

August 17, 2021

VIA E-MAIL

Sol Blumenfeld  
City of Culver City  
Community Development Director  
Sol.Blumenfeld@culvercity.org

Re: Applicable Park Fees for 11111 Jefferson

Dear Sol:

The project team for the proposed development at 11111 Jefferson is looking forward to our Planning Commission hearing on August 25, 2021, and we very much **appreciate all of staff's hard work to get us to this point.** We respectfully request that the project be exempted from the parkland dedication requirement, based on the plain language of CCMC § 15.06.325, or in the alternative, that the City approve at least a 50% credit against the parkland dedication requirement per CCMC § 15.06.320. This is justified because the project proposes 52,560 sf of open space and a 2,500 sf clubhouse, not including the additional 13,800 sf Machado Park. When both are included, the project provides 68,860 sf of recreation and open space.

We request an exemption from the parkland dedication requirement or, in the alternative, a minimum credit of 26,280 sf based on the extensive open space and recreational opportunities on site that is above and beyond what is required by the Municipal Code and which space provides recreational opportunities to residents.

- A. The project includes extensive recreation and open space opportunities for residents, akin to those found in City parks.

The project contains 52,560 sf of open space, not including Machado Park and the resident clubhouse, thereby providing extensive recreational opportunities for **residents, consistent with the City's goals for parkland dedication and in-lieu fees.** Residents will use this open space like they would use City parks: to meet friends, relax, have a picnic, play games, and be active. A breakdown of the recreational facilities that are available only to residents includes:

- *24,000 sf amenity deck:* Located on the third floor, the amenity deck is directly accessible to residents and will include cabanas with lounge seating, a pool and spa, double sided fireplace, multi-purpose lawn that can be used for active or passive activities, outdoor patio, multiple types of seating, BBQ grills, and lounges. See Exhibit A.

- *2,500 sf clubhouse*: In addition to the 66,360 sf of open space on the site, the project proposes a resident clubhouse to be located on the amenity deck on the third floor. The clubhouse will include a gym and multi-purpose space that can be used by the residents for a variety of recreational activities such as game nights, social gatherings, and communal meals. Residents may reserve the clubhouse for private events, similar to City parks and recreational spaces. See Exhibit B.
- *13,560 sf of balconies*: Exceeding the 75 sf per unit requirement for open space, residents may use their individual balconies for relaxing, dining, and socializing.
- The total of the above is 40,060 sf, 13,780 sf more than the applicant is requesting as credit.

The project also proposes extensive open space on the ground level which is easily accessible to residents. The 15,000 sf Jefferson/Sepulveda accessed Paseo Courtyard and Plaza will contain dining tables, lounge seating, fire feature, artificial turf, and benches. See Exhibit C. The project applicant anticipates that residents will also use this area, along with Machado Park (see Exhibit D), for their daily recreational needs. Indeed, residents can hold gathering with neighbors and visitors, bring their children to play, or just find a quiet place to read, consistent with uses that occur at City parks. See Exhibit E (palate, materials, and precedent).

- B. The plain language of the Culver City Municipal Code exempts the project from parkland dedication requirements because it provides 19 units affordable to very low-income residents.

The project proposed 19 dwelling units affordable to very low income families. By the plain language of CCMC § 15.06.325.B, the project is exempt from parkland dedication requirements at this time. It states:

“B. Residential developments containing units which are covenanted for low- and moderate-income households or senior citizens shall be exempted from the requirements of this Subchapter during the period the unit or units remain covenanted for such use. Prior to the date these restrictions terminate, the then current owner of the residential development shall dedicate additional parkland or pay additional fees in lieu thereof, based on the then current fair market value of the land and in accordance with the density factor in effect at the time the restrictions terminate.” (Emphasis added.)

While the City takes the position that the above text only exempts the covenanted units, that is not how the text of the regulation reads. While the City has **discretion to interpret its own laws when there’s ambiguity, there is not any** ambiguity in the language. The entire project is exempt.

- C. If the project is not exempt from the parkland dedication requirement, it should receive a 50% credit against such dedication or in-lieu fees because it provides more recreational opportunities and open space than is required by the Municipal Code, including the parkland dedication goal of 3 acres per 1,000 people.

Comparing the proposed open space to what is required by the Code is instructive. Pursuant to CCMC § 17.400.G.3, 17,250 sf of common and/or private open space is required for the project.<sup>1</sup> The 37,560 sf of private open space, alone, exceeds that number by 20,310, not including the 2,500 sf clubhouse.

Pursuant to CCMC § 15.06.300, the City wants 3 acres of parkland per 1,000 people. As applied to the project, the applicant is required to dedicate 54,886 sf (1.26 acres) of open space or pay equivalent in-lieu fees.<sup>2</sup> The project proposes a total of 52,560 sf (1.2 acres), not including the 2,500 sf clubhouse or Machado Park. If the clubhouse and Machado Park are included, the project is providing 68,860 sf of recreation and open space. Thus, the project effectively provides the same amount, or more, open space and recreational facilities on-site as is required by the parkland dedication regulations.

Indeed, given the extensive recreational opportunities and open space provided on site, which exceed the 3 acre per 1,000 person goal, there is no actual nexus for the City to charge what amounts to over \$10,000 per unit for parkland. The City should really only be charging for the difference between what is provided on the site and what is required by the municipal code.

Based on the extensive recreational and open space opportunities that will be provided on-site, we respectfully request that the City either exempt the project from parkland dedication fees or approve a minimum 50% credit for such proposed facilities.

Sincerely yours,

ELISA L. PASTER  
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

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<sup>1</sup> **CCMC § 17.400.G.3.a states**, “Each unit, except studio micro-units, shall have a minimum of 75 square feet of common and/or private open space. Studio micro-units are not required to provide private open space.”

<sup>2</sup> Per CCMC § 15.06.310, the calculation for park dedication would be as follows: 211 units [market rate units only] \* 2.00 [density factor per the CCMC] \* 003 [3 acres per 1,000 people] = 1.26 acres.

## **Exhibit A**



| KEYNOTE LEGEND |  |
|----------------|--|
| 1              | PROPERTY LINE                                    |
| 2              | 30" HIGH RAISED PLANTER WITH FLOW THROUGH SYSTEM |
| 3              | 8'x8' CABANA WITH LOUNGE SEATING                 |
| 4              | 10'x16' SPA WITH BACK DROP WALL                  |
| 5              | POOL   |
| 6              | DUAL SIDED FIRE PLACE                            |
| 7              | MULTI PURPOSE GRAND LAWN WITH FESTOON LIGHTING   |
| 8              | PAVILION/SHADE STRUCTURE, TYP. (4) PLACES        |
| 9              | COVERED BBQ AREA WITH COUNTER TOP SEATING        |
| 10             | CLUBHOUSE OUTDOOR PATIO                          |
| 11             | LOUNGE SEATING WITH FIRE PIT                     |
| 12             | RESIDENT PATIO                                   |
| 13             | POOL ACCESS GATE                                 |
| 14             | WOOD BENCH WITH PLANTER                          |
| 15             | PROPOSED ART SCULPTURE IN RAISED PLANTER         |
| 16             | RAISED PLANTER WALLS                             |
| 17             | POOL TABLE                                       |
| 18             | LOUNGE SEATING                                   |
| 19             | BBQ GRILL WITH COUNTER TOP                       |
| 20             | HANGING PLANTER                                  |
| 21             | RAILING - PER ARCHITECTURE                       |
| 22             | BUILT-IN BENCH SEATING                           |
| 23             | CHAISE LOUNGE, TYP.                              |
| 24             | ARTIFICIAL TURF                                  |
| 25             | VINES ON TRELLIS STRUCTURE AT PARKING GARAGE     |





## **Exhibit B**



| KEYNOTE LEGEND |  |
|----------------|--|
| 1              | PROPERTY LINE                                    |
| 2              | 30" HIGH RAISED PLANTER WITH FLOW THROUGH SYSTEM |
| 3              | 8'x8' CABANA WITH LOUNGE SEATING                 |
| 4              | 10'x16' SPA WITH BACK DROP WALL                  |
| 5              | POOL   |
| 6              | DUAL SIDED FIRE PLACE                            |
| 7              | MULTI PURPOSE GRAND LAWN WITH FESTOON LIGHTING   |
| 8              | PAVILION/SHADE STRUCTURE, TYP. (4) PLACES        |
| 9              | COVERED BBQ AREA WITH COUNTER TOP SEATING        |
| 10             | CLUBHOUSE OUTDOOR PATIO                          |
| 11             | LOUNGE SEATING WITH FIRE PIT                     |
| 12             | RESIDENT PATIO                                   |
| 13             | POOL ACCESS GATE                                 |
| 14             | WOOD BENCH WITH PLANTER                          |
| 15             | PROPOSED ART SCULPTURE IN RAISED PLANTER         |
| 16             | RAISED PLANTER WALLS                             |
| 17             | POOL TABLE                                       |
| 18             | LOUNGE SEATING                                   |
| 19             | BBQ GRILL WITH COUNTER TOP                       |
| 20             | HANGING PLANTER                                  |
| 21             | RAILING - PER ARCHITECTURE                       |
| 22             | BUILT-IN BENCH SEATING                           |
| 23             | CHAISE LOUNGE, TYP.                              |
| 24             | ARTIFICIAL TURF                                  |
| 25             | VINES ON TRELLIS STRUCTURE AT PARKING GARAGE     |



## **Exhibit C**



| KEYNOTE LEGEND |   |
|----------------|---|
| 1              | PROPERTY LINE   |
| 2              | EXISTING CURB RAMP TO REMAIN                            |
| 3              | PROPOSED LANDSCAPING, TYP.                              |
| 4              | ART ON PEDESTAL   |
| 5              | BENCH SEATING - BY OTHER                                |
| 6              | ARTIFICIAL TURF WITH MOUNDING AT PLAY AREA              |
| 7              | PLAY STRUCTURE  |
| 8              | 4'x4' TREE GRATE, TYP. ON MACHADO RD. & JEFFERSON BLVD. |
| 9              | DINING TABLES, TYP.                                     |
| 10             | CHAISE LOUNGE   |
| 11             | LOUNGE FURNITURE, TYP.                                  |
| 12             | DECORATIVE POTTERY, TYP.                                |
| 13             | TRANSFORMER BY OTHER, TYP.                              |
| 14             | EXISTING STREET LIGHT TO REMAIN                         |
| 15             | SIGNAGE WALL  |
| 16             | PROPOSED CURB RAMP                                      |
| 17             | PROPOSED CROSSWALK                                      |
| 18             | BANQUETTE SEATING AT DINING PATIO                       |
| 19             | LANDSCAPE BERMING                                       |
| 20             | DIRECTORY - BY OTHER                                    |
| 21             | RETAINING WALLS   |
| 22             | WATERWALL AT STAIR                                      |
| 23             | STAIR - PER ARCHITECT                                   |
| 24             | WOOD BENCH SEATING WITH ARTIFICIAL TURF                 |
| 25             | FIRE TABLE  |
| 26             | PORCELAIN TILE PAVING, TYP.                             |
| 27             | THEMED ROCK OUT-CROPPING                                |
| 28             | STADIUM STYLE BENCHES                                   |
| 29             | PATIO GATE AND FENCE                                    |
| 30             | DECORATIVE COLORED CONCRETE                             |
| 31             | BUILT-IN BENCH WITH DINING TABLES                       |
| 32             | MODULAR CONCRETE PAVING AT PATIO                        |









## **Exhibit D**





#### KEYNOTE LEGEND

|    |   |
|----|---|
| 1  | PROPERTY LINE   |
| 2  | EXISTING CURB RAMP TO REMAIN                            |
| 3  | PROPOSED LANDSCAPING, TYP.                              |
| 4  | ART ON PEDESTAL   |
| 5  | BENCH SEATING - BY OTHER                                |
| 6  | ARTIFICIAL TURF   |
| 7  | CORTEN STEEL SCREEN WALL                                |
| 8  | 4'x4' TREE GRATE, TYP. ON MACHADO RD. & JEFFERSON BLVD. |
| 9  | DINING TABLES, TYP.                                     |
| 10 | CHAISE LOUNGE   |
| 11 | LOUNGE FURNITURE, TYP.                                  |
| 12 | DECORATIVE POTTERY, TYP.                                |
| 13 | TRANSFORMER BY OTHER, TYP.                              |
| 14 | EXISTING STREET LIGHT TO REMAIN                         |
| 15 | SIGNAGE WALL  |
| 16 | PROPOSED CURB RAMP                                      |
| 17 | PROPOSED CROSSWALK                                      |
| 18 | BANQUETTE SEATING AT DINING PATIO                       |
| 19 | LANDSCAPE BERMING                                       |
| 20 | DIRECTORY - BY OTHER                                    |
| 21 | CORTEN STEEL RETAINING WALLS AT GARAGE ENTRY            |
| 22 | WATERWALL AT STAIR                                      |
| 23 | STAIR - PER ARCHITECT                                   |
| 24 | WOOD BENCH SEATING WITH ARTIFICIAL TURF                 |
| 25 | FIRE TABLE  |
| 26 | PORCELAIN TILE PAVING, TYP.                             |
| 27 | THEMED ROCK OUT-CROPPING                                |
| 28 | STADIUM STYLE BENCHES                                   |
| 29 | PATIO GATE AND FENCE                                    |
| 30 | DECORATIVE COLORED CONCRETE                             |
| 31 | BUILT-IN BENCH WITH DINING TABLES                       |
| 32 | MODULAR CONCRETE PAVING                                 |
| 33 | GREEN ROOF  |
| 34 | GREEN WALL  |
| 35 | GARAGE ENTRY  |





## **Exhibit E**



#### RAISED PLANTERS AND POTTERY



#### SITE FURNISHING



#### POOL DECK



#### RESIDENT AMENITIES



#### CO WORKING PATIO AMENITIES



#### PAVING MATERIALS



#### MACHADO PARK





### SPECIMEN TREES



PLATANUS RACEMOSA  
(WESTERN SYCAMORE)  
HEIGHT: 80' - 90'  
SPREAD: 20' - 30'  
WUCOLS: M

QUERCUS AGRIFOLIA  
(COAST LIVE OAK)  
HEIGHT: 20' - 70'  
SPREAD: 20' - 70'  
WUCOLS: ML

ULMUS PARVIFOLIA  
(CHINESE ELM)  
HEIGHT: 40' - 60'  
SPREAD: 50' - 70'  
WUCOLS: M

### CANOPY TREES



CASSIA LEPTOPHYLLA  
(GOLD MEDALLION TREE)  
HEIGHT: 20' - 25'  
SPREAD: 30'  
WUCOLS: M

GINKGO BILORA  
(MAIDENHAIR TREE)  
HEIGHT: 50' - 80'  
SPREAD: 30' - 40'  
WUCOLS: M

(FALL COLOR)

SCHINUS MOLLE  
(PEPPER TREE)  
HEIGHT: 25' - 50'  
SPREAD: 25' - 40'  
WUCOLS: L

### PALM TREES



BRAHEA ARMATA  
(MEXICAN BLUE PALM)  
HEIGHT: 20' - 60'  
SPREAD: 12' - 25'  
WUCOLS: L

PHOENIX DACTYLIFERA MEDJOL  
(DATE PALM)  
HEIGHT: 40' - 60'  
SPREAD: 10' - 15'  
WUCOLS: L

### STREET TREES



CINNAMOMUM CAMPHORA  
(CAMPHOR TREE)  
HEIGHT: 50' - 60'  
SPREAD: 50' - 60'  
WUCOLS: M

PISTACIA CHINENSIS  
(CHINESE PISTACHE)  
HEIGHT: 30' - 35'  
SPREAD: 20' - 30'  
WUCOLS: M

(FALL COLOR)

TABERBUA IMPETIGINOSA  
(PINK TRUMPET TREE)  
HEIGHT: 25' - 50'  
SPREAD: 25' - 50'  
WUCOLS: L

### SCREEN TREES



MAGNOLIAGRANDFLORA LITTLE GEM  
(LITTLE GEM MAGNOLIA)  
HEIGHT: 20' - 30'  
SPREAD: 10' - 15'  
WUCOLS: M

PHYLLOSTACHYS AUREA  
(GOLDEN BAMBOO TREE)  
HEIGHT: 10' - 20'  
SPREAD: 10'  
WUCOLS: M

PINUS ELDERICA  
(MONRELL PINE)  
HEIGHT: 20' - 60'  
SPREAD: 15' - 25'  
WUCOLS: VL

TRISTANIA CONFERTA  
(BRISBANE BOX TREE)  
HEIGHT: 20' - 50'  
SPREAD: 10' - 30'  
WUCOLS: M

### ACCENT TREES



ALOE BAINESII  
(ALOE TREE)  
HEIGHT: 20' - 30'  
SPREAD: 10' - 20'  
WUCOLS: L

ARBUTUS MARINA  
(STRAWBERRY TREE)  
HEIGHT: 20' - 30'  
SPREAD: 15' - 20'  
WUCOLS: L

CERCIDIMUM 'DESERT MUSEUM'  
(DESERT MUSEUM PALO VERDE)  
HEIGHT: 25'  
SPREAD: 25'  
WUCOLS: VL

DRACENA DRACO  
(DRAGON TREE)  
HEIGHT: 15' - 25'  
SPREAD: 15' - 25'  
WUCOLS: L

LAGERSTROEMIA INDICA  
(GRAPE MYRTLE)  
HEIGHT: 25'  
SPREAD: 25'  
WUCOLS: M

YUCCA SPECIES  
(YUCCA)  
HEIGHT: 10'  
SPREAD: 4'  
WUCOLS: L



## GROUNDCOVERS



**BACCHARIS PILULARIS 'PIGEON POINT'**  
(DWARF COYOTE BRUSH)  
HEIGHT: 1'-2'  
SPREAD: 8'-10'  
WUCOLS: L



**DELOSPERMA COOPERI**  
(PURPLE ICEPLANT)  
HEIGHT: 3'-6'  
SPREAD: 1'-2'  
WUCOLS: L



**FESTUCA OVINA GLAUCA**  
(BLUE FESCUE)  
HEIGHT: 2'-3'  
SPREAD: 2'-3'  
WUCOLS: L



**MYOPORUM PARVIFOLIUM 'WHITE'**  
(WHITE MYOPORUM)  
HEIGHT: 12"  
SPREAD: 6'-12"  
WUCOLS: L



**SENECIO SERPENS**  
(BLUE CHALKSTICKS)  
HEIGHT: 1'  
SPREAD: 2'-3'  
WUCOLS: L



**SENECIO VITALIS**  
(NARROWLEAF CHALKSTICKS)  
HEIGHT: 1'-2'  
SPREAD: 3'-6'  
WUCOLS: L



**TRADESCANTIA PALLIDA 'PURPLE HEART'**  
(PURPLE HEART WANDERING JEW)  
HEIGHT: 12"  
SPREAD: 12"  
WUCOLS: M

## HEDGE/SCREENING SHRUBS



**EUONYMUS JAPONICUS MICROPHYLLUS**  
**VARIEGATUS**  
(VARIEGATED BOXLEAF EUONYMUS)  
HEIGHT: 1'-2'  
SPREAD: 1'  
WUCOLS: M



**LEUCOPHYLLUM FRUTESCENS 'SILVERADO'**  
(TEXAS SAGE)  
HEIGHT: 5'  
SPREAD: 6'  
WUCOLS: L



**OLEA EUROPAEA 'LITTLE OLLIE'**  
(LITTLE OLLIE DWARF OLIVE)  
HEIGHT: 4'-6'  
SPREAD: 4'-6'  
WUCOLS: L

## ACCENT SHRUBS



**AEONIUM NOBILE**  
(AEONIUM)  
HEIGHT: 1'-2'  
SPREAD: 1'-2'  
WUCOLS: L



**AGAVE X 'BLUE GLOW'**  
(BLUE GLOW AGAVE)  
HEIGHT: 18"-24"  
SPREAD: 18"-24"  
WUCOLS: L



**BOUGAINVILLEA 'RASPBERRY ICE'**  
(RASPBERRY ICE BOUGAINVILLEA)  
HEIGHT: 2'-3'  
SPREAD: 5'-6'  
WUCOLS: L



**CORDYLINA AUSTRALIS**  
(NEW ZEALAND CABBAGE TREE)  
HEIGHT: 3'-10'  
SPREAD: 3'-6'  
WUCOLS: L



**FURCRAEA FOETIDA 'MEDIOPICTA'**  
(MAURITIUS HEMP)  
HEIGHT: 4'-5'  
SPREAD: 5'-8'  
WUCOLS: L

## MID-STORY/MASS PLANTING SHRUBS



**ALOE ARBORESCENS**  
(TREE ALOE)  
HEIGHT: 3'-14'  
SPREAD: 3'-4'  
WUCOLS: L



**CHONDROPETALUM TECTORUM**  
(CAPE RUSH)  
HEIGHT: 2'-3'  
SPREAD: 3'-4'  
WUCOLS: L



**DIANELLA TASMANICA 'VARIEGATA'**  
(VARIEGATED FLAX LILY)  
HEIGHT: 42"  
SPREAD: 12"  
WUCOLS: M



**MUHLENBERGIA CAPILLARIS**  
(PINK MUHLY)  
HEIGHT: 3'-4'  
SPREAD: 3'-4'  
WUCOLS: M



**NASSELLA TENUISSIMA**  
(MEXICAN THREAD GRASS)  
HEIGHT: 2'  
SPREAD: 2'  
WUCOLS: L



**ROSMARINUS OFFICINALIS 'PROSTRATUS'**  
(PROSTRATE ROSEMARY)  
HEIGHT: 2'  
SPREAD: 4'-8'  
WUCOLS: M