



Culver CITY

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**PLANNING COMMISSION
MEETING AGENDA
WEDNESDAY, AUGUST 8, 2012
7:00 P.M.**

PUBLIC COMMENT

The Planning Commission will listen to the public on any item on the agenda or item of interest that is not on the agenda. The Planning Commission cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda.

If you wish to speak to the Commissioners, please complete a Speaker's Card and present it to the Secretary before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Commissioners.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward. Comments will generally be limited to five minutes per speaker; however, a three-minute limit may be declared by the Chairperson for agenda items for which many Speaker Cards have been submitted.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

A total of twenty minutes shall be devoted to audience participation at the beginning of the agenda. Speakers will be called on in the order cards were received by the Secretary. If additional time is needed, the Chairperson will allow for same at the end of the agenda.

When the Secretary calls your name, please advance to the podium and state your name and city of residence. Speakers must limit their comments to five minutes. A three-minute limit may be declared by the Chairperson if there is a large number of individuals desiring to address the Commissioners.

NOTE: AT OR ABOUT 11:00 P.M., COMMISSION MEMBERS WILL DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.

CELL PHONES AND OTHER DISTRACTIONS

Use of cell phones, pagers and other communication devices is prohibited while the Planning Commission Meeting is in session. Please turn all devices off or place on silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

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ALD

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AGENDA
Planning Commission
Wednesday, August 8, 2012
7:00 p.m.
Mike Balkman Council Chambers

CALL TO ORDER & ROLL CALL

Scott Wyant, Chair
John Kuechle, Vice Chair
Linda Smith Frost, Commissioner
Anthony Pleskow, Commissioner
Kevin Lachoff, Commissioner

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – Items Not On The Agenda

PUBLIC HEARINGS

- PH-1** **(Continued from July 11,2012)** 1) Zoning Code Amendment (ZCA P-2011154) to amend Section 17.230.015, Table 2-8 of the Culver City Municipal Code, to allow for the expansion of existing private schools located in the Industrial General (IG) Zone, subject to approval of a Modification to an existing Conditional Use Permit; and 2) Modification to the existing Conditional Use Permit (CUP/M P-2011156) for the Willows Community School located at 8509 Higuera Street to permit the phased expansion of the school's operations to add 150 students, and expand school operations to abutting properties located at 8476 Warner Drive, 8510 Warner Drive, and 8525 Higuera Street.
Recommended Action: ***Adopt Resolution approving the application.***

CONSENT CALENDAR. *Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. Public requests to discuss Consent Calendar items must be filed with the Secretary before the Consent Calendar is called.*

- C-1.** Approval of Minutes of June 20, 2012 and July 11, 2012.

ITEMS FROM STAFF

ITEMS FROM PLANNING COMMISSION

ADJOURN

Upcoming Public Meeting Schedule –Tentative – 2012

Date	Day	Time	Location
<i>City Council</i>			
<i>August 13</i>	<i>Monday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Civil Service Commission</i>			
<i>September 5</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Cultural Affairs Commission</i>			
<i>August 14</i>	<i>Tuesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Parks & Recreation Commission</i>			
<i>September 4</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Patacchia Room</i>
<i>Planning Commission</i>			
<i>August 22</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>

Meetings may be added or changed.

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Meeting Date: August 8, 2012		Item Number: PH-1	
AGENDA ITEM: Zoning Code Amendment and Mitigated Negative Declaration to amend Section 17.230.015, Table 2-8 and Section 17.610.010 of the Culver City Municipal Code, to allow for the expansion of existing private schools located in the Industrial General (IG) Zone, subject to approval of a Modification to an existing Conditional Use Permit (CUP/M). Concurrently, a Modification to the existing Conditional Use Permit for the Willows Community School to permit the phased development of the private school's operations to add 150 students, and expand school operations to abutting properties through future acquisitions.			
Contact Person/Dept.: Joshua Williams, Associate Planner		Phone Number: (310) 253-5706	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: On May 24, 2012, a notice was mailed to all the property owners and occupants within a 500-foot radius of the site, all property owners and occupants within the Hayden Tract, and emailed to the Master Notification List. On July 11, 2012 the hearing was continued to a date certain, August 8, 2012.			
Planning Approval: Thomas Gorham, Planning Manager		Department Approval: Sol Blumenfeld, Community Development Director	
<u>CONTINUATION OF JULY 11, 2012 AGENDA ITEM NUMBER PH-1:</u> This item is a continuation of the public hearing at the Commission's July 11, 2012 meeting. <u>RECOMMENDATION:</u> That the Planning Commission: 1. Adopt a Mitigated Negative Declaration based on the Initial Study finding that the project will not have a significant adverse impact on the environment; 2. Conditionally approve the Modification to the Conditional Use Permit (CUP/M P-2011156), subject to the City Council's approval of the Zoning Code Amendment; 3. Consider and make a recommendation to the City Council on the proposed Zoning Code Amendment (ZCA P-2011154) to allow for the expansion of existing private schools located in the Industrial General (IG) Zone. <u>PROCEDURES:</u> 1. Chair calls on staff for a staff report and Commission poses questions to staff as desired. 2. Chair opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.			

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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.

BACKGROUND:

On July 11, 2012, the Planning Commission considered The Willows Community School's (the "School") proposed Zoning Code Amendment (ZCA) application to amend Section 17.230.015, Table 2-8 of the Culver City Municipal Code to allow for an existing private school located within the Industrial General (IG) Zone to apply for a modification to their existing Conditional Use Permit (CUP). Concurrently, the Commission considered the School's request for a Modification to its existing Conditional Use Permit to permit the phased expansion of the School to add 150 students, and expand school operations to abutting properties located at 8476 Warner Drive, 8510 Warner Drive, and 8525 Higuera Street. The proposed expansion of the School will take place in three phases and result in the potential acquisition of two abutting properties, the demolition and removal of existing School facilities, and the construction of new buildings, recreation areas, and parking areas to accommodate the anticipated enrollment increase. (Please refer to the July 11, 2012 Agenda packet, Item PH-1, for additional information and analysis on the project.)

At the July 11th Planning Commission hearing, after considering the staff report, public comments and Commission deliberation, the Commission continued the item and asked the Applicant and staff to provide additional information regarding:

- Acknowledgement from Turning Point and Park Century schools that they are in agreement with the Zoning Code Amendment request.
- Use of the City parks.
- On-street parking impacts.
- The expansion potential of the two other private schools located in the IG Zone.
- Further information on the lost opportunity cost calculations and potential future use of properties in the Hayden Tract.

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ANALYSIS:

Turning Point and Park Century Schools

In regards to acknowledgement from Turning Point and Park Century schools, staff has contacted both schools and has confirmed that they are aware of the proposed ZCA and both schools have indicated they have no objections to the ZCA.

Use of the City Parks

The information provided in the previous staff report and testimony provided by the School at the July 11th hearing regarding the School's use of Syd Kronenthal Park accurately reflects the schools usage of the park. Specifically, the School currently rents park space at Syd Kronenthal Park from 3:00 PM to 5:00 PM during the school week for after-school sports programs for Grades 5-8 and from 10:30 AM to 2:30 PM during the summer week days for their camp programs. There are typically not more than 50 students using the park at any one time. The School does not anticipate increasing its use of the park as part of the increase of 50 students as part of Phase 1 of the project, and subsequently the addition of 100 more students in Phases 2 and 3. The use will continue to be approximately 50 students at any one time during the same hours. In addition, as part of its Master Plan, the School has identified areas on-site for new soft- and hardscape play areas which will eventually lessen the School's need for City park use.

Staff confirmed with the City's Parks, Recreation and Community Services Director that the School's usage of the park does not and would not preclude the use of other portions of the park. The School's usage of the park facilities is done in off-peak hours, before the evening usage by adult leagues. In addition, the School must apply and be approved, and pay a fee for usage of the park facilities. The "reservation" process is the same for all groups requesting to use the park and the fees are established by resolution of the City Council.

It was suggested that the School pay more for the use of the park than what other groups or individuals are required to pay so that their use is not "subsidized" by the City. In order for a separate fee to be assessed on the park use by the School, the City Council would have to revise the adopted fee schedule to include a category for school use of City parks. This is a policy determination that is in not in the purview of the Commission as part of its review of the subject applications.

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There was also discussion at the July 11th meeting regarding the School's allowance of the City to use their gym facility. This issue is unrelated to the subject applications and is being addressed through a separate agreement between the City and the School.

The Parks and Recreation Department Director will be at the Commission meeting to address any further questions regarding park use by the School.

On-street Parking Impacts

In reviewing the future proposed restrictions in the year 2020 on three parking spaces on Higuera Street as identified in the traffic study, staff has determined that the proposed restrictions are unnecessary and a condition has been added to the project resolution that the on-street parking shall not be restricted at any time as a result of the School's drop-off and pick-up operations and final review of the School's future drop-off and pick-up operations associated with each phase of the master plan shall be reviewed by the Planning Manager and the City Traffic Engineer to ensure those operations do not impact street parking.

Expansion Potential of the Private Schools Located in the IG Zone

Attachment No. 2 shows the location of the Turning Point and Park Century Schools. The Turning Point School is located on National Boulevard at Wesley Street and abuts residential uses to the east and south, National Boulevard to the north and industrial zoned property to the west on Landmark Street. The school recently completed a large expansion into a former metal manufacturing building. Future expansion potential is limited to one abutting parcel on Landmark Street. Park Century School is located on Landmark Street and abuts the former car dealership property to the north which is proposed to be developed with a new commercial/office development, residential uses to the west, Landmark Street to the east, and industrial zoned property to the south. Future expansion potential is limited to one abutting parcel on Landmark Street. As outlined in the ZCA, any future expansion of school uses is limited to those properties which abut existing school property.

The proposed ZCA is very specific in its allowance for only schools with existing CUP's to apply for a modification and only with submittal of a Master Plan and Economic Study. This allowance will only apply to the three existing schools in the IG zone and will require any CUP Modification application to be subject to review and approval by the Planning Commission.

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Opportunity Cost Calculations

The City's financial consultant Keyser Marston and Associates (KMA) has completed a City Revenue Analysis (Attachment No. 3) of the School's Master Plan (Project). Based on the Opportunity Cost Analysis prepared by HR&A Advisors, Willows proposes to make a payment to the City of \$103,826 per year upon full build out of the Project. This fee amount was set in May 2011, and it includes the opportunity costs associated with the property tax increment that could potentially be generated by private use of the properties.

For the purposes of this analysis, KMA analyzed the proposed Project, as well as two alternate scenarios based on comments from the Planning Commission. In each of the KMA analyses they have eliminated the property tax increment revenue and replaced it with the property tax revenue that would be received by the City. The following is a summary of their analysis:

Scenario 1 – Willows Project Developed

Scenario 1 represents the full build out of the Willows Project. Under this alternative it is assumed that Willows will purchase both the WorldPac and Cal Stay properties. These buildings will be demolished and will be replaced with school uses. Thus, the annual recurring City revenues generated by the school uses of the Willows Project will be less than the City revenues generated by the existing buildings. KMA estimates the recurring City revenues for Scenario 1 at \$55,615 per year.

Scenario 2 – New Owners & Higher Intensity Use

Scenario 2 represents an alternate development scenario in which the current configuration and uses of Willows remain the same. However, in this Scenario, both the WorldPac and Cal Stay buildings are sold to new owners. Under the assumptions applied in the HR&A analysis, this sale increases the assessed valuation of the two properties from a weighted average of \$37 per square foot of land area to \$200 per square foot of land area. Furthermore, it is assumed that the WorldPac and Cal Stay buildings are converted to uses that generate taxable sales. For this Scenario, the new uses are assumed to generate taxable sales of \$96 per square foot of gross building area (GBA). This represents the average taxable sales currently generated in the Hayden Tract. KMA estimates the recurring City revenues for Scenario 2 at \$106,760 per year.

Scenario 3 – New Owners & Highest Intensity Use

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Scenario 3 represents a third alternate development scenario which is similar in scope to Scenario 2. The existing Willows configuration and uses would remain the same. As in Scenario 2, both the WorldPac and Cal Stay buildings are sold to new owners. However, in this Scenario the new uses are assumed to be higher sales tax generating retail uses, with taxable sales assumed at \$400 per square foot of GBA. It should be noted that the development scope used in Scenario 3 is unlikely to be feasible given the configuration of the sites and the lack of parking. Scenario 3 is merely intended to provide a perspective on the loss of public revenue that could occur if the entire character of the Hayden Tract development changed at some point in the future. KMA estimates the recurring City revenues for Scenario 3 at \$164,477 per year.

Opportunity Cost Calculation

The Project's opportunity cost is equal to the difference between the recurring City revenues generated by the Project and the two alternative scenarios. The following outlines the opportunity costs for Scenario 2 and Scenario 3.

- Scenario 2: $\$106,750 - \$55,615 = \$51,145$
- Scenario 3: $\$164,477 - \$55,615 = \$108,863$

Conclusions

As shown in the KMA analysis, the opportunity cost incurred by the City is estimated at approximately \$51,000 per year under a development scope for these properties that reflects the current characteristics of the Hayden Tract development. If the entire character of the Hayden Tract changes in the future, the opportunity cost is estimated to total approximately \$109,000 per year.

The proposed condition calls for Willows to make a payment to the City of \$103,826 per year if the WorldPac and Cal Stay buildings are purchased by the school. This payment is nearly twice as much as the anticipated opportunity cost, and only slightly less than the opportunity cost that could be possibly incurred in the distant future if development patterns change radically from the current conditions.

Revised Zoning Code Text Language

The original staff report proposed zoning text changes outlined in Exhibit A to amend Zoning Code Section 17.230.015 Table 2-8 by allowing modifications

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and/or expansions of existing private school facilities in the IG zone previously approved by a CUP subject to a modification to the existing Conditional Use Permit and with submittal of a Master Plan document and economic study providing a mechanism for the City to determine potential impacts now and in the future as part of the its review of the CUP Modification. Following the July 11th hearing it was suggested to staff that it may be more appropriate for the provisions for the school expansion to be located in the nonconforming provisions section of the Zoning Code rather than a footnote to Table 2-8 in order to make it more clear that the existing and potential expanded school uses would still be considered legal nonconforming uses. Staff has reviewed this suggestion and agrees that the expansion provisions are better suited in the nonconforming section of the Zoning Code. Therefore, staff has modified Exhibit A (Attachment No. 1) to amend Zoning Code Section 17.610.010.A to include provisions for expansion of nonconforming school uses in the IG zone that were previously proposed as a footnote to Table 2-8. Table 2-8 will now only be amended to include a footnote referencing Section 17.610.010A.

CONCLUSION:

Based on the analysis contained herein and in the July 11, 2012 staff report, staff recommends that the Planning Commission recommend approval of Zoning Code Amendment (ZCA P-2011154) to the City Council and conditionally approve Conditional Use Permit Modification (CUP/M P-2011156) as outlined in draft Resolution No. 2012-P006 (Attachment No. 1), subject to the City Council's approval of Zoning Code Amendment (ZCA P-2011154).

ALTERNATIVE OPTIONS:

The following alternative actions may be considered by the Planning Commission:

1. Approve the application with the recommended conditions of approval if the application is deemed to meet the required findings.
2. Approve the application with additional or different conditions of approval, if deemed necessary to meet the required findings and mitigate any new project impacts identified at the meeting.
3. Disapprove the application if it does not meet the required findings.

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ATTACHMENTS:

1. Draft Resolution No. 2012-P006 and
Exhibit A - Zoning Code Section 17.230.015 Table 2-8 Text Changes; and
Exhibit B - CUP/M P-2011156 Conditions of Approval
2. Turning Point and Park Century School's Location Maps
3. KMA City Revenue Analysis dated July 27, 2012

RESOLUTION NO. 2012-P006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT, ZCA P-2011154, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.230.015, TABLE 2-8 AND SECTION 17.610.010, TO ALLOW FOR THE EXPANSION OF EXISTING PRIVATE SCHOOLS LOCATED IN THE INDUSTRIAL GENERAL (IG) ZONE AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO; AND APPROVING CONDITIONAL USE PERMIT MODIFICATION (MODIFICATION NO. 3), CUP/M P-2011156, TO ALLOW FOR THE EXPANSION OF FACILITIES AND OPERATIONS OF A PRIVATE SCHOOL LOCATED AT 8509 HIGUERA STREET IN THE INDUSTRIAL GENERAL (IG) ZONE AS SET FORTH IN EXHIBIT "B" ATTACHED HERETO.

(Zoning Code Amendment P-2011154)
(Conditional Use Permit Modification P-2011156)

WHEREAS, on October 26, 2011, The Willows Community School (the "School") filed an application for a Zoning Code Text Amendment to amend Section 17.230.015, Table 2-8 of the Culver City Municipal Code, to allow for the expansion of existing private schools located in the Industrial General (IG) Zone, subject to approval of a Modification to an existing Conditional Use Permit (CUP); and an application for a Conditional Use Permit Modification to allow for the phased expansion of School facilities and operations, increasing enrollment from 425 students to 575 students; and

WHEREAS, on July 11 and August 8, 2012, the Planning Commission conducted a duly noticed public hearing on Zoning Code Amendment, ZCA P-2011154 and Conditional Use Permit Modification, CUP/M P 2011156, fully considering all reports, studies, testimony, and environmental information presented; and

WHEREAS, following conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission (i) by a vote of __ to __, adopted a Mitigated Negative Declaration, in accordance with the California Environmental Quality Act (CEQA),

finding the Project will not result in significant adverse environmental impacts with mitigations;
(ii) by a vote of ___ to ___ conditionally approved Conditional Use Permit Modification, CUP/M
P-2011156; and (iii) by a vote of ___ to ___, recommended to the City Council approval of
Zoning Code Amendment, ZCA P-2011154, as set forth herein below.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER
CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City
Municipal Code (CCMC), the following findings are hereby made:

Zoning Code Amendment:

As outlined in CCMC Title 17, Section 17.520.030, the following required findings for a
Zoning Code (Text) Amendment are hereby made:

- 1. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with this title, in the case of a Zoning Code amendment.**

Zoning Code Amendment, ZCA P-2011154 ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with the Zoning Code. The amendment requires any proposed expansion of existing private schools located in the Industrial General (IG) Zone be subject to approval of a modification to an existing Conditional Use Permit (CUP). The CUP Modification will be reviewed for consistency with the General Plan and with the Zoning Code; therefore ensuring said consistencies are maintained. Further, an economic analysis and Master Plan document shall be required as part of any CUP Modification request which will be used as the basis for determining whether the expansion can meet the required CUP finding that the use is consistent with the General Plan.

1 **2. The proposed amendment would not be detrimental to the public interest,**
2 **health, safety, convenience or welfare of the City.**

3 The amendment will not be detrimental to the public interest, health, safety,
4 convenience or welfare of the City because any proposal to allow for the expansion
5 of existing private schools located in the Industrial General (IG) Zone, will be
6 subject to approval of a Modification to an existing Conditional Use Permit (CUP).
7 Such a discretionary action requires that the City conduct a California
8 Environmental Quality Act (CEQA) analysis, make findings for a CUP Modification,
9 and impose conditions and mitigation measures to lessen impacts to surrounding
10 areas. This review process is meant to address impacts that may be detrimental to
11 the public interest, health, safety, convenience or welfare of the City.

12 **3. The proposed amendment is in compliance with the provisions of the**
13 **California Environmental Quality Act (CEQA).**

14 Pursuant to CEQA, an Initial Study prepared for the proposed Zoning Code
15 Amendment (ZCA) determined that the ZCA would have less than significant
16 impacts on the environment and that a Mitigated Negative Declaration finding was
17 appropriate. Any potential environmental impacts from future school expansion will
18 be evaluated through an Initial Study as part of the required CUP Modification and
19 will identify any mitigation measures necessary to reduce identified impacts to a
20 level of insignificance.

21 **Conditional Use Permit Modification:**

22 As outlined in CCMC Title 17, Section 17.530.020, the following required findings for a
23 Conditional Use Permit Modification are hereby made:

24 **A. The proposed use is allowed within the subject zoning district with the approval**
25 **of an Administrative Use Permit or Conditional Use Permit and complies with all**
26 **applicable provision of this Title and CCMC.**

27 The Willows Community School, a private school, was permitted in the Industrial
28 General (IG) zoning designation pursuant to the approval of an Administrative Site
29 Plan Review in 1994. Subsequent expansions to the school's campus and enrollment
increases have required a Conditional Use Permit (CUP) and modifications to that
CUP (CUP/M). As part of the City of Culver City's Zoning Code update in 2005, private
school uses were removed as a permitted use in the IG Zone, thereby making the
three existing private schools in the IG Zone – Willows, Park Century and Turning
Point – legal non-conforming uses. Approval of the Applicant's request for a
Modification to an existing Conditional Use Permit for a private school shall be
conditioned upon the approval of a Zoning Code Text Amendment to allow for the
expansion of existing private schools in the IG Zone. The request to add 150 students
to the existing 425 student private school and the expansion of school facilities onto

1 abutting properties located at 8476 Warner Drive, 8510 Warner Drive, and 8525
2 Higuera Street, as part of a phased development described more fully in the attached
3 School's Master Plan document will comply with all applicable provisions of the Zoning
4 Code the CCMC.

5 **B. The proposed use is consistent with the General Plan and any applicable
6 Specific Plan.**

7 The General Plan land use designation for the subject property and abutting properties
8 in the Hayden Tract district is Industrial. The Land Use Element of the General Plan
9 sets out a goal of creating economic vitality that serves the community and protects
10 the quality of life. Objective 5, Policy C of the Element encourages the "development of
11 cultural, educational and entertainment uses that will provide leisure activities for
12 Culver City's residents and enhance the image of the City." Within the Industrial
13 General Plan land use designation, the Land Use Element notes that "commercial
14 uses, particularly those that support or service daytime industrial employees, also
15 would be allowed. This designation is designed and intended to support and
16 encourage industrial businesses as a valuable component of the City's economic
17 base." By limiting the scope of the School's expansion through the Master Plan
18 document and future conformance reviews, and by requiring a condition of approval
19 that the Applicant "shall not officially or unofficially object to any future proposed uses
20 adjacent to the Property or any part thereof that are otherwise legally permitted or
21 conditionally permitted under the City's zoning regulations," the City intends to protect
22 existing and future industrial or otherwise permitted uses in the Hayden Tract. The
23 project site is not subject to any specific plan.

24 **C. The design, location, size and operating characteristics of the proposed use are
25 compatible with the existing and future land use in the vicinity of the subject
26 site.**

27 The design, location, size and operating characteristics of the existing private school
28 use and the proposed Phased development and addition of 150 students to the
29 existing 425 student private school, subject to the conditions of approval, will not have
a negative impact on adjacent uses and is therefore found to be compatible with the
existing and future industrial land uses in the vicinity of the subject site. The school
has operated within the Hayden Tract since 1994. Over time as the school has
expanded pursuant to an approved Conditional Use Permit in 1999 and subsequent
modifications, the school has adhered to conditions of approval imposed by the City
and intended to reduce potential impacts on adjacent properties. The increase in
parking on-site and the increase in on-site circulation area for drop-off and pick-up of
students, as proposed in the Phased development of the site, will serve to mitigate
potential congestion issues around the property. In addition, the development
proposed in Phases 2 and 3 will reduce potential impacts associated with noise from
the campus by concentrating the play areas toward the center of the property, shielded

by surrounding building on the campus. Lastly, the project will be subject to conditions of approval in order to enforce compatibility with adjacent uses.

D. The subject site is physically suitable for the type and intensity of use being proposed, including access, compatibility with adjoining land uses, shape, size, provision of utilities and the absence of physical constraints.

The proposed growth of the campus, in terms of student enrollment and facilities, can be accommodated as proposed in the Master Plan document, through the phased development of the property. This growth will include the acquisition of two abutting properties to house the anticipated growth in enrollment and need for upgraded facilities (Phase 3). The proposed use of the Willows V property for a new surface parking lot (Phase 1) will further reduce impacts on surrounding streets and on- and off-site parking areas during school events. As part of the Phase 2 development of the school, the parking area will be expanded to connect with Higuera Street, creating a through parking area. The new parking area will provide additional parking and queuing space for daily school needs and for events.

E. The establishment, maintenance or operation of the proposed use will not be detrimental to the public interest, health, safety or general welfare or injurious to persons, property or improvements in the vicinity and zoning district in which the property is located.

The addition of 150 students to the existing 425 student private school resulting in a total of a 575 students through this approval subject to the approval of the Zoning Code Text Amendment, will not be detrimental to the public interest, health, safety or general welfare or injurious to persons, property or improvements in the surrounding commercial zoning district or vicinity.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby recommends to the City Council approval of Zoning Code Amendment ZCA P-2011154 as set forth in Exhibit A attached hereto and made a part thereof; and pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby approves Conditional Use Permit Modification CUP/M P-2011156, subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated in herein by this reference, and conditioned on the City Council's approval of Zoning Code Amendment ZCA P-2011154.

APPROVED and ADOPTED this 8th day of August 2012.

SCOTT WYANT - CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Yvonne Hunt
Administrative Secretary

EXHIBIT A
RESOLUTON NO. 2012-P006

CULVER CITY MUNICIPAL CODE - TITLE 17, ZONING CODE

Industrial Zoning Districts

17.230

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts	P	Permitted Use	
	CUP	Conditional Use Permit Required	
	AUP	Administrative Use Permit Required	
	-	Use not allowed	
LAND USE (1)	PERMIT REQUIREMENTS BY DISTRICT		See specific use regulations
	IL	IG	

INDUSTRY, MANUFACTURING & PROCESSING

Chemical product manufacturing	-	P	
Concrete, gypsum, and plaster products	-	P	
Electronics and equipment manufacturing	P	P	
Fabric products manufacturing	P	P	
Food and beverage manufacturing	-	P	
Furniture/fixtures manufacturing	P	P	
Glass, metal and plastics product manufacturing	-	P	
Handcraft industries	P	P	
Laundries and dry cleaning plants	-	P	
Lumber and wood product manufacturing	-	P	
Machinery manufacturing	-	P	
Media production - Backlots/outdoor facilities	-	P	
Media production - Indoor support facilities	P	P	
Media production - Soundstages	P	P	
Metal products fabrication, machine/welding shops	-	P	
Motor vehicle/transportation equipment manufacturing	-	P	
Paper product manufacturing	-	P	
Paving and roofing material manufacturing	-	P	
Printing and publishing	P	P	
Recycling facility - Processing	-	P	17.400.090
Recycling facility - Large collection	-	P	17.400.090
Recycling facility - Small collection	AUP	P	17.400.090
Recycling facility - Incidental small collection	P	P	17.400.090
Research and development (R&D)	P	P	
Small-scale product manufacturing	P	P	
Stone and cut stone product manufacturing	-	P	
Stone, clay and pottery product manufacturing	-	P	
Warehousing and distribution facilities	P	P	
Wholesaling and distribution facilities	P	P	

RECREATION, EDUCATION , PUBLIC ASSEMBLY

Arcade	P	P	
Health/fitness facilities	P	P	
Indoor amusement/entertainment facilities	CUP	CUP	
Outdoor Commercial Recreation	CUP	CUP	
Private Schools	CUP	-(2)	
Public recreational and cultural facilities	CUP	CUP	
Public Schools	P	P	
Studios - Art, dance, music, photography, etc.	P	P	
Theaters	P	P	

Notes: (1) See Article 7 for definitions of the land uses listed.

(2) See Section 17.610.010 for nonconforming school uses

EXHIBIT A
RESOLUTON NO. 2012-P006

CULVER CITY MUNICIPAL CODE - TITLE 17, ZONING CODE

17.610.010 - Nonconforming Uses

- A. Continuation of Use.** Any nonconforming use may be maintained and continued provided that there is no increase or enlargement of the area, space, or volume occupied by or devoted to the nonconforming use. Alterations which do not increase or enlarge a nonconforming use may be approved.
- B. Abandonment or Discontinuance of Use.** A nonconforming use which has been abandoned or has been discontinued for a period of one year shall not be reestablished and any subsequent reuse or any new use established shall conform to the current provisions of this Title.
- C. Change of Use.** A nonconforming use that is changed to, or replaced by a conforming use shall result in termination and subsequent abandonment of the nonconforming use.
- D. Nonconforming Oil Use.** Land which has been used for the drilling, production, or processing of oil, gas, or other hydrocarbons, may continue in the use regardless of the applicable zoning district. The provisions of this Subsection shall not apply to gasoline service stations or other like uses, or to any oil well, oil well structures, or equipment that has been abandoned or the use has been discontinued for a period of at least one year
- E. Nonconforming Private School Use in the IG District.** Notwithstanding the foregoing, a nonconforming private school use in the IG zoning district, which was originally established with a Conditional Use Permit at a time when the private school use fully conformed with all then existing applicable provisions of this Title, may be modified and/or expanded, subject to the following:
1. The modification and/or expansion shall require a modification of the existing Conditional Use Permit, subject to review and approval by the Commission in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).
 2. The modification and/or expansion may only include property that is already part of the existing private school use or that is directly and physically abutting the existing school property.
 3. Any application for a modification and/or expansion of an existing Conditional Use Permit shall include, but not be limited to, the following:
 - a. The submittal of a master plan document, in form and substance as determined by the Director, which thoroughly outlines the extent of the proposed modification and/or expansion, including any proposed increase to student enrollment and/or staff;
 - b. The submittal of an economic study, in form and substance as determined by the Director, which estimates the fiscal impacts of any modification and/or expansion on the City. Such study shall include, but not be limited to, a calculation of the economic and tax “opportunity cost” to the City of expanding the nonconforming private school use.
 4. After considering the economic study and the fiscal impacts on the City from any modification and/or expansion of the existing private school use, the Commission may impose reasonable conditions to mitigate the fiscal impacts that it determines necessary in the public interest.

EXHIBIT B
 RESOLUTION NO. 2012-P006
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 Conditional Use Permit Modification P-2011156

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
1.	These Conditions of Approval are being imposed on the three-phase rehabilitation and expansion project of the Willows Community School (the "Applicant") and are necessary to accommodate an increase in a) the student population from 425 students to a maximum of 575 students and b) the number of full-time and part-time teachers and administrative and support staff from 83 teachers and staff persons to a maximum of 95 teachers and staff persons (the "Project"), as more fully described in The Willows Community School Master Plan dated June 27, 2012 (the "Master Plan"), for the properties located at 8487 and 8509 Higuera Street, 8490 Warner Drive, 8479 Higuera Street, 8520 Warner Drive and 8476 Warner Drive (collectively, "Property A"); 8510 Warner Drive ("Property B"); and 8525 Higuera Street ("Property C"), in the City of Culver City. Properties A, B, and C, collectively, shall be referred to as "the Property".	All	Standard	
2.	Conditional Use Permit Modification P-2011156 shall not become effective until the effective date of the Zoning Code Amendment.	Planning	Special	
3.	A copy of the Resolution approving the Project, and a copy of these Conditions of Approval, shall be printed on the plans submitted as part of any building permit application for the Project.	Planning	Standard	
4.	All building permit applications for the Project shall include sufficient information and detail to clearly reflect compliance with all applicable requirements of the Culver City Municipal Code (the "CCMC") and with these Conditions of Approval.	Planning	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
5.	The land use permit to which these Conditions of Approval apply (the "Land Use Permit") shall be subject to the following time limits: A. Within two years of the effective date of the approval of this Land Use Permit, demolition and/or construction work on Property A, permitted under Phase 1 of the Master Plan, must commence or the rights and privileges authorized by this Land Use Permit shall terminate and become void. Once Phase 1 demolition and/or construction has commenced, all such work must be completed within two years. B. The Land Use Permit shall be deemed exercised upon commencement of demolition and/or construction work under Phase I of the Master Plan and Phases 2 and 3 of the Master Plan shall be exercised, subject to the limitations set forth below: i. Prior to commencement of demolition and/or construction work under each of Phase II and Phase III of the Master Plan, the Planning Commission shall conduct a conformance review of the plans for such Phase and shall approve said plans provided it finds the plans in Substantial Conformance with the Master Plan and all applicable Conditions of Approval of this Land Use Permit. The Planning Commission must find that the plans for such Phase are in Substantial Conformance provided the Applicant satisfies the following criteria: (1) the Applicant does not propose increasing the number of students, faculty and/or administrative staff beyond the number specified in the Master Plan and authorized by the Land Use Permit; (2) the proposed development footprint does not extend	Planning	Special	

EXHIBIT B
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	beyond the properties identified in the Master Plan and the Land Use Permit, and (3) the proposed development does not substantially exceed the amount of square footage proposed for such Phase in the Master Plan. ii. The Applicant shall have four years from the effective date of the approval of this Land Use Permit to acquire a fee or leasehold interest in Property B or Property C. Once an interest has been acquired in such Property, the Applicant shall have five years from the date of acquisition to commence demolition and/or construction work at such Property, as permitted under the Master Plan. i. The Applicant shall have eight years from the effective date of the approval of this Land Use Permit to acquire a fee or leasehold interest in the Property not previously acquired pursuant to Section 5.B.ii, above. Once an interest has been acquired in such Property, the Applicant shall have five years from the date of acquisition to commence demolition and/or construction work at such Property, as permitted under the Master Plan. D. As provided in CCMC Section 17.595.030 –“Time Limits and Extensions”, upon written request by the Applicant, the City may administratively extend any of the termination dates described in Section 5.B, above, for a period of one year.			
6.	The Project shall be developed pursuant to CCMC Chapter 17.300 – “General Property Development and Use Standards”.	Planning	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
7.	All planted areas on the Property shall be landscaped and irrigated pursuant to CCMC Chapter 17.310 - "Landscaping".	Planning	Standard	
8.	All parking areas on the Property shall be developed pursuant to CCMC Chapter 17.320 - "Off-Street Parking and Loading".	Planning	Standard	
9.	Signs proposed for the Project shall meet all applicable requirements of CCMC Chapter 17.330 - "Signs". All signs require a separate permit and approval.	Planning	Standard	
10.	All permits and licenses required in connection with the development or use of the Project shall be applied for and obtained separately.	All	Standard	
11.	All work within the public right-of-way (including but not limited to curb, gutter, sidewalk, and driveways) shall be designed and completed to the satisfaction of the City Engineer.	Public Works	Standard	
12.	Street trees shall be installed, to the satisfaction of the City Engineer, in conformity with the City's approved Street Tree Master Plan including tree wells and irrigation. All new (and existing) street trees shall be supplied with irrigation water from the overall site irrigation system which shall include a timer and a rain sensor. All new (and existing) street trees, landscaping, and irrigation shall be indicated on the overall site landscaping/ irrigation plan.	Public Works	Standard	
13.	Drainage devices, concrete curbs and gutters, sidewalks, drive approaches, and roadway pavement shall be designed in conformity with all provisions of the latest edition of the American Public Works Association Standard Plans ("APWA Standards").	Public Works	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
14.	At the sole cost and expense of the Property Owner, any broken or damaged curbs, gutters, sidewalks, and street pavement resulting from construction of the Project shall be repaired and reconstructed in conformity with APWA Standards.	Public Works	Standard	
15.	Trash enclosures shall be provided and shall each have a minimum inside dimension of 10 feet x 12 feet, a gated opening that is at least 8 feet wide, and a 6 inch high by 6 inch wide concrete curb along the inside perimeter wall. Each enclosure shall also have at least a 6 inch thick concrete slab that drains at a one percent gradient out of the enclosure. Final approval for the size, location, and type of equipment needed for the adequate storage and disposal of all solid and recyclable waste generated by the Project shall be obtained from the City's Environmental Programs and Operations Manager. A fire suppression sprinkler system shall be provided within any covered trash enclosure area as required by the Fire Marshal. All refuse containers assigned to or otherwise used by the Project shall be stored on-site in the trash enclosures.	Public Works/ Fire/ Planning	Standard	
16.	All Project related solid and recyclable waste material handling shall be in accordance with CCMC Section 5.01.010 – "Solid Waste Management", which outlines the Sanitation Division's exclusive franchise for this service.	Public Works	Standard	
17.	The Project shall meet all provisions of CCMC Section 7.05.015 -"Transportation Demand and Trip Reduction Measures".	Trans.	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
18.	All buildings and structures to be constructed as part of the Project shall be designed and constructed in accordance with all applicable regulations and standards of the City's Building Code, Fire Code and any related codes as determined by the Building Official and Fire Marshal; and all other applicable provisions of the CCMC which are adopted and in effect at the time of issuance of a building permit.	Building/ Fire	Standard	
19.	Any new utilities shall be placed underground or enclosed within the building construction; no new overhead utilities shall be permitted.	Building/ Planning	Standard	
20.	The Project shall comply with all applicable requirement of the Culver City Green Building Program as set forth in CCMC Section 15.02.1100, et.seq.	Building	Standard	
21.	The Project shall comply with the all applicable requirements relating to solar photovoltaic requirements as set forth in CCMC Section 15.02.100, et. seq.	Building	Standard	
22.	Changes to the Project or use approved as part of the Land Use Permit may only be made in accordance with the provisions of CCMC Section 17.595.035 – "Changes to an Approved Project".	Planning	Standard	
23.	Any proposed changes to the Master Plan shall be subject to review and approval of a Modification to the Conditional Use Permit by the Planning Commission.	Planning	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
24.	Parking for Phases 2 and 3 shall be recalculated as part of the conformance review process, based upon the number of classrooms removed and added as part of the development of the Property. The parking for Phases 2 and 3 of development shall be calculated at the ratio for schools serving Kindergarten through Grade 9, of 1.5 spaces for each classroom. In addition, 1 space shall be required for each 200 square feet of indoor assembly.	Planning	Special	
25.	Secure short-term bicycle parking shall be provided to accommodate eight (8) bicycles in Phase 1A. All short-term spaces shall be provided on-site using four (4) City approved "Inverted - U" Bicycle Racks. Bicycle Parking shall meet the minimum standards specified in the City's Bicycle and Pedestrian Master Plan Design Guide, Section 1.8. Additional secure short-term bicycle parking shall be provided to accommodate two (2) bicycles in Phase 2, on-site using one (1) City approved "Inverted - U" Bicycle Rack. The compliance with these requirements and the final bicycle parking layout shall be approved by Public Works Administration staff, prior to issuance of any Public Works Department/Engineering Division permit for the Project.	Public Works	Special	
26.	Fifteen feet of sidewalk in front of the Willows I building along Higuera Street shall be removed and reconstructed as determined by the Public Works Department/Engineering Division.	Public Works	Special	
27.	A new drive approach for the Willows V parking lot shall be constructed per the City's "high speed" standard and be ADA compliant as determined by the Public Works Department/Engineering Division.	Public Works	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
28.	Traffic Improvement Contribution Payment. The Applicant shall pay to the City a “Traffic Improvement Contribution Payment” in the total amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000) as a contribution payment toward improvements to the intersection of Higuera Street and Hayden Avenue, which payment shall be made no later than thirty (30) calendar days after the effective date of the approval of this Land Use Permit.			

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
PRIOR TO BUILDING PERMIT ISSUANCE				
29.	A covenant and agreement, on a form provided by the Planning Division and in form and substance acceptable to the City Attorney, acknowledging and agreeing to comply with all terms and conditions established herein, shall be signed by the Property Owner and recorded in the County Recorder's Office. The covenant and agreement shall run with the land and shall be binding on any subsequent owners, and tenants or occupants of the Property. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Planning Division.	Planning/ City Attorney	Standard	
30.	The Applicant and Property Owner shall indemnify and agree to defend (at the Applicant's and Property Owner's sole expense, with legal counsel approved by the City) and hold harmless the City, and its elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all loss, damages, injuries, costs, expenses, liabilities, claims, demands, lawsuits, attorneys' fees and judgments, arising from or in any manner connected to any third party challenge to the City's approval of the Project. The obligations required by this Condition shall be set forth in a written instrument in form and substance acceptable to the City Attorney and signed by the Applicant and the Property Owner.	City Attorney	Standard	
31.	A minimum of three sets of final landscaping and irrigation plans (separate from the plans submitted for the building permit) shall be submitted to the Planning Division for review and approval.	Planning/ Parks & Rec.	Standard	
32.	Payment of New Development Impact Fees pursuant to CCMC Section 15.06.005 et. seq. shall be submitted.	Planning/ Building	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
PRIOR TO BUILDING PERMIT ISSUANCE				
33.	A Construction Management Plan prepared by the construction contractor, which identifies the areas of construction staging, temporary power, portable toilet, and trash and material storage locations, shall be submitted to and approved by the Building Official. Prior to commencement of work the construction contractor shall advise the Public Works Inspector and the Building Inspector ("Inspectors") of the construction schedule and shall meet with the Inspectors.	Building/ Public Works	Standard	
34.	A Pedestrian Protection Plan shall be submitted to and approved by the Building Official. Such plan shall identify all areas of pedestrian protection and indicate the method of pedestrian protection or pedestrian diversion when required. When pedestrian diversion is required, the Pedestrian Protection Plan must also be approved by the Public Works Director.	Building/ Public Works	Standard	
35.	Plans submitted as part of the building permit application shall include a schedule of the special inspections anticipated, the firm proposed for the special inspections, and the resumes of all proposed special inspectors. The Building Official reserves the right to reject any special inspector at any time for the duration of the Project. All special inspection reports shall be made available to the Building Official and to any Culver City Building Safety inspector as required by the Building Official. No work shall be covered without a Culver City Building Safety inspection, whether or not a special inspection was performed on such work.	Building	Standard	

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PRIOR TO BUILDING PERMIT ISSUANCE				
36.	A Construction Traffic Management Plan shall be prepared by a traffic or civil engineer registered in the State of California. The Construction Traffic Management Plan shall be submitted to the City Engineer and Planning Manager for review and approval prior to the issuance of any Project demolition, grading, or excavation permit. The Construction Traffic Management Plan shall also be reviewed and approved by the City's Fire and Police Departments. The City Engineer and Planning Manager reserve the right to reject any engineer at any time and to require that the Plan be prepared by a different engineer. The Construction Traffic Management Plan shall contain, but not be limited to, the following: A. The name and telephone number of a contact person who can be reached 24 hours a day regarding construction traffic complaints or emergency situations. B. An up-to-date list of local police, fire, and emergency response organizations and procedures for the continuous coordination of construction activity, potential delays, and any alerts related to unanticipated road conditions or delays, with local police, fire, and emergency response agencies. Coordination shall include the assessment of any alternative access routes that might be required through the Property, and maps showing access to and within the Property and to adjacent properties. C. Procedures for the training and certification of the flag persons used in implementation of the Construction Traffic Management Plan. D. The location, times, and estimated duration of any roadway closures, traffic detours, use of protective devices, warning signs, and staging or queuing areas. E. The location and travel routes of off-site staging and parking locations.	Planning/ Public Works	Standard	

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PRIOR TO BUILDING PERMIT ISSUANCE				
37.	Reasonable efforts shall be used to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment and systems. A Demolition Debris Recycling Plan that indicates where select demolition debris is to be sent shall be provided to the Building Official prior to the issuance of a demolition permit. The Plan shall list the material to be recycled and the name, address, and phone number of the facility of organization accepting the materials.	Building	Standard	
38.	A vector/pest control abatement plan prepared by a pest control specialist licensed or certified by the State of California shall be submitted for review and approval by the Planning Manager and the Building Official. Said plan shall outline all steps to be taken prior to the commencement of any demolition or construction activity in order to ensure that any and all pests (including, but not limited to, rodents, bees, ants and mosquitoes) that may populate the Property do not relocate to or impact adjoining properties.	Building/ Planning	Standard	
39.	Prior to issuance of a building permit, notice of the Project construction schedule shall be provided to all abutting property owners and occupants. Evidence of such notification shall be provided to the Building Division. The notice shall identify the commencement date and proposed timing for all construction phases (demolition, grading, excavation/shoring, foundation, rough frame, plumbing, roofing, mechanical and electrical, and exterior finish).	Building	Standard	
40.	Prior to issuance of a grading permit, a comprehensive geotechnical investigation, including additional soil borings shall be submitted to the City for review and approval. The design and construction of the project shall occur in accordance with recommendations identified in the comprehensive geotechnical investigation.	Building	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
DURING CONSTRUCTION				
41.	During all phases of construction, a "Construction Rules Sign" that includes contact names and telephone numbers of the Applicant, Property Owner, construction contractor(s), and the City, shall be posted on the Property in a location that is visible to the public. These names and telephone numbers shall also be made available to adjacent property owners and occupants to the satisfaction of the Planning Manager and Building Official.	Building/ Planning	Standard	
42.	The Property shall be maintained daily so that it is free of trash and litter.	Building	Standard	
43.	During construction, dust shall be controlled by regular watering or other methods as determined by the Building inspector.	Building	Standard	
44.	The Building Division may apply administrative assessments and/ or post general stop work notices for any violations of the Conditions of Approval for the Project, and any violations of the CCMC.	Building	Standard	
45.	During all phases of construction, best efforts shall be used to ensure that all construction workers, contractors and others involved with the Project park on the Property or at designated offsite locations approved by the City, and not in the surrounding neighborhood.	Building	Standard	
46.	When foundation shoring and/or foundation piles will be part of the Project, the engineer of record shall use noise dampening measures such as the drilling of shoring supports and piles as determined by the Building Official and Planning Manager.	Building/ Planning	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
DURING CONSTRUCTION				
47.	Prior to the commencement of any excavation, a temporary construction fence shall be installed around the site. The height and fence material is subject to approval by the City Engineer and the Planning Manager.	Building/ Planning/ Public Works	Standard	
48.	Hours of construction shall be limited to the following: 8:00 AM to 8:00 PM Monday through Friday; 9:00 AM to 7:00 PM Saturday; and 10:00 AM to 7:00 PM Sunday and National holidays. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7:00 AM to 9:00 AM) and afternoon (4:00 PM to 6:00 PM) peak traffic periods. All construction workers shall be respectful of the surrounding neighborhood and keep non-construction related noise to a minimum prior to, during, and after permissible construction hours.	Building/ Public Works	Standard	
49.	All staging and storage of construction equipment and materials, including the construction dumpster, shall be on-site only. The Property Owner must obtain written permission from adjacent property owners for any construction staging occurring on adjacent property.	Building/ Public Works	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
DURING CONSTRUCTION				
50.	Compliance with the following noise standards shall be required with at all times: A. No construction equipment shall be operated without an exhaust muffler, and all such equipment shall have mufflers and sound control devices (i.e., intake silencers and noise shrouds) that are no less effective than those provided on the original equipment; B. All construction equipment shall be properly maintained to minimize noise emissions; C. If any construction vehicles are serviced at a location onsite, the vehicle(s) shall be setback from any street and other property lines so as to maintain the greatest distance from the public right-of-way and from Noise Sensitive Receptors; D. Noise impacts from stationary sources (i.e., mechanical equipment, ventilators, and air conditioning units) shall be minimized by proper selection of equipment and the installation of acoustical shielding as approved by the Planning Manager and the Building Official in order to comply with the City's Noise Regulations and Standards as set forth in CCMC Chapter 9.07; and E. Stationary source equipment (i.e., compressors) shall be located so as to maintain the greatest distance from the public right-of-way and from Noise Sensitive Receptors.	Building/ Planning	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
DURING CONSTRUCTION				
51.	In the event three citations are issued in connection with the Project for violations of these Conditions of Approval or for other violations of the CCMC, Project construction shall be stopped until such time that it is determined to the satisfaction of the Community Development Director, that causes of such violations have been eliminated or corrected and that the Project will be able to proceed in full compliance with these Conditions of Approval and the CCMC.	Building/ Planning	Standard	
52.	Flag persons with certified training shall be provided for work site traffic control to minimize impacts to traffic flow and to ensure the safe movement of vehicles into and out of the Property.	Building/ Public Works	Standard	
53.	During construction, trucks and other vehicles in loading and unloading queues must be parked with their engines off to reduce vehicle emissions. Construction deliveries shall be phased and scheduled to avoid emissions peaks as determined by the Building Official and discontinued during second-stage smog alerts.	Building	Standard	
54.	Construction vehicles shall not be permitted to stage or queue where they would interfere with vehicular and pedestrian traffic or block access to adjacent properties. Off-site staging shall be at locations approved by the City Engineer and shall be of sufficient length to accommodate large trucks without being unduly disruptive to traffic operations. The drivers of these trucks shall be in radio or phone communication with on-site personnel who shall advise the drivers when to proceed from the staging location to the Property. Construction-related vehicles shall not be permitted to park on public streets.	Building/ Public Works	Standard	

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DURING CONSTRUCTION				
55.	If any archaeological materials, paleontological materials, or human remains are encountered during the course of the project development, work in that area must be halted and the City of Culver City must be notified. Prior to resumption of work, a Phase 1 Archaeological and Paleontological Survey shall be completed and submitted to the Planning Division and Building Safety Division for review. If the Phase 1 Archaeological/Paleontological Survey indicates the presence of archaeological and/or paleontological resources, then an archaeological and/or paleontological professional(s), approved by the City, shall monitor all phases of excavation for the project site. Work will be halted in that area of the detected resource until the City of Culver City's archaeologist and paleontologist have been contacted to evaluate the resources and permission to commence work in that area has been given by the City of Culver City. If the human remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.	Planning /Building & Safety	Special	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
PRIOR TO CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION				
56.	All provisions, and requirements set forth in these Conditions of Approval, in the Resolution approving the project, in the CCMC, or in any applicable written comments as provided by City representatives on November 17, 2011 at the Project Review Committee meeting on the Land Use Permit application, shall be fulfilled and satisfied to the satisfaction of all City departments before the use may be established or the Project occupied.	All	Standard	
57.	All requirements of the City's Art in Public Places Program, as set forth in CCMC Section 15.06.100, et. seq., shall be fully satisfied prior to the issuance of a certificate of occupancy; provided, that if such requirements will be satisfied by the payment of the public art in-lieu fee, the same shall be paid prior to the issuance of a building permit.	Cultural Affairs	Standard	
58.	All onsite and offsite improvements and all conditions of approval except those which are deferred pursuant to a bond or letter of credit as determined and approved by the Building Official, Fire Marshal, Planning Manager, and/or City Engineer shall be completed prior to issuance of any certificate of occupancy. Prior to issuance of any certificate of occupancy the following shall be provided to and approved by the City: A. Five full sets of as-built plans that shall include at a minimum the site plan, grading and utility plan, landscape and irrigation plan, floor plan for each level of the Project, parking structure plan, roof plan with all mechanical equipment identified as to purpose and source and all offsite improvements; and B. One set of as-built plans as described above in a digital format compatible with the City's computer system.	All	Standard	

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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
ON-GOING				
59.	The use and development of the Property shall be in substantial conformance with the plans and materials submitted with the application for the Land Use Permit as reviewed by the Planning Commission at its meeting on July 11, 2012 and August 8, 2012 , excepted as modified by these Conditions of Approval.	Planning	Standard	
60.	Pursuant to CCMC Section 17.650.020 - "Inspection", the Property Owner and Applicant shall allow authorized City officials, or their designees, access to the Property where there is reasonable cause to believe the Property is not in compliance with these Conditions of Approval or other requirements of the CCMC.	All	Standard	
61.	The use and development of the Property shall comply with these Conditions of Approval and all applicable local, special district or authority, county, state and federal statutes, codes, standards, and regulations including, but not limited to, Building Division, Fire Department, Planning Division and Public Works Department requirements, and shall comply with all applicable CCMC requirements and all comments made during the City's building permit plan check review process. Failure to comply with said Conditions, statutes, codes, standards, and regulations may result in reconstruction work, demolition, stop work orders, withholding of certificate of occupancy, revocation of land use permit approval and/or any other lawful action the City might deem reasonable and appropriate to bring about compliance.	All	Standard	

EXHIBIT B
RESOLUTION NO. 2012-P006
Zoning Code Amendment P-2011154
Conditional Use Permit Modification P-2011156

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
ON-GOING				
62.	All graffiti shall be removed from the Property within 48 hours of its application.	Building/ Planning/ PW	Standard	
63.	The Property Owner shall maintain all street trees along the property frontage at his/her sole cost and expense.	Public Works	Standard	
64.	All mitigation measures set forth in any environmental document relating to the Project (including any reports of the type contemplated by the California Environmental Quality Act) shall be completed as specified therein.	Planning	Standard	
65.	The Applicant covenants and agrees for itself, its successors, its assigns and every successor in interest to the Property or any part thereof that, for so long as the Property or any part thereof is used for the operation of The Willows Community School or other school use as defined in CCMC Section 17.700.010.S ("School Use"), the Developer and its successors and assigns (i) shall not officially or unofficially object to any future proposed uses adjacent to the Property or any part thereof that are otherwise legally permitted or conditionally permitted under the City's zoning regulations, including any future amendments and revisions thereto, but for the proximity of such proposed uses to The Willows Community School or such other School Use, and (ii) shall not officially or unofficially assert, use or rely as a basis for rejection of any future proposed uses adjacent to the Property or any part thereof that are otherwise legally permitted or conditionally permitted under the City's zoning regulations, including any future amendments and revisions thereto, on a finding regarding the presence and proximity of such proposed uses to The Willows Community School or such other School Use.	Planning City Attorney	Special	

EXHIBIT B
RESOLUTION NO. 2012-P006
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Conditional Use Permit Modification P-2011156

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
ON-GOING				
66.	Public Benefit Contribution. The Applicant shall make the following payments to the City (the "Public Benefit Contribution") during the time for which there is a School Use upon the Property, in the amounts and at the times set forth as follows: A. The total amount of SIXTY ONE THOUSAND ONE HUNDRED DOLLARS (\$61,100) not later than thirty (30) calendar days after the date on which the City issues to the Applicant a demolition permit in connection with Property A, as outlined in the Master Plan, and annually thereafter on or before September 15 of each successive year; and B. The total amount of TWENTY ONE THOUSAND FOUR HUNDRED THIRTEEN DOLLARS (\$21,413) which amount shall be payable not later than thirty (30) Days after the later of (a) the Applicant acquiring a fee or leasehold interest in Property B or (b) the date as permitted in Section 66.D, and annually thereafter on or before September 15 of each successive year; and C. The total amount of TWENTY ONE THOUSAND FOUR HUNDRED THIRTEEN DOLLARS (\$21,413) which amount shall be payable not later than thirty (30) Days after the later of (i) the Applicant acquiring a fee or leasehold interest in Property C or (ii) the date as permitted in Section 66.D, and annually thereafter on or before September 15 of each successive year. D. During the first two (2) years following the Applicant acquiring a fee or leasehold interest in Property B or Property C, and provided that the City continues to receive annual tax revenue generated from the acquired property in an amount at least equivalent to the immediate prior five (5) year average of tax revenue received by the City, then the Applicant shall not be required to make the Public Benefit Contribution to the City for such property during such two (2) year	CDD	Special	

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period. However, if, at any time during the two (2) year period following the Applicant acquiring a fee or leasehold interest in Property B or Property C, the City issues a demolition or construction permit in connection with the Property B and/or Property C, then from and after the date of issuance of the permit, the Applicant shall pay the full amount of the Public Benefit Contribution for such property without any waiver referenced in this condition and notwithstanding the existence of any lease of such property. E. If the Applicant acquires a fee or leasehold interest in the Property B and/or Property C but fails to obtain a property tax exemption for such property and is required to pay property taxes for such property, then the Public Benefit Contribution shall be due and payable to the City; provided, however that the amount of the Public Benefit Contribution due for such property in any year shall be reduced by an amount equal to the taxes received by the City, applicable to such property for the immediate prior year. However, in no event shall the amount of the Public Benefit Contribution payments be reduced to an amount below zero. F. The initial annual payment of the Public Benefit Contribution calculated and payable to the City shall be subject to an annual increase based on the cumulative percentage change in the All Items Consumer Price Index for All Urban Consumers for Los Angeles County the Los Angeles-Riverside-Orange County, California metropolitan area (1982-84 =100), as published by the U.S. Bureau of Labor Statistics (hereinafter "CPI"), between the month of the effective date of this Land Use Permit and the month immediately preceding the month in which each initial annual payment set forth in (A), (B) and (C) above is due. Each subsequent annual payment shall be subject to an increase in the percentage change in the CPI between August of the preceding year and August of the year in which the subsequent annual payment is due. In the event that the All Items Consumer Price Index for All Urban Consumers ceases to exist, City and Applicant shall mutually agree on a			
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EXHIBIT B
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	substitute annual inflation index covering the Los Angeles metropolitan area. In no event shall any Public Benefit Contribution to be paid annually be in an amount that is less than the immediate prior Public Benefit Contribution made to the City. G. In the event Applicant obtains a demolition permit in connection with Property A as outlined in the Master Plan on a date that is three (3) calendar years or more from the Effective Date of this Land Use Permit, or upon any event during the term of this Land Use Permit that effects the uses on the Property or the taxes generated by the Property, including without limitation changes in the tenants of Property B and/or Property C after the Effective Date of this Land Use Permit but prior to the Applicant's purchase, lease or acquisition of any property interest in said properties, as reasonably determined in the sole discretion of the City, the City shall have the right, but not the obligation, to recalculate the amount of the Public Benefit Contribution required to be made to the City as set forth in (A), (B) and (C) above and such new amount shall become the amount of the Public Benefit Contribution to be paid to the City annually subject to the annual increases as set forth in (F) above, but in no event shall the new amount of the Public Benefit Contribution to be paid annually be less than the immediate prior Public Benefit Contribution made to the City.			
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EXHIBIT B
 RESOLUTION NO. 2012-P006
 Zoning Code Amendment P-2011154
 Conditional Use Permit Modification P-2011156

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
ON-GOING				
67.	The obligation of Applicant to make the Traffic Improvement Contribution Payment and the Public Benefit Contributions shall run with the land and shall be effective with respect to the Property until the cessation of operations of The Willows Community School or any successor School Use on the Property.	CDD	Special	
68.	In the event the Applicant, its successors and assigns, or all persons claiming under or through them, fails to pay the Traffic Improvement Contribution Payment as required by <u>Condition No. 28</u> and/or the Public Benefit Contributions or any portion thereof to the City when due as required by <u>Condition No. 66</u> , the delinquent amount shall bear interest, compounded, at the rate of ten percent (10%) per annum or the highest non-usurious rate of interest permitted under applicable law calculated from the date that the corresponding Traffic Improvement Contribution Payment and/or Public Benefit Contributions were due and payable, until the delinquent amount of the Traffic Improvement Contribution Payment and/or Public Contribution Payments are paid, and the City shall have a lien on the Applicant's, or its successors' and assigns', interests in the Property then owned or leased by the Applicant, or its successors and assigns, for the full amount of the delinquent amount of the Traffic Improvement Contribution Payment and/or Public Benefit Contributions that are due and payable, plus interest, until paid in full.	CDD	Special	

EXHIBIT B
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 Zoning Code Amendment P-2011154
 Conditional Use Permit Modification P-2011156

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
ON-GOING				
69.	As security for payment of the Public Benefit Contribution and the Traffic Improvement Contribution Payment, the Applicant shall post an unconditional and irrevocable Letter(s) of Credit for the benefit of the City. The initial amount of the Letter of Credit shall be set at twice the Public Benefit Contribution amount due for Property A as identified in <u>Condition No. 66</u> (\$61,100 X 2 = \$122,200). The Letter of Credit shall be a term of one (1) year, subject to automatic annual renewals for so long as the Property is operated as a School Use. At the time of each annual renewal, the Letter of Credit amount shall be adjusted to reflect twice the amount of the Public Benefit Contribution owed to the City at the time of such renewal, as determined by the payment schedule and inflationary rates set forth in <u>Condition No. 66</u> . Under the Letter of Credit, the City shall have the unconditional right to draw down funds i) to reimburse itself for any Public Benefit Contribution payments or the Traffic Improvement Contribution Payment accrued but unpaid by the Developer; and ii) as a penalty in the event the Property is transferred without first obtaining the City's reasonable approval. Funds may only be drawn down from the Letter of Credit after notice and a reasonable opportunity to cure the failure to timely pay or unpermitted transfer has passed.	CDD	Special	

EXHIBIT B
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NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
ON-GOING				
70.	Applicant's transfer of title of the Property shall be subject to the City's reasonable approval, provided the purchaser intends to continue to utilize the Property for School Use consistent with this Land Use Permit. City's reasonable approval of such transfer shall be conditioned on i) the Public Benefit Contribution payments being current; ii) the successor owner's agreement to all Conditions of Approval set forth in this Land Use Permit by execution of a covenant agreeing to these Conditions of Approval as set forth in <u>Condition No. 29</u> ; and iii) the successor owner's submission of a letter of credit in accordance with <u>Condition No. 69</u> .	CDD	Special	
71.	On-street parking shall not be restricted during anytime as a result of the School's drop-off and pick-up operations and final review of the School's future drop-off and pick-up operations associated with each Phase of the Master Plan shall be reviewed by the Planning Manager and the City Traffic Engineer to ensure the operations do not impact street parking.	Planning Public Works	Special	





SUMMARY TABLE

CITY REVENUE ANALYSIS
 THE WILLOWS COMMUNITY SCHOOL
 CULVER CITY, CALIFORNIA

WILLOWS PROPOSED ANNUAL PAYMENT - FULL BUILDOUT

\$103,923

		<u>Total Revenues</u>	<u>Difference from Scenario 1</u>
I. SCENARIO 1 - WILLOWS PROJECT DEVELOPED	¹	\$55,615	
II. SCENARIO 2 - NEW OWNERS & HIGHER INTENSITY USE	²	\$106,760	\$51,145
III. SCENARIO 3 - NEW OWNERS & HIGHEST INTENSITY USE	³	\$164,477	\$108,863

¹ Scenario 1 represents the full buildout of the Willows Community School Master Plan. The Willows School will purchase both the Worldpac and CalStay buildings. These buildings will be demolished and replaced with buildings for school purposes.

² Scenario 2 represents the alternative in which the Willows School existing configuration and uses remain. However, this Scenario assumes that both the Worldpac and the CalStay buildings are sold to new owners. Furthermore, the buildings are converted to higher intensity uses generating more business tax and sales tax revenue.

³ Scenario 3 represents an alternative similar to Scenario 2. The existing Willows School configuration and uses remain. The Worldpac and CalStay buildings are sold to new owners. However, in this Scenario the new businesses are high sales tax generating uses.

TABLE 1

**SCENARIO 1 - WILLOWS PROJECT DEVELOPED
THE WILLOWS COMMUNITY SCHOOL
CULVER CITY, CALIFORNIA**

I. Annual Recurring Revenues to the City

A. Property Tax Payment

Total Taxable Assessed Value	\$1,143,353	
Property Tax Rate	1.00%	
General Property Tax	\$11,434	
(Less) County Admin Fee	(\$220)	
Net Property Tax	\$11,214	
City Property Tax Share	13.08%	
City's Property Tax Revenue		\$1,467

B. Motor Vehicle License Fee In-Lieu ¹

Total Assessed Value	\$61,817,908	
MVLF Rate	\$440.69 /\$1,000,000 in AV	
City's MVLF Revenue		\$27,243

C. Utility Users' Tax

Gross Building Area	83,534 SF GBA	
Utility Users' Tax Rate	\$2.76 /SF GBA	
Utility Users' Tax Revenue	\$230,554	
City's Percentage	11.00%	
City's Utility Users' Tax Revenue ²		\$26,905

D. Business Tax Revenue **NA**

E. Sales Tax Revenue **NA**

II. Total Recurring Revenues **\$55,615**

¹ The school use is tax-exempt for property tax purposes, but not for the purposes of the motor vehicle license fee.

² The utility users revenue was escalated at 3.0% per year for two years. Included in this calculation.

TABLE 2

**SCENARIO 2 - NEW OWNERS & HIGHER INTENSITY USE
THE WILLOWS COMMUNITY SCHOOL
CULVER CITY, CALIFORNIA**

I. Annual Recurring Revenues to the City

A. Property Tax Payment

Total Taxable Assessed Value	\$11,345,768	
Property Tax Rate	1.00%	
General Property Tax	\$113,458	
(Less) County Admin Fee	(\$2,178)	
Net Property Tax	\$111,279	
City Property Tax Share	13.08%	
City's Property Tax Revenue		\$14,556

B. Motor Vehicle License Fee In-Lieu ¹

Total Assessed Value	\$20,623,773	
MVLF Rate	\$440.69 /\$1,000,000 in AV	
City's MVLF Revenue		\$9,089

C. Utility Users' Tax

Willows GBA	58,669	SF GBA	
Utility Users' Tax Rate	\$2.46	/SF GBA	
Willows Utility Users' Tax Revenue			\$144,482
Commercial GLA	22,315	SF GLA	
Utility Users' Tax Rate	\$2.39	/SF GLA	
Commercial GLA Utility Users' Tax Revenue			\$53,267
Total Utility Users' Tax Revenue			\$197,749
City's Percentage			11.00%
City's Utility Users' Tax Revenue			\$21,752

D. City's Business Tax Revenue

Gross Receipts	\$13,126,110	
City's Business Tax Rate	0.30%	
City's Business Tax Revenue		\$39,378

E. Sales Tax Revenue

Annual Gross Sales ²	\$2,198,400	
City's Sale Tax Rate ³	1.00%	
City's Sales Tax Revenue		\$21,984

II. <u>Total Recurring Revenues</u>	\$106,760
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¹ The school use is tax-exempt for property tax purposes, but not for the purposes of the motor vehicle license fee.

² Based on taxable sales of \$96.00 per square foot of GBA.

³ Assumes the City receives 1.00% of the gross taxable sales.

TABLE 3

**SCENARIO 3 - NEW OWNERS & HIGHEST INTENSITY USE
THE WILLOWS COMMUNITY SCHOOL
CULVER CITY, CALIFORNIA**

I. Annual Recurring Revenues to the City

A. Property Tax Payment

Total Taxable Assessed Value	\$11,345,768	
Property Tax Rate	1.00%	
General Property Tax	\$113,458	
(Less) County Admin Fee	(\$2,178)	
Net Property Tax	\$111,279	
City Property Tax Share	13.08%	
City's Property Tax Revenue		\$14,556

B. Motor Vehicle License Fee In-Lieu ¹

Total Assessed Value	\$20,623,773	
MVLF Rate	\$440.69 /\$1,000,000 in AV	
City's MVLF Revenue		\$9,089

C. Utility Users' Tax

Willows GBA	58,669	SF GBA	
Utility Users' Tax Rate	\$2.46	/SF GBA	
Willows Utility Users' Tax Revenue			\$144,482
Commercial GLA	22,315	SF GLA	
Utility Users' Tax Rate	\$2.39	/SF GLA	
Commercial GLA Utility Users' Tax Revenue			\$53,267
Total Utility Users' Tax Revenue			\$197,749
City's Percentage			11.00%
City's Utility Users' Tax Revenue			\$21,752

D. City's Business Tax Revenue

Gross Receipts	\$9,160,000	
City's Business Tax Rate	0.30%	
City's Business Tax Revenue		\$27,480

E. Sales Tax Revenue

Annual Gross Sales Tax ²	\$9,160,000	
City's Sales Tax Rate ³	1.00%	
City's Sales Tax Revenue		\$91,600

II. Total Recurring Revenues **\$164,477**

¹ The school use is tax-exempt for property tax purposes, but not for the purposes of the motor vehicle license fee.

² Based on taxable sales of \$400 per square foot of GBA.

³ Assumes the City receives 1.00% of the gross taxable sales.