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RESOLUTION NO. 2021-R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CULVER CITY, CALIFORNIA, ESTABLISHING AN
AFFORDABLE HOUSING COMMERCIAL DEVELOPMENT
IMPACT FEE PURSUANT TO CULVER CITY MUNICIPAL
CODE SECTION 15.06.410.A**

WHEREAS, on June 28, 2021, the City Council adopted Ordinance No. 2021-009, which amended Culver City Municipal Code (CCMC) Subchapter 15.06.400, et seq. to establish an Affordable Housing Commercial Development Impact Fee to mitigate the impacts that commercial development projects have on the demand for affordable housing in the city; and

WHEREAS, pursuant to CCMC Section 15.06.410.A, the City Council, by resolution, may establish an Affordable Housing Commercial Development Impact Fee; and

WHEREAS, the City has commissioned the preparation of a 2020 Jobs-Housing Nexus Study, prepared by Economic and Planning Systems, Inc., ("Nexus Study"), to analyze the relationship between commercial development, job creation, and the demand for affordable housing, in compliance with the Mitigation Fee Act (California Government Code Section 66000 et seq.); and

WHEREAS, according to the Nexus Study and as discussed in detail therein, a sufficient nexus exists between the addition of new commercial development and the jobs/new workers that this development creates, and the workers' need for additional housing in proximity to the jobs, a portion of which must be affordable to moderate and lower income workers; and

1 WHEREAS, as set forth in CCMC Section 15.06.410.B, the City Council
2 determined the following to be exempt from the Affordable Housing Commercial
3 Development Impact Fee:

- 4 • A Commercial Development Project with a Gross Leasable Floor
5 Area of 10,000 square feet or less in aggregate;
- 6 • A Commercial Development Project with an application that has
7 been deemed complete prior to January 1, 2022;
- 8 • Community Land Uses Which Serve the Public (such as religious
9 institutions, museums, educational facilities, hospitals, etc.);
- 10 • Reconstruction of any building that was destroyed by fire, flood,
11 earthquake or other act of nature, so long as the square footage
12 does not exceed the square footage prior to the loss; and
- 13 • The housing portion of a Mixed-Use Project; and

14
15 WHEREAS, the fees established herein are directly related and roughly
16 proportional to the impacts of new commercial development projects; and

17 WHEREAS, establishment of the Affordable Housing Commercial
18 Development Impact Fee is exempt from further environmental review under the California
19 Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of
20 Regulations ("CEQA Guidelines") Section 15061(b)(3) because the fee will not allow for or
21 encourage any more development than is already anticipated under the City's existing
22 General Plan and as regulated by existing zoning, or otherwise allow for or promote
23 physical changes in the environment, and therefore, it can be seen with certainty that there
24 is no possibility that the fee will have a significant effect on the environment; (2) is not a
25 project under CEQA Guidelines Section 15060(c)(3) and 15378(b)(4) as it is a
26 governmental fiscal activity that does not involve any commitment to any specific project
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1 which may result in a potentially significant physical impact on the environment; and (3) is
2 not intended to apply to specifically identified projects and as such it is speculative to
3 evaluate any such future project now. Moreover, the fee is not intended to, nor does it,
4 provide CEQA clearance for future development projects by the mere establishment of the
5 fee. All commercial development projects required to pay the fee will be subject to
6 appropriate environmental review as part of the entitlement process. Each of the foregoing
7 provides a separate and independent basis for CEQA compliance and, when viewed
8 collectively, provides an overall basis for CEQA compliance; and
9

10 WHEREAS, on June 28, 2021, at a duly noticed public hearing, the City
11 Council considered establishment of an Affordable Housing Commercial Development
12 Impact Fee; and

13 WHEREAS, after giving the public an opportunity to be heard and considering
14 all information before it, the City Council approved the adoption of the Affordable Housing
15 Commercial Development Impact Fee, attached hereto as Exhibit "A."
16

17
18 NOW, THEREFORE, the City Council of the City of Culver City, California,
19 DOES HEREBY RESOLVE as follows:

20 1. The fee established in Exhibit "A," attached hereto, is hereby adopted and
21 shall be paid in accordance with the provisions set forth in Culver City Municipal Code
22 Subchapter 15.06.400, et seq.
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2. This Resolution shall take effect concurrently with the effective date of CCMC Subchapter 15.06.400, et seq, as set forth in Ordinance No. 2021-009.

APPROVED and ADOPTED this _____ day of _____ 2021.

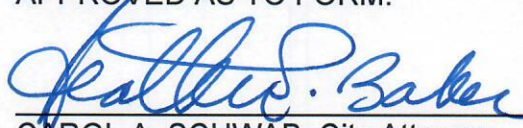
ALEX FISCH, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk

A21-00103

for


CAROL A. SCHWAB, City Attorney

EXHIBIT "A"

The following fees are established for and applicable to all qualifying commercial development, as set forth in Subchapter 15.06.400, et seq. of the Culver City Municipal Code:

FEE	
Affordable Housing Commercial Development Impact Fee	\$5.00 per square foot of Gross Leasable Floor Area

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