

4 2. ZCA P-2007168 is not detrimental to the public interest, health,
5 safety, convenience and welfare of the City in that the amendment reduces residential
6 densities and includes height and setback provisions intended to make mixed use
7 projects more compatible with surrounding uses and protect adjacent residential
8 neighborhoods.

9
10 3. Pursuant to Sections 15162 and 15168 of the California
11 Environmental Quality Act, (CEQA), the Planning Commission determines that the
12 provisions of the Mixed Use Zoning Code Text Amendment (ZCA P-2007168) are within
13 the scope of the Culver City General Plan Update Program EIR approved on September
14 24, 1996 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger
15 Program Subsequent EIR approved on November 16, 1998 (PEIR 2), in that the General
16 Plan Land Use Element and Housing Element contain policies that call for the
17 development of mixed use standards and that PEIR 1 and PEIR 2 evaluated impacts of
18 the City's General Plan. Further, the provisions of the Mixed Use Zoning Code Text
19 Amendment lowers permitted density and height limits and thereby would not cause any
20 significant environmental effects not already examined in PEIR 1 and PEIR 2. Finally, the
21 circumstances under which PEIR 1 and PEIR 2 were prepared have not significantly
22 changed as it relates to mixed use development and no new significant information has
23 been found that would impact either PEIR 1 or PEIR 2. Therefore, based on the
24 foregoing information, no new environmental analysis is required.
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1 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
2 Council of the City of Culver City, California, hereby adopts Zoning Code Amendment (ZCA
3 P-2007168) as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

4 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
5 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621
6 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City
7 Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City
8 News and shall post this Ordinance or a summary thereof in at least three places within the
9 City.
10

11 **SECTION 4.** The City Council hereby declares that, if any provision, section,
12 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
13 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason
14 of any preemptive legislation, then the City Council would have independently adopted the
15 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this
16 ordinance and as such they shall remain in full force and effect.
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18

19
20 APPROVED and ADOPTED this _____ day of _____, 2008.

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23 _____
ALAN CORLIN, Mayor
City of Culver City, California

24
25 ATTEST:

26 APPROVED AS TO FORM:

27
28 _____
CHRISTOPHER ARMENTA,
City Clerk

A08-00030

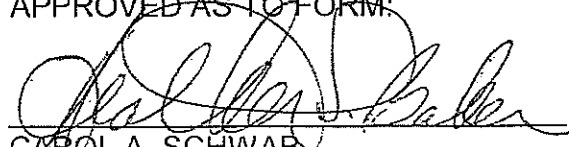
for 
CAROL A. SCHWAB,
City Attorney

EXHIBIT A

17.400.065 - Mixed Use Development Standards

- A. Purpose.** This Section provides location, development, and performance standards for mixed use developments in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
- B. Applicability.**
1. The provisions in this Section shall regulate the conversion of existing buildings to include mixed uses as defined herein, and new construction of mixed use projects, where allowed by the applicable zoning districts.
 2. The Mixed Use Development Standards supersede the Commercial Zero Setback Overlay (CZ), where applicable.
 3. The Mixed Use Development Standards do not supersede the provisions of the Commercial Downtown District (CD).
 4. Except as specifically provided in this Section, mixed use projects shall be in compliance with the regulations of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
 5. Where an Owner-Participation Agreement, Disposition and Development Agreement, Development Agreement, or similar agreement with the City or Redevelopment Agency applies to a land parcel and the provisions of such agreement differ from the Mixed Use Development Standards, the provisions of the agreement shall prevail.
- C. Definitions.**

Architectural Feature. Soffit, column, wing wall, canopy, roof eave, balcony, bell tower, spires, clock tower, cupolas, turrets and any other similar element that does not create an interior floor space.

Arterial Street. As used in this Section, arterial streets include primary and secondary arterial streets. Primary arterial streets are major cross-town thoroughfares. Secondary arterial streets connect primary arterial streets to smaller streets and residential neighborhoods. Primary and secondary arterial streets are defined in the General Plan Circulation Element.

Blank Wall. Any wall that is not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features. Solid and mechanical doors and glass with less than 80% transparency are considered blank wall areas.

Ornamental Feature. A statue, fountain, sculpture or any other similar freestanding decorative element which does not provide shelter, and which is not a sign, and which serves an aesthetic purpose.

Split Jurisdiction Lot. As used in this Section shall mean a lot located on the south side of Washington Boulevard between Del Rey Avenue and Redwood Avenue that is both within the City of Culver City and the City of Los Angeles.

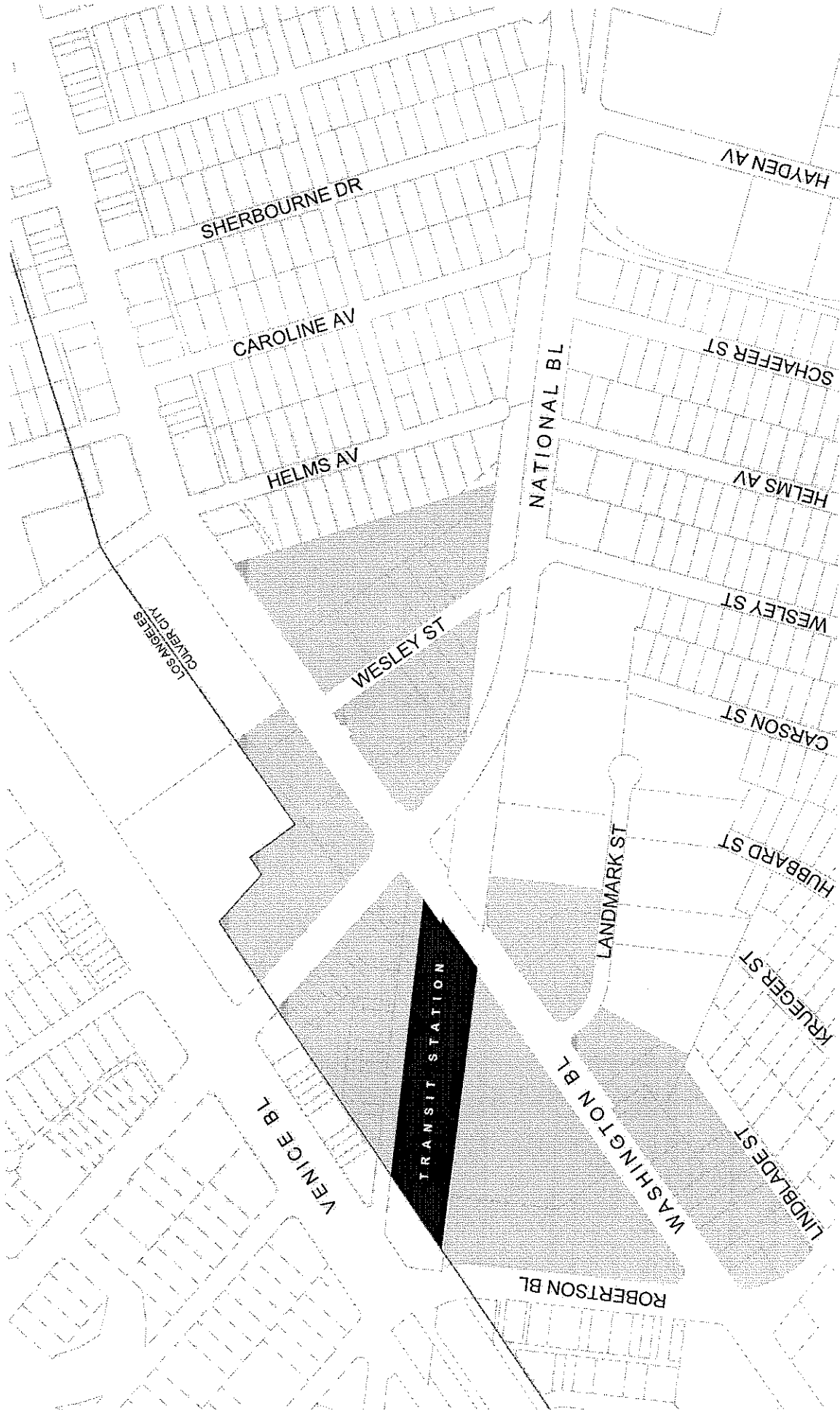
Street Wall. The wall of a building facing the street at or near the property line. The street wall may include arcades, colonnades, recessed pedestrian entrances, decorative stairs, public art and other features deemed pedestrian oriented.

D. Use Regulations.

1. **Uses permitted.** All uses permitted in the underlying zone are permitted in mixed use developments.
2. **Residential uses.** Residential uses other than live/work units are prohibited on the ground floor adjacent to arterial streets. Residential entrances and lobbies are permitted on the ground floor adjacent to arterial streets.
3. **Commercial uses.** Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall commercial floor area shall be 10% of the projects total gross floor area or 30% of the project lot size, whichever is greater.
4. **Covenant.** A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a mixed use development and that commercial activities are permitted pursuant to the regulations of the CCMC.
5. **Feasibility study.** At the Director's discretion, an economic feasibility study evaluating the viability of the proposed commercial uses within the mixed use development may be required.

E. General Development Standards.

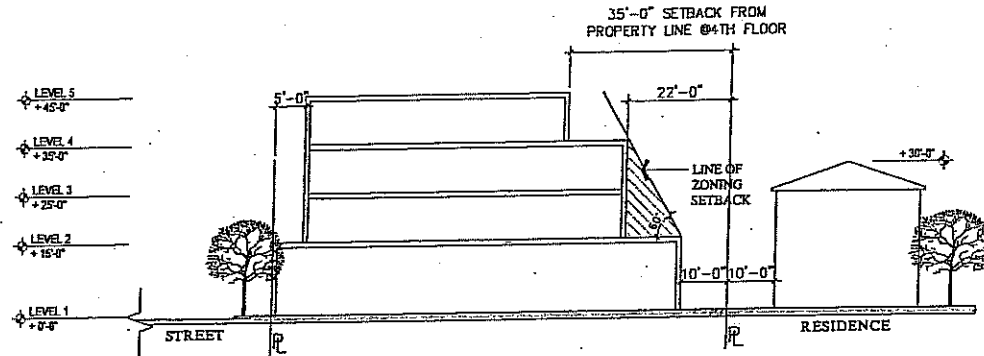
1. **Minimum lot size and dimensions.**
 - a. All lots less than 10,000 square feet shall have a minimum width of 50 feet with alley access or access from a non primary arterial street.
 - b. Lots 10,000 square feet or larger shall have a minimum width of 100 feet.
 - c. Mixed use projects located on parcels that are less than 5,000 square feet shall not be permitted unless combined with one or more abutting lots to create a total site development area that is at least 5,000 square feet, subject to the above access requirements.
2. **Building height.** The height of structures shall not exceed the standard established in Table 4-2 (Building Setbacks and Height) and Figure 4-4 (Building Height and Setbacks Illustration), unless a modification is granted pursuant to Subsection 17.300.025.C. (Exceptions to Height Limits).
3. **Density.** Residential density shall not exceed 35 dwelling units per acre (1 unit per 1,245 square feet of lot area). Residential density may be increased up to (i) 50 dwelling units per acre (1 unit per 871 square feet of lot area); or (ii) a density allowed by an Abutting Jurisdiction up to a maximum of 65 dwelling units per acre (1 unit per 670 square feet of lot area) on a split jurisdiction lot; or (iii) 65 dwelling units per acre on lots identified for Transit Oriented Development as depicted in Map 4-1 provided in either case, that the project incorporates community benefits as established by resolution of the City Council.
4. **Building setbacks.** Building setbacks are provided in Table 4-2 (Building Height and Setbacks) and Figure 4-4 (Building Height and Setbacks Illustration).



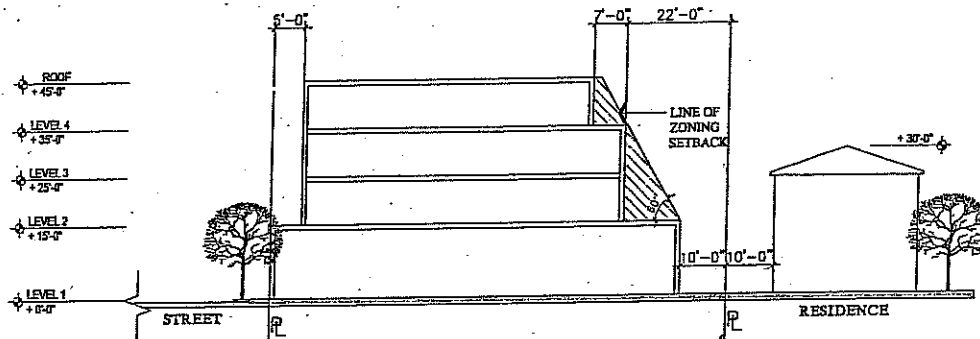
**Table 4-2
Building Height and Setbacks**

HEIGHT			
Adjacent (1) to R1 or R2 Zone	Adjacent (1) to R3, RLD, RMD, or RHD Zone	Adjacent (1) to Non-Residential Zone	Split Jurisdiction Lot
<u>CN, CD, & CG Zone</u> • 35 ft • 45 ft for portion of building 35 ft or more from R1 or R2 Zone	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 45 ft on lots less than 150 ft in depth • 56 ft on lots 150 ft or more in depth	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 56 ft	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 56 ft
SETBACKS (2)			
Building Height	Street Wall	Side and Rear Adjacent (1) to Residential Zone (5)	Side and Rear Adjacent (1) to Non-Residential Zone
Underground	None Required		
Portion of Building 15'-0" or less	A zero setback is required. (3)	A 10 ft setback is required. (4)(6)	No setback is required.(6)
Portion of Building greater than 15'-0"	A 5 ft setback is required	A 60 degree clear-zone angle must be maintained, measured from 15 ft above the existing grade and from 10 ft from the side and rear property lines. See Figure 4-5 (Section of Rear Setback	No setback is required.(6)
Portion of Building greater than 35'-0" on a parcel adjacent (1) to R1 or R2 Zone	N/A	A 35 ft setback is required.	N/A
Portion of Building greater than 45'-0" on a parcel adjacent (1) to R3, RLD, RMD or RHD Zone	N/A	A 50 ft setback is required.	N/A
(1) Two parcels are considered to be adjacent even if they are separated by an alley. (2) Screening, landscaping or greater setback than prescribed herein, may be required where necessary to comply with visual clearance requirements for driveways and where the reviewing authority under a site plan review may condition the use necessary to protect the public interest due to lot, site plan or building configuration and operations. (3) A setback up to 5 ft from the property line may be permitted if the setback area is enhanced with high quality paving material, landscaping or other similar features. (4) Adequate screening and landscaping shall be provided (5) One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones. (6) If abutting an alley a minimum 2 ft setback is required.			

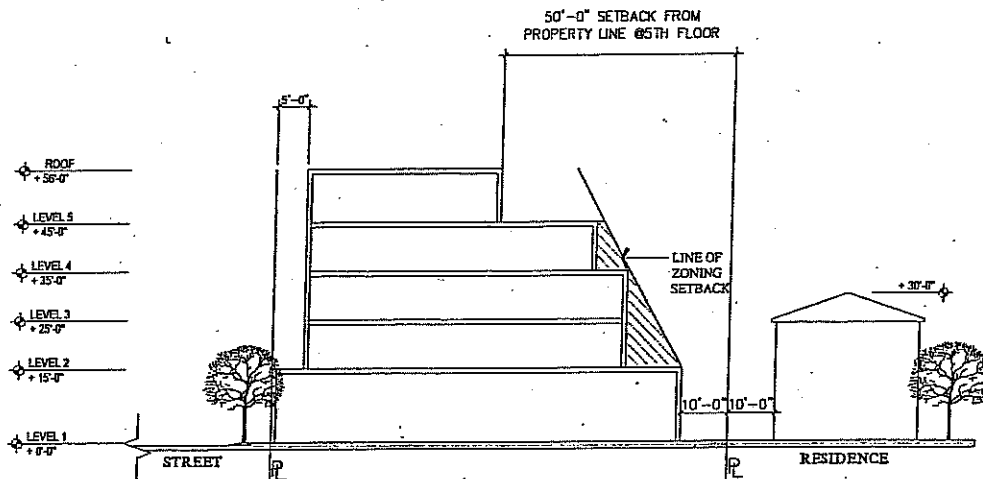
Figure 4-4
Building Height and Setbacks Illustration



35 ft. Height Limit Adjacent to R1 and R2 Zones

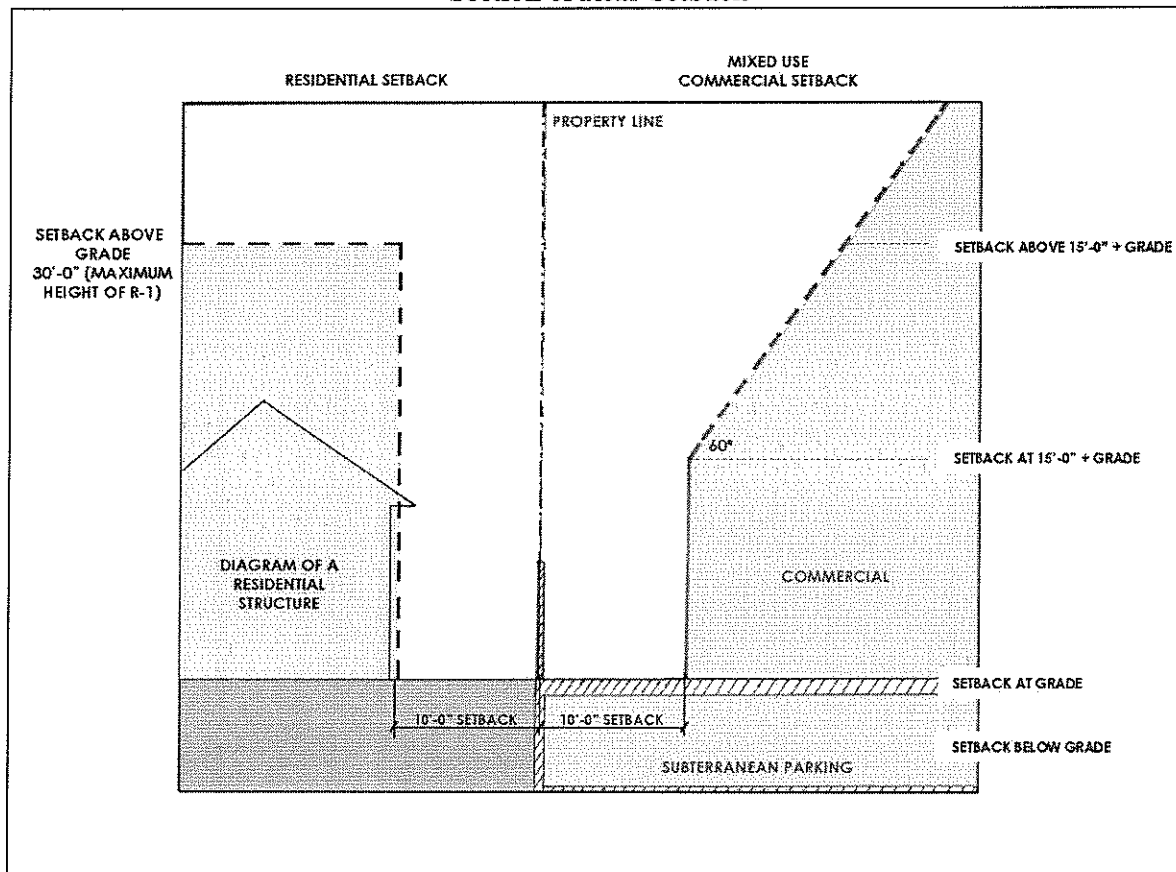


45 ft. Height Limit Adjacent to Multi-Family Zone
Lot Depth Less Than 150 ft.



56 ft. Height Limit Adjacent to Multi-Family Zone.
Lot Depth 150 ft. Or Greater

Figure 4-5
Section of Rear Setback



F. Site Planning and Design Standards.

1. **Building bulk.** Projects shall be designed to achieve interesting, graceful and articulated buildings by the use of varied rooflines and vertical attachments; clearly defining the base, middle and top of each building and other architectural features. See Figure 4-6 (Building Elevation Composition).
2. **Building tops.** The top of the building shall be visually terminated through the use of cornices, parapets, domes, towers, or other forms or features.
3. **Street wall requirements.**
 - a. The street wall shall be architecturally modulated to create visual interest and shall include architectural features and pedestrian amenities such as recessed entries, arcades, colonnades, stairs, art and other architectural features deemed pedestrian-oriented by the Director, subject to the following:
 - 1) Passageways in arcades and colonnades are, at minimum, 5 feet wide. See Figure 4-7 (Section of Street Wall).
 - 2) Architectural and ornamental features do not impede pedestrian routes.
 - 3) Stairs are decorative and attractive.
 - b. Street wall façade requirements shall apply to the portion of the street wall that is within 15 vertical feet above the sidewalk parallel to arterial streets.
 - c. The street wall is required along 100% of the total linear property line parallel to arterial streets.

- d. No blank wall area is permitted in the street wall area.
- e. On corner lots, where one of the adjacent streets is a non-arterial street, the street wall requirements shall apply to the first 25% of the building depth immediately adjacent to the non-arterial street. See Figure 4-8 (Corner Building Street Wall Requirement).
- f. Major entrances and corners of buildings shall be articulated within the street wall façade.

Figure 4-6
Building Elevation Composition



Figure 4-7
Section of Street Wall

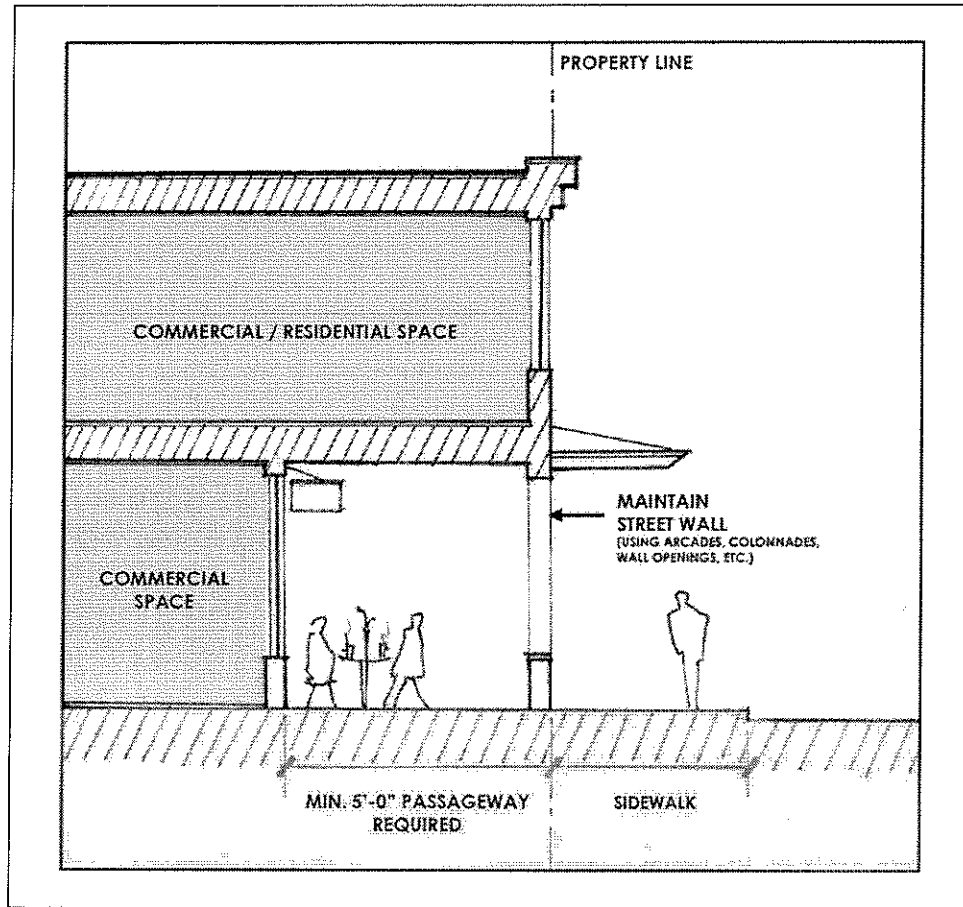
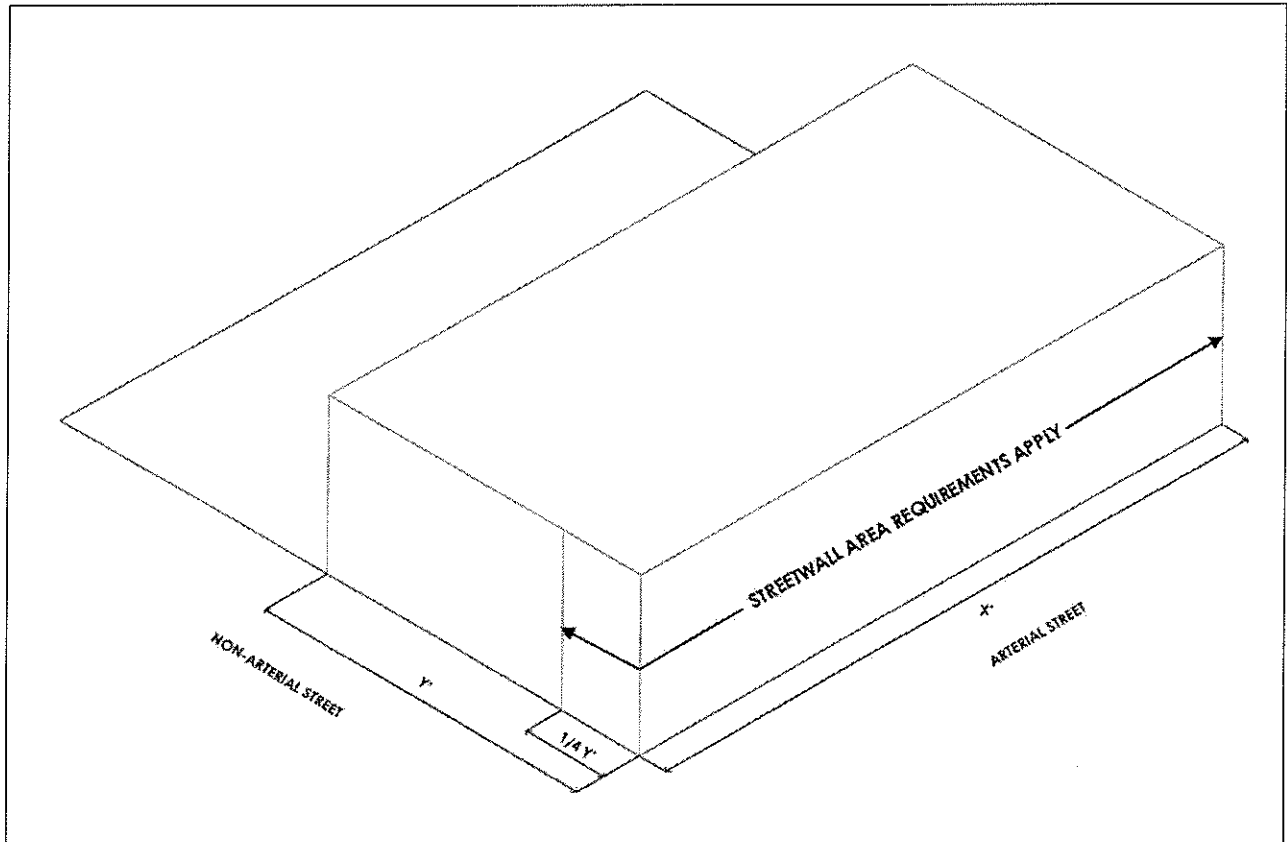


Figure 4-8
Corner Building Street Wall Requirement



4. Blank wall.

- a. Blank wall area is not permitted in the street wall area.
- b. Blank wall area shall be minimized on all building elevations.
- c. The maximum width of any continuous blank wall shall be no more than 15 feet.

5. 360° Architecture.

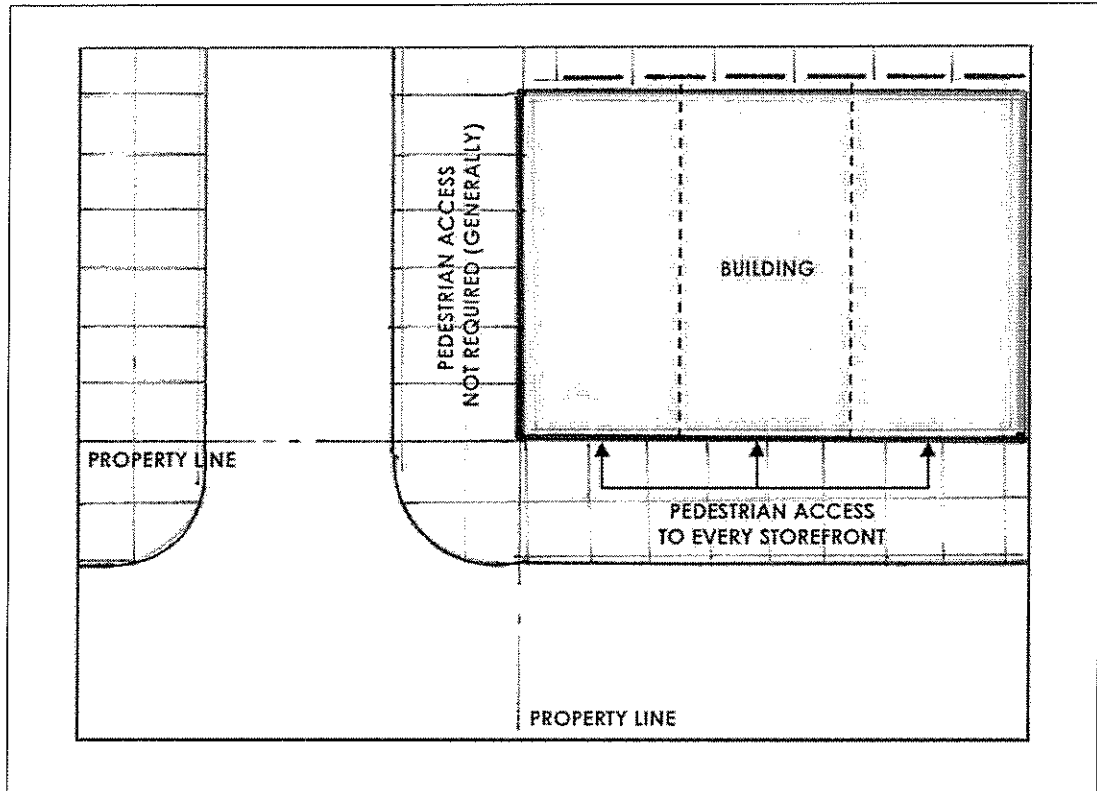
- a. Similar architectural and design features shall be incorporated on all sides of the building.
- b. Building elevations clearly visible from adjoining residential areas should not negatively impact the character and atmosphere of the adjacent residential areas. Design elements, materials, colors, surfaces and finishes that complement the residential areas shall be used as deemed appropriate by the Director.

6. Building entrances.

- a. Pedestrian entrances shall be provided for all ground floor uses adjacent to arterial streets. Pedestrian entrances are not required on non-arterial streets. See Figure 4-9 (Plan of Pedestrian Entrances).
- b. Pedestrian entrances shall be directly accessible from the public right-of-way and shall have direct access from the sidewalk grade.

- c. Commercial uses and residential uses shall have separate exterior entrances, elevators, and lobbies. The Director may waive this requirement based on site constraints.

Figure 4-9
Plan of Pedestrian Entrances



7. **Signage and lighting.** Signs must be developed pursuant to Chapter 17.330 (Signs). Exterior lighting shall comply with the requirements of Section 17.300.040 (Outdoor Lighting).
8. **Parking and vehicular access.**
- a. Street level parking facilities and lots shall be screened from view from the adjoining arterial street(s) by ornamental walls or fences, at least 4 feet high above street grade.
 - b. Two-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 100 feet of street frontage on the street where the vehicular ingress/egress area is located. The Director may waive this requirement based on site constraints.
 - c. One-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 75 feet of street frontage on the street where the ingress/egress area is located. The Director may waive this requirement based on site constraints.
 - d. Vehicular ingress/egress areas are prohibited on arterial streets where the street frontage of the development site adjacent to the arterial street is less than 75 feet. The Director may waive this requirement based on site constraints.
9. **Refuse storage and collection areas.** The commercial and residential components of the project shall maintain separate refuse storage and collection areas; the refuse storage and collection areas shall be clearly marked for separate uses.

G. Residential Development Standards.

1. **Minimum unit size.** Residential minimum unit sizes are detailed in Table 4-3 (Minimum Residential Unit Size).

Table 4-3
Minimum Residential Unit Size

No. of Bedrooms	Minimum Unit Size (Gross Floor Area)
Studio	500
1 Bedroom	700
2 Bedrooms	900
3 Bedrooms	1,100
4 Bedrooms	150 additional gfa/bedroom

2. **Unit size mix.** No more than 25% of the total number of residential units shall have less than 700 square feet of gross floor area.
3. **Open space.**
 - a. Each unit shall have a minimum of 75 square feet of common and/or private open space.
 - b. Common open space areas shall have a minimum dimension of 15 feet in any direction which may include a combination of open space and adjacent setback area.
 - c. Private open space areas shall be at least 30 square feet and 5 feet in any direction, to the extent feasible.
 - d. Private and common open space requirements may be satisfied by a selection or combination of the following: atriums, balconies, courtyards, decks, gardens, gyms/exercise rooms, patios, playgrounds/tot lots, rooftop decks, patios and gardens, and swimming pools. The Director may approve similar amenities not listed above.

H. Live/Work Development Standards. In addition to the standards detailed in this Section, live/work units within a mixed use development shall meet all applicable standards contained in Section 17.400.060 (Live/Work Development Standards).

I. Parking Standards. Mixed use developments shall comply with all requirements contained in Chapter 17.320 (Off-Street Parking and Loading) and the following additional standards.

1. Parking access and circulation standards.

- a. **Commingled parking.** A mixed use project may have a commingled parking area for all uses, subject to the following conditions:
 - 1) Residential, live/work and commercial parking spaces are designated with signs.
 - 2) Residential, live/work and commercial components require 10 or fewer parking spaces each.
 - 3) One use requires 10 or fewer parking spaces and a second use requires more than 10 parking spaces, and the Director determines that site conditions make it infeasible to provide gated or separated parking.
- b. **Gated parking.** A mixed use project shall have a gated parking area for residents of residential units and live/work units, if the requirements allowing commingled parking are not met. The

regulations governing gated parking areas are provided below.

- 1) Common ingress areas to residential, live/work, and commercial parking are permitted.
- 2) If a separated residential and live/work egress lane(s) is/are not provided, non-residential parking shall be free of charge.
- 3) The parking layout shall be designed so that residents are not significantly inconvenienced by non-residential parking demands, as determined by the Director.

c. Residential guest parking location.

- 1) Residential guest parking may be located in the commercial parking area.
- 2) Residential guest parking shall be accessible 24 hours per day.
- 3) Residential guest parking shall be free of charge.
- 4) Residential guest parking shall be appropriately signed.

J. Performance Requirements. All mixed use projects shall be designed to meet the following performance standards.

1. Walls on all sides of residential and live/work units shall be constructed to minimize the transmission of noise and vibration. A minimum impact insulation class (IIC) of 60 shall be required for all residential and live/work walls, floors, and ceilings.
2. Shared elevators shall have security code access for residents to reach residential floors and to use the elevators during late evening and early morning hours. Security code access is not required for live/work access areas. Separate commercial and residential elevators are encouraged.
3. No commercial use, activity or process shall be operated in an objectionable manner due to fumes, noxious odor, dust, smoke, gas, noise or vibrations which may be detrimental to any other uses and occupants on the same property.
4. Residential and live/work units shall be designed to allow for cross-ventilation and have high quality HVAC systems, to the extent feasible.
5. Parking areas shall be illuminated so as to provide appropriate visibility and security as determined by the Director.
6. Parking access and circulation design shall minimize vehicle circulation through residential neighborhood streets as determined by the Director.
7. Commercial loading areas and outdoor storage areas shall be designed and located away from residential units and shall be screened from view at ground level from the residential portion of the project and from adjacent residential developments.
8. Commercial loading areas shall not significantly and/or negatively impact the pedestrian environment.
9. Adequate lighting must be provided adjacent to sidewalks and other public spaces to preserve the amenity and safety of those spaces for night-time pedestrian use, as determined by the Director.

Attachment 2

RESOLUTION NO. 2008-R_____

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.

Section 4. Type of Benefit – A Community Benefit is defined as a project

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

7
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
17 D. Other Community Benefits as Approved by City Council.

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

20 A. Identify commercial areas (districts coterminous with
21 commercial corridors) that may utilize the community benefit
22 incentives.

23
24 B. Identify a menu of select community benefits applicable
25 to each district.

26 C. Arrange community meetings for various districts to
27 prioritize benefits.
28

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

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

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

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

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

11
12 Section 6. Process for Community Benefit Approval – The City Council
13 shall establish certain commercial neighborhood districts for consideration of Community
14 Benefits through a City Council hearing. The City Council hearing shall identify Community
15 Benefits which could be applied to any project located within the commercial neighborhood
16 district boundary. The commercial neighborhood district hearings shall be conducted
17 following adoption of the amendments to the CCMC related to Mixed Use Developments
18 with public notice provided to all business owners, residents and property owners within a
19 1000 foot radius of perimeter of the subject commercial neighborhood district boundary.
20 Said notice shall be provided pursuant to Section 17.630 of the CCMC.
21

22
23 Section 7. Community Benefits Contribution Amount – The method for
24 establishing the developer's contribution shall be based upon the proportionality of the
25 benefit relative to the developer's profit for the project. The Community Benefits
26 Contribution is proposed as a proportional share of the Additional Base Density Value.
27 The Community Benefits Contribution shall be defined as the developer's cost to provide
28

1 the Community Benefits. The Additional Base Density Value shall be defined as the
2 additional profit derived from the additional number of dwelling units permitted through
3 increase density allowed for providing the community benefit. The Community Benefits
4 Value shall be defined as the total cost of providing the required Community Benefit and
5 calculated as follows:

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

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

11
12 Section 8. Procedures for providing the Community Benefits – The
13 Community Benefits shall be incorporated into the project design, directly on-site and
14 maintained for the life of the project unless it is part of a public improvement, whereupon it
15 shall be provided with an in lieu fee contribution.

16
17 A. In Lieu Fee Contribution – When the Community Benefits
18 are part of off-site public improvements, the developer shall provide
19 the Community Benefits Contribution in full to an in lieu fund
20 established for the sole purpose of funding the public improvement,
21 unless it is feasible for the developer to pay and install the required off-
22 site public improvements.

23
24 B. Community Benefits Provided On-Site – The Community
25 Benefits shall be incorporated on development plans and in the
26 Conditions of Approval as part of the project discretionary review
27 process.
28

1 C. Community Benefits Identified in Project Resolution –

2 The developer shall sign an Affidavit for Acceptance of Conditions
3 certifying agreement to provide the required Community Benefits as
4 part of the project development. The resolution or other approval of a
5 project shall not become operative if the developer fails to sign the
6 affidavit, and the project permit granting increased density shall be null
7 and void. If the developer fails to maintain the required Community
8 Benefits identified in the project Resolution, then any Conditional Use
9 Permit or other revocable permit granted by the City as part of the
10 approval of the project shall be referred to the Planning Commission
11 for revocation pursuant to Chapter 17.660 of the Zoning Code and the
12 matter may be referred to the City Attorney for enforcement pursuant
13 to Chapter 17.650 of the Zoning Code.
14

15 D. Community Benefits – Public Open Space or Metered
16 Public Parking. When the Community Benefits required for the project
17 are Public Open Space or Metered Public Parking, the developer shall
18 record a covenant that runs with the land to:
19

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

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

APPROVED and ADOPTED this ____ day of ____ 2008.

ALAN CORLIN, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

CHRISTOPHER ARMENTA, City Clerk
A08-00030


CAROL A. SCHWAB, City Attorney