

MEETING DATE: 7/28/08

AGENDA ITEM: PUBLIC HEARING: Consideration of a Resolution
Establishing Community Benefits for the Washington/National Area.

ATTACHMENTS

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Attachment 1

RESOLUTION NO. 2008-R015

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

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

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

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

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

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

1 Section 4. Type of Benefit – A Community Benefit is defined as a project
2 amenity that achieves particular community goals such as providing neighborhood
3 streetscape improvements, in addition to what may be required as part of a discretionary
4 review and approval of a project, or public parking, in addition to that required by the
5 CCMC. The following list of Community Benefits may be included in mixed use
6 development projects. The list of Community Benefits includes, but is not limited to the
7 following:
8

9 A. Streetscape Improvements – As Part of an Area
10 Improvement Plan, in addition to what may be required as part of a
11 discretionary review and approval of a project.

12 B. Pocket Parks and Public Open Space (Minimum 5,000
13 sq. ft.), in addition to park space otherwise required by the CCMC.

14 C. Metered Public Parking in Excess of that Required by the
15 CCMC. (Minimum of 10 Public Parking Spaces -Applies Only to
16 Project Sites of 20,000 sq. ft. or Greater).

17 D. Other Community Benefits as Approved by City Council.
18

19 Section 5. Process for Establishing Community Benefits – The City Council
20 shall establish Community Benefits through the following process:
21

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

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

27 C. Arrange community meetings for various districts to
28

1 prioritize benefits.

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

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

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

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

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

12
13 Section 6. Process for Community Benefit Approval – The City Council
14 shall establish certain commercial neighborhood districts for consideration of Community
15 Benefits through a City Council hearing. The City Council hearing shall identify Community
16 Benefits which could be applied to any project located within the commercial neighborhood
17 district boundary. The commercial neighborhood district hearings shall be conducted
18 following adoption of the amendments to the CCMC related to Mixed Use Developments
19 with public notice provided to all business owners, residents and property owners within a
20 1000 foot radius of perimeter of the subject commercial neighborhood district boundary.
21 Said notice shall be provided pursuant to Section 17.630 of the CCMC.
22

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

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

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

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

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

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

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

process.

C. Community Benefits Identified in Project Resolution –

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

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

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

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

Council.

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

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

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

APPROVED and ADOPTED this 10th day of March 2008.



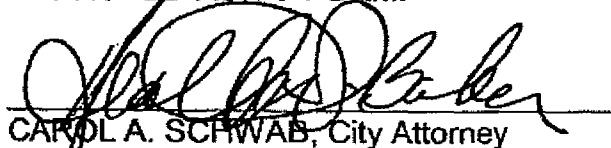
ALAN CORLIN, MAYOR
City of Culver City, California

ATTEST:



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

APPROVED AS TO FORM:



CAROL A. SCHWAB, City Attorney

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

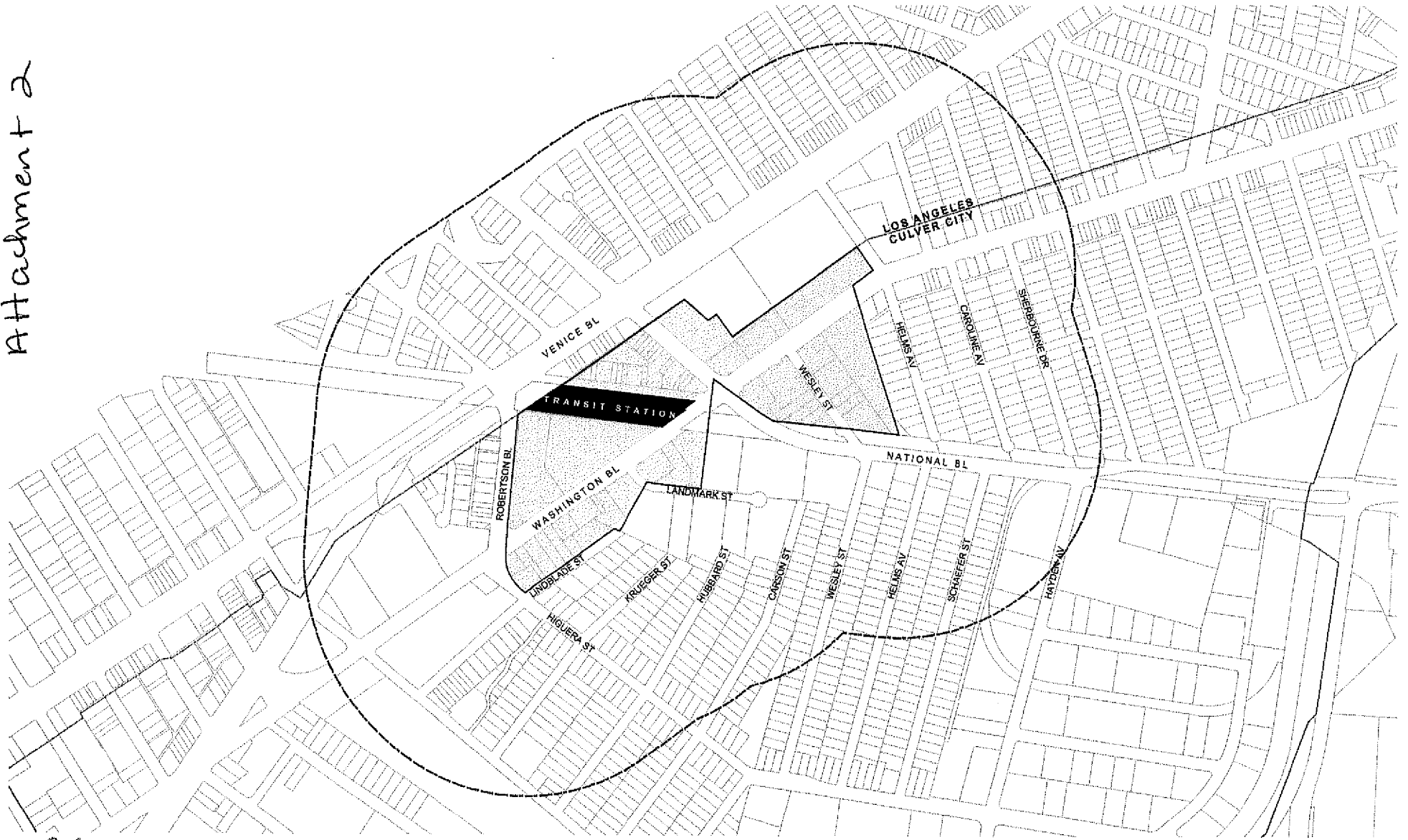
I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Resolution No. 2008-R015 as duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at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

AYES: Gross, Malsin, Rose, Silbiger, Corlin
NOES: None
ABSTAIN: None
ABSENT: None

Dated this 20th day of March, 2008



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



Culver CITY
1000 ft Radius
WASHINGTON | NATIONAL

Attachment 3

From: dino parks [dinoparks@hotmail.com]
Sent: Tuesday, July 08, 2008 11:53 AM
To: Blumenfeld, Sol
Cc: Gerety-Warner, Elaine
Subject: RE: Community benefits

Sol,

Thanks again for your presentation last Thursday and for facilitating the meeting. Many great ideas were put forward and it was a great benefit to allow all neighbors to voice their concerns. I think we have a great opportunity with the new look at the Washington/National development. I'd like to remind you of my thoughts on potential community benefits.

I fully support 2 of the ideas for 'community benefits' to be funded by developers who build at the higher density:

1. Create a fund for streetscape improvements, specifically a wide sidewalk (with benches, al fresco dining, etc.) on the south side of Washington, ideally from Helms, continuing past National and Lindblade and as far west as possible. This will help to encourage a pedestrian friendly corridor to connect East Culver with the Downtown.
2. Create a fund to provide ongoing support for some type of bicycle facility at the new train station. (This would be in addition to the city encouraging bicycling in the area, hopefully with a new designated bike path.) A secure locker facility would make it easier to park and store bikes at the station, for both residents and commuters. This will encourage more people to use the train and bikes.

The high-end option is for a 'BikeStation.' This is what they have at the Long Beach train station. Or we could just have lockers and security.

<http://bikestation.org/index.asp>

article about Long Beach becoming bike-friendly:

<http://www.gazettes.com/bikes03172008.html>

If the support for bike facilities is better found elsewhere, it doesn't have to be funded by the community benefits fund. BUT, support for greater bike use and accessibility is widespread among all the neighbors I ever speak with, and I don't think it should be neglected or put off as the planning for this project goes forward. EVERYONE AGREES that bicycles and cyclists have been underserved, and this is a great chance to make improvements.

My other idea was regarding the 'Transit Oriented Development,' which will include residential as well as commercial units. I think we should do one of the things Berkeley recently instituted in an attempt to be sustainable. Require any apartments or condominiums in this new district to provide a Transit Pass to all residents. So the cost of the Transit Pass becomes part of the cost of housing, so this will encourage people who are going to use transit to move in. This means fewer car trips in and out of the housing that is built here.

Obviously, this is going to be an easier sell to new residents once the train is completed to Santa Monica, but I think we should demand the program now. It'll be almost impossible to institute later; now is the time to make demands on developers, so all the costs can be known and factored in.

Thanks again for your time and consideration. We're hopeful that the development can brighten up this side of

town!

Best,

Dino Parks

Use video conversation to talk face-to-face with Windows Live Messenger. Get started.

From: Bettina Wiesenthal-Birch [mailto:BBirch@npr.org]
Sent: Thursday, July 03, 2008 12:24 PM
To: Blumenfeld, Sol
Cc: brchfarm@inreach.com
Subject: EAST CULVER CITY

Dear Mr. Blumenthal:

Thanks so much for your presentation last week. As a 26 year resident of East Culver City I continue to enjoy the integrity of our quiet, tree lined streets and

unpretentious neighborhood. I am very excited about public transportation coming to Culver City and realize that there are both positive and negative aspects.

My goal as a responsible and concerned resident is to address the impacts of the impending development on our neighborhood. Following are the issues I care about:

1) That there is direct communication between MTA and Culver City, so that the affected residents/community know what, when and where is going on.

2) Connectivity to Downtown Culver City

3) Safe and accessible bike path

4) Additional Parking, perhaps multi-story in the Helms complex and also on La Cienega Place, since these are already commercial properties, there would be minimum impact on the residential neighborhood.

5) You spoke a lot about the density issues and providing services and open space for the neighborhood; but it seems as though these new services and open space would actually be serving the new residents of the proposed housing development.

6) The new services that would be an asset to our community would be: Book Store, Drug Store, Open Space, Bike Locks, Small Outdoor Marketplace, with kiosks

of fruits and vegetable/flower vendors at Metro Station, a water feature and perhaps a community study garden where classes could be given in sustainable gardening/living techniques.

7) For Safety Reasons: Traffic diversion to Venice Blvd, because Washington between La Cienega and National is residential. Currently, in rush hour traffic, the impatient

8) The architecture of the development surrounding the Metro Station to be based on environmentally friendly principles and materials as well as architecturally significant and people friendly.

You mentioned that you will repent for your sins, but not for the sins of those before you; and I appreciate and understand your position. The following are my concerns about past planning/lack of vision and although I know that you are not directly connected with the MTA, it seems that there should be

a conduit or process by which the city, the affected community and MTA know what the other is doing in a timely manner.

1) A huge air conditioning company right smack dab in the middle of East Culver City and Downtown.

2). An installation of a traffic light just west of National about which the residents/neighbors were never informed.

3) The desecration and destruction of twelve Chorizia Speciosa trees at the cul de sacs at the ends of Wesley, Helms, Caroline, Sherbourne. This act was both environmentally and economically irresponsible and really undermines the community's confidence in the process of the impending development of

East Culver City.

I very much appreciate your taking the time to meet with us and hope that these sessions will result in a positive and constructive process and

an environmentally responsible and sustainable Culver City.

IF YOU WISH TO REACH ME PLEASE ALSO CC ME AT brchfarm@inreach.com

My cell phone # is 559-804-6448

Kind regards,

BETTINA BIRCH

n p r west 9909 Jefferson Blvd Culver City CA 90232-3505

p. 310.815.4202 | f. 310.815.4329 | e. bbirch@npr.org

From: Gita O'Neill [mailto:gita15@sbcglobal.net]
Sent: Tuesday, July 01, 2008 9:28 PM
To: Blumenfeld, Sol
Subject: new project on Washington and National

Hi,

I met you at the neighborhood meeting last Friday night in East Culver City. I just had a few questions and suggestions-

I understand what you said about not having the building be like a fortress (the first design you discussed) but National Blvd. is a very, very busy street at rush hour (so 7 am to 9:30 am and again 4:30 pm to 6:30 pm). I am not sure many people would enjoy outdoor dining on such a busy street. Washington is also quite congested at rush hour.

Perhaps a design like the one Manhattan Beach did at the old Metlox Pottery factory (where Shade hotel is) might be a good design for this area as well. They picked some very good retail stores and restaurants. I am not sure what you meant by "high end" stores because that seems to be a relative term, but it would be nice to have some smaller, upscale retailers rather than large chain stores.

Also, we would very much like to have an open space designed for children and also lots of mature trees and native vegetation (as you discussed).

I think many people from our area will be at the City Council meeting on July 14th. Some of us are very in favor of the rail program and of upgrading the area but it would be great if you could speak on the tax benefits of this development. I think that sort of argument would appeal to the older residents of the area.

thank you,

Gita O'Neill

resident on Fay Avenue.

July 3, 2008

Sol, I thought it would be best to email you my ideas about the presentation you made last week to the East Culver City Neighborhood about "Community Benefits" and the Triangle Project. I will not be able to stay for the entire meeting tonight so I hope you will keep these comments in mind.

My Background

So that you can understand where I'm coming from, let me give you my professional background. I have been a licensed architect for 23 years, am a LEED AP, GreenPoint Rater and Certified Sustainable Building Advisor. After 20 years in traditional architectural practice I left a large architectural firm a year and a half ago to begin my own environmentally friendly/LEED consulting firm. (During the time I was with WWCOT I managed the construction of the Culver City Senior Center.)

I was actively involved with the development of Los Angeles' Green Building program. I participated in Culver City's AIA Sustainable Neighborhood Analysis a year ago with Cathi Vargas. I have taught for the City of Santa Monica and the County of LA on green rating systems and sustainable design.

In addition to consulting to other architects, developers, building owners and contractors, I teach and coordinate 24 other professionals to offer the National Sustainable Building Advisor program through Santa Monica College. One of my developer clients has referred me to other developers stating that I understand the realities both sides and the realities of "green" construction costs and benefits.

I have owned a duplex in East Culver City on Caroline for over eight years.

The Issue of Community Benefits -

I think this phrase may be bit of a misnomer. Providing streetscape, added parking and parks is really more of a benefit to the tenants of that development if the development doesn't "connect" to other developments.

To allow the developers to almost double their density seems overly generous to me unless they do A LOT of other stuff. I'm not familiar with Culver City's exterior space requirements for multi-family developments. If developers double their rentable area I think they ought to be required to increase the amount of outdoor space per unit. This could be accomplished by a larger common area or enlarged individual patio/deck areas. The minimum outdoor area should not be decreased for any reason.

It is likely that providing more outdoor space would require parking be placed underground. That should be the cost of building beyond zoning allowances.

Traffic, Always the issue

As I heard from residents during EVERY public hearing of projects I worked on, increased traffic is the ONLY issue. All communities would benefit from developments that are oriented to the pedestrians and get people OUT OF CARS. When/if you provide developers with the ability to increase their density by providing more parking spaces than what is required it will only:

- 1 encourage people to drive because parking will be convenient
- 2 increase car traffic
- 3 may require that streets be wider to handle the increased traffic which makes streets less safe for pedestrians.

Unless told to do so, the public will not look within a residential developments for public parking but will look for street parking. Now, speaking as a developer, providing "extra" parking spaces in my gated or secured community creates difficulties.

With that in mind...

There are real benefits to building higher density housing, especially around a transit centers and public transportation corridors. I think the issue of density bonuses should be handled differently in these areas versus those that about single or R-2 housing.

Suggested Community Benefits/Density Trade Offs

Other community benefits would be reducing the development's demand on the existing infrastructures AND the environment. Creating pedestrian friendly designs, requiring commercial properties provide showers for bike riding staff, making payments for a city wide bike lanes/trails program would be more beneficial to the community.

Recognizing the need to reduce our reliance on petroleum, demanding that developers that want to increase their profits provide solar panels and/or solar thermals for a large percentage of their project's demand doesn't seem unreasonable. Requiring low flow faucets, showers, dual flush toilets, etc. along with low water plants should be a requirement for EVERY multi-family development (no matter what size).

As I said, I've worked with many developers. I've found that they can make almost anything work on the west side of LA. As much as they moan and groan, with rebates and tax incentives, many of the things I've mentioned above are doable.

Possible Parking Solutions

Parking is a real problem throughout the city. The parking structures in downtown have been a godsend to neighborhoods. For the neighborhoods abutting commercial properties (and transit corridors) providing more parking spaces in nodes of larger residential developments won't address the problems where they are.

As a possible solution along Washington east of National I think the city should talk to Wally Marks (the owner of the Helms Bakery) about building a parking garage behind the Beacon Laundry or purchase the properties to the east of the Laundry for a structure. To serve parking needs further down Washington I think it makes sense to look at the properties on the northwest corner of the Washington and little La Cienega where there is a band of multi-story buildings.

I haven't had time to look at the south side of Washington but I can imagine a two story structure on that side somewhere between the Helms Bakery and the little La Cienega intersection. Of course the key is getting a site with the right proportions to make an efficient parking structure.

While I mention the trade off of density for solar panels I want to make clear that I totally disagree with LA's McMansion program. As I understand it LA allows single family homes to be larger than allowed by code if they are built "green". First, simply stated, building "green" is about building what is needed, not what is wanted. It's about recognizing the importance of having light, air and pervious surfaces around a home for the health of the occupants and the community/watershed/ocean, etc.

The Triangle Development

I want to thank you for a much more environmentally sensitive plan than Johnson Fain's. The Johnson Fain team assigned to the Triangle project before obviously didn't have the knowledge or a sensitivity to low-rise, neighborhood friendly buildings.

The site offers an immense opportunity. I understand Culver City's interest in having a hotel on the site but I'd like to offer a couple of thoughts:

1. High end shops should be within the hotel. Culver City is not Beverly Hills but has it's own unique character.
2. As a transit stop the best match of retail to supporting that traffic are basic services such as a small grocery store, pharmacy, dry cleaners, shoe repair, stationary/office supply, etc.
3. There need to be lots of bicycle storage opportunities. Dare I recommend a shower that is accessed by putting in \$1 worth of quarters to open the door?

As part of your Triangle plan you discussed "connecting" the northwest and southwest corners of National and Washington together. Creating a gateway there is admirable but I hope that someone at the City has strongly made the case to maintain the (fig or ficus) tree at the southwest corner. It's age, place and overall beauty should be respected and incorporated into any plan for that area.

As an architect and resident I am very interested in making Culver City a great place to live. We can learn a lot from communities around us and northern California. I would be happy to work with Community Redevelopment or give you names of other local folks that are knowledgeable about sustainable planning and design.

V. Blair Seibert, AIA, LEED AP, GPR, CSBA
Principi
Verde Concepts
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310-203-0896
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David P. Waite
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Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
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June 9, 2008

Honorable Mayor and
Members of the City Council
City of Culver City - City Hall
9770 Culver Blvd.
Culver City, CA 90232

Re: Community Benefits for Washington/National Area
Hearing Date: June 9, 2008

Dear Mayor Malsin and Members of the City Council:

This office represents Brentwood Capital Partners ("Brentwood Capital") with respect to the development of a transit oriented mixed-use project on the property located at 8810-8850 Washington Boulevard and 3920 Landmark Street in Culver City (the "Property"). The Property is a catalytic project within the Washington/National Community Benefit District (the "District") as identified in Resolution No. 2008-015, which established a Community Benefit Incentive Program in connection with the City's Mixed Use Development Standards.

At the community meeting on May 21, 2008, Brentwood Capital submitted a card proposing the following community benefits for the District: (i) environmentally sustainable design in excess of Municipal Code requirements (i.e. LEED Silver); (ii) streetscape improvements; (iii) open space; and (iv) public parking. In addition, we now request that the City also consider as a community benefit: (a) financial contribution to City infrastructure costs in excess of the cost amount attributed to a specific project's impact, and (b) a flexible catch all provision allowing any future community benefits approved by the City Council on a per project basis. The City Council staff report recommends that the City Council consider providing more than one community benefit for the District in order to provide flexibility for the large catalytic projects. We believe that a menu of community benefits is a practical necessity for the large development projects, because the City requires a significant value as a Community Benefit Contribution Amount ("Contribution Amount") from each project, which cannot be physically and practically accommodated on one site utilizing only one type of community benefit. In addition, the City should consider the needs of the community as a whole, and allow the multiple projects to provide benefits in the most economic and physically efficient manner. For example, one project could provide most of the public parking, and another project could develop a larger pocket park.

City Council
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As such, we recommend that the City Council adopt the following items as community benefit alternatives for the District:

1. Environmentally Sustainable Design. The future Exposition Light Rail Station will create a horizontal concrete plane adjacent to the Property. The development of a green garden project will balance the effect of the new infrastructure and provide a welcoming environment for living, eating, shopping and commuting. A sustainable project will also reduce the impact of the development on the City's infrastructure, including water, waste water, power, storm drains and traffic. The City currently supports and requires sustainable construction practices, and incentivizing sustainable construction at an elevated level (e.g. LEED Silver) will encourage development practices that provide the highest level of design, construction and sustainability.

2. Streetscape Improvements. The Community Benefit Incentive Program lists streetscape improvements (in addition to those required for discretionary review of a project) as a potential community benefit. The City planning department is currently developing streetscape standards that will allow greater use of sidewalk and outdoor areas along Washington Boulevard. However, the Washington/National Area can significantly benefit by additional thoughtful streetscape improvements such as paving of usable open space, creation of outdoor seating and public amenities, and development of areas for outdoor farmers markets. By incentivizing attention to public streetscape improvements, the projects will create a pedestrian friendly experience that supports outdoor dining and shopping and other commercial and retail uses.

3. Open Space. As stated in the City Council staff report, community members recommended open space as the highest priority for a community benefit for the District. The Community Benefit Incentive Program lists pocket parks and public open space with a minimum of 5,000 square feet as a potential community benefit. However, all of the catalytic projects do not have sufficient lot area to provide a single 5,000 square foot park on site. But, the community would still benefit from smaller public green open space areas within these projects. Therefore, we recommend that the City Council approve a community benefit for a series of green open spaces within a project that cumulatively equal 5,000 square feet.

4. Parking. Due to the proximity of the Property to the future Exposition Light Rail Station and surrounding commercial areas, on-site public parking is a valuable community benefit. However, the City should not require that the project's entire Contribution Amount be allocated to any one benefit such as parking. Each catalytic project should contribute the parking that is reasonably accommodated by each site due to physical site constraints such as lot shape or parking structure depth and related economic costs.

5. Infrastructure Costs. The City is currently conducting an infrastructure study to evaluate the costs for upgrading infrastructure to support new development in the District. The City will benefit by allowing a developer to fund or share in the funding of infrastructure necessary for future development, which is not directly attributable to the impact of the

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Page 3

developer's specific project. Payment of such additional infrastructure funds would be credited against a developer's Contribution Amount.

6. General Community Benefits. The City Council resolution should also provide a flexible general catch all provision, which allows the City Council to approve a community benefit for a specific project that it believes benefits the general health and welfare of the surrounding community. Inclusion of this item now will avoid any confusion regarding approval of the specific community benefit program for a specific project at a later date.

The Community Benefit Incentive Program (the "Program") requires a Contribution Amount for each mixed use project for residential density above a base density of 35 dwelling units per acre. The Program sets forth a practical method for determining the value of this contribution based on estimated developer profits. However, in order to meet the nexus requirements set forth in *Nollan/Dolan*¹ caselaw, the City must also find on a per project basis that there is an essential nexus between the community benefit and a legitimate state interest, and that the community benefit is proportional in nature and extent to the impact of each specific project. Approval of a menu of community benefits will support the City's ability to make these findings for each of the catalytic projects in the Washington/National Community Benefit District.

Sincerely,

David Waite ⁵⁴³

DAVID P. WAITE of
Jeffer, Mangels, Butler & Marmaro LLP

DPW:slb

cc: Sol Blumenfeld, Community Development Director
Carol Schwab, City Attorney
Thomas Gorham, Planning Director
Todd Tipton, Redevelopment Administrator
Susan Yun, City Planner

¹ See *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). See also California Government Code Section 66000 *et seq.*

JMBM | Jeffer Mangels
Butler & Marmaro LLP

SEVENTH FLOOR
1900 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-4308
TELEPHONE: (310) 203-8080
FACSIMILE: (310) 203-0567

June 9, 2008

Deliver to	Company	Facsimile	Telephone
Honorable Mayor and Members of the City Council	City of Culver City - City Hall	310-253-6010	

From: Sheri L. Bonstelle

Client #: **Client Name:**

Regarding: Community Benefits for Washington/National Area

Total number of pages (including this page): 4. If you do not receive this number of pages, please contact our FAX operator at (310) 201-3520.

Message:

Please see attached. Thank you.

This FAX is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original FAX to us at the above address by the US Postal Service. Thank you.

21

Attachment 5

RESOLUTION NO. 2008-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ESTABLISHING THE COMMUNITY BENEFITS FOR THE WASHINGTON/NATIONAL AREA IN CONNECTION WITH THE COMMUNITY BENEFIT INCENTIVE PROGRAM AND SECTION 17.400.065 OF THE ZONING CODE -MIXED USE DEVELOPMENT STANDARDS.

WHEREAS, On March 10, 2008, the City Council of the City of Culver City adopted Resolution No. 2008-R015 establishing a Community Benefit Incentive Program in connection with the Mixed Use Development Standards; and,

WHEREAS, this Resolution recognizes that with added development there are potentially added impacts to the community that can be mitigated, in whole or in part, through the benefits established for the community; and

WHEREAS, on May 12, 2008, the Council indentified the first Community Benefit District in the Washington/National area which boundaries are coterminus with the Transit Oriented Development in the Mixed Use Ordinance as indicated in Exhibit A; and,

WHEREAS, community meetings were held on May 21, 2008, June 27, 2008 and July 3, 2008 to discuss the benefits applicable to the area.

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

1 1. That the prescribed Community Benefit for the Washington National
2 District shall be Parking, Open Space and Streetscape Improvements in accordance with the
3 requirements of Resolution 2008-R015.

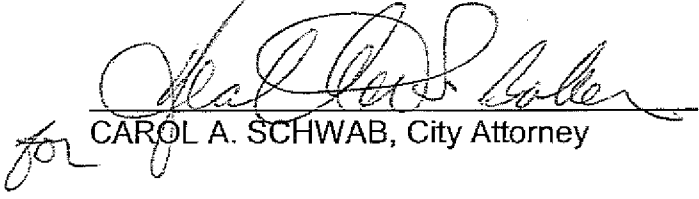
4 APPROVED and ADOPTED this _____ day of _____ 2008.

7 _____
D. SCOTT MALSIN, MAYOR
City of Culver City, California

9 ATTEST:

APPROVED AS TO FORM:

10 _____
11 MARTIN R. COLE, City Clerk
12 A08-00282

for  _____
CAROL A. SCHWAB, City Attorney