

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RESOLUTION NO. 2019-R \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY (1) MAKING FINDINGS AND TAKING ACTION PURSUANT TO THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 52201; (2) APPROVING: (A) THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY FROM THE CITY OF CULVER CITY TO 3727 ROBERTSON, LLC; (B) ENTRY BY THE CITY OF CULVER CITY AND 3727 ROBERTSON, LLC INTO A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT TO IMPLEMENT THE ICON WEST PROJECT, INCLUDING AFFORDABLE HOUSING AND PUBLIC PARKING COMPONENTS; AND (C) A DEED TO EFFECTUATE SAID DISPOSITION OF PROPERTY AND SAID PROJECT; AND (3) APPROVING RELATED ACTIONS.

WHEREAS, the City and 3727 Robertson, LLC, a California limited liability company (the "Developer") have proposed entering into a Disposition and Development Agreement (the "DDA"), relating to, among other things, the retention by Developer of certain real property now owned by Developer at 3727 Robertson Boulevard and referred to in the proposed DDA as the "Developer Parcel", the conveyance to the Developer by the City of certain real property now owned by the City at 3725 Robertson Boulevard and referred to in the proposed DDA as the "City Parcel", and the development, operation and use of the Developer Parcel and the City Parcel as one property referred to in the proposed DDA as the "Site", pursuant to the terms and requirements of the DDA, including the development and use of the Affordable Housing Units and the Public Parking Improvements as defined in the DDA; and

WHEREAS, pursuant to the terms and conditions of the DDA, the City will convey the City Parcel (as defined in the DDA) to the Developer, (ii) the Developer will convey the Public Parking Easement (as defined in the DDA) to the City, and (iii) the Site will be

1 developed, used and operated in accordance with covenants imposed on the Site to assure  
2 compliance with the terms and requirements of the DDA; and

3 WHEREAS, pursuant to the terms and conditions of the DDA, the Developer will  
4 Construct the Project Improvements (as defined in the DDA) on the Site, including the Public  
5 Parking Improvements and Affordable Housing Units, at the sole cost and expense of the  
6 Developer; and

7 WHEREAS, the DDA contains all the provisions, terms and obligations required  
8 by State and local law, and the Developer represents that it possesses the qualifications and  
9 financial resources necessary to Construct the Project, including the Public Parking  
10 Improvements and Affordable Housing Units as required by the DDA, and to provide for the  
11 maintenance, repair and replacement of the Project on the Site, including the Public Parking  
12 Improvements and Affordable Housing Units, at the sole cost and expense of the Developer,  
13 and to pay for the costs of operation of the Public Parking Improvements and the Affordable  
14 Housing Units at the sole cost and expense of the Developer; and

15 WHEREAS, pursuant to California Government Code Section 52201, the City is  
16 authorized, with the consent of the City Council, to sell property to create an economic  
17 opportunity; and

18 WHEREAS, a copy of the DDA and a summary of this transaction (which by this  
19 reference is incorporated herein as if set forth in full at this point) setting forth all of those  
20 matters required by the provisions of Section 52201 of the California Government Code have  
21 been available for public inspection; and

22 WHEREAS, notice of the hearing to consider the DDA was given in the manner  
23 required by law; and

1           WHEREAS, at said public hearing, the City Council received and considered a  
2 staff report (which by this reference is incorporated herein as if set forth in full at this point)  
3 and testimony; and

4           WHEREAS, in accordance with the California Environmental Quality Act  
5 (“CEQA”) set forth in California Public Resources Code Section 21000 *et seq.*, the State  
6 CEQA Guidelines set forth in Title 14, California Code of Regulations Section 15000 *et seq.*,  
7 and procedures adopted by the City relating to environmental evaluation of public and private  
8 projects, and pursuant to Sections 15162 and 15168 of the California Environmental Quality  
9 Act (CEQA) Guidelines, the City Council hereby finds and determines that approval of the  
10 DDA, which provides for the conveyance of the City Parcel, and construction of the Project on  
11 the Site, are within the scope of the Culver City Redevelopment Plan Amendment and Merger  
12 Certified Final Program Subsequent Environment Impact Report (FPSEIR) dated November  
13 16, 1998. The City Council hereby further finds and determines that the approval and  
14 implementation of the DDA is adequately addressed in the EIR, and there is no substantial  
15 change in circumstances, new information of substantial importance, or project changes  
16 which would warrant additional environmental review at this time; therefore, no further  
17 environmental review is required at this time under CEQA pursuant to State CEQA Guidelines  
18 Section 15162; and

19           WHEREAS, all other legal prerequisites to the adoption of this Resolution have  
20 occurred.

21           NOW, THEREFORE, the City Council of the City of Culver City, DOES  
22 HEREBY RESOLVE as follows:

23           SECTION 1. The foregoing recitals are true and correct and are a substantive  
24 part of this Resolution.  
25

1 SECTION 2. The City Council has received and heard all oral and written  
2 objections to the City's proposed sale and transfer of the City Parcel to the Developer, in  
3 accordance with the terms and conditions set forth in the DDA, and to other matters  
4 pertaining to this transaction, and that all such oral and written objections are hereby  
5 overruled.

6 SECTION 3. The City's proposed sale and transfer of the City Parcel to the  
7 Developer will assist in the creation of transit oriented economic opportunity.

8 SECTION 4. The consideration from the Developer for the City Parcel,  
9 including without limitation the payment to the City of all of the gross revenues from the use of  
10 the Public Parking Improvements, is not less than the fair market value of the City Parcel at its  
11 highest and best use.

12 SECTION 5. The City has provided all of the information in written form  
13 available to the public and through the City's internet web site as required by applicable law  
14 for the consideration by the City Council of the approval of the DDA.  
15

16 SECTION 6. The City Council hereby approves the City's entry into the DDA,  
17 and the sale and transfer of the City Parcel to the Developer, all in accordance with the terms  
18 and conditions set forth in the DDA.  
19

20 SECTION 7. The City Council hereby approves the DDA, in substantially the  
21 form as presented to the City Council, effectuating the City's disposition of the City Parcel to  
22 the Developer and the development of the Project by the Developer.

23 SECTION 8. The City Council hereby approves delivery of the Deed that would  
24 effectuate the City's disposition of the City Parcel to the Developer pursuant to the DDA.  
25

26 SECTION 9. The City Council hereby authorizes and directs the City Manager  
27 of the City, or designee, (i) to take all actions and to execute any and all documents,  
28

1 instruments, and agreements necessary or desirable on behalf of the City, as approved by  
2 the City Manager of the City and the City Attorney, including, without limitation, the DDA, the  
3 deed transferring the City Parcel to the Developer, the Public Parking Easement to be  
4 conveyed to the City and the Affordable Housing Covenants and other covenants to be  
5 imposed on the Site to effectuate the terms and conditions of the DDA; (ii) to effectuate all  
6 other actions approved by this Resolution, including, without limitation, approving changes,  
7 implementations, or revisions to documents, instruments, and agreements as determined  
8 necessary by the City Manager, or designee; and (iii) to administer the City's obligations,  
9 responsibilities, and duties to be performed pursuant to this Resolution and all documents,  
10 instruments, and agreements required by and for the sale and transfer of the City Parcel to  
11 the Developer.  
12

13 SECTION 10. If any provision of this Resolution or the application of any such  
14 provision to any person or circumstance is held invalid, then such invalidity shall not affect  
15 other provisions or applications of this Resolution that can be given effect without the invalid  
16 provision or application, and to this end the provisions of this Resolution are severable. The  
17 City Council declares that it would have adopted this Resolution irrespective of the invalidity  
18 of any particular portion of this Resolution.  
19

20 SECTION 11. This Resolution shall take effect upon the date of its adoption.

21 APPROVED AND ADOPTED, this \_\_\_ day of \_\_\_\_\_, 2019.  
22  
23

24 \_\_\_\_\_  
MEGHAN SAHLI-WELLS, Mayor

25  
26 ATTEST:

APPROVED AS TO FORM:

27 \_\_\_\_\_  
JEREMY GREEN, City Clerk  
28 A19-00358

  
27 \_\_\_\_\_  
CAROL SCHWAB, City Attorney  
28 *For*