

1 **RESOLUTION NO. 2024-R\_\_\_\_\_**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER  
3 CITY DECLARING CERTAIN PROPERTY AT 10858 CULVER  
4 BOULEVARD, CULVER CITY, CALIFORNIA (LOTS 9 AND 10 OF  
5 TRACT NO. 9974) (APN 4210-021-900) AS EXEMPT SURPLUS  
6 LAND PURSUANT TO CALIFORNIA GOVERNMENT CODE  
7 SECTION 54221(f)(1)(A)

8 WHEREAS, the City of Culver City (“City”) and Wende Museum of the Cold War,  
9 Inc., a California nonprofit corporation (“Wende”) entered into that certain Memorandum of  
10 Understanding and Lease Agreement, dated December 3, 2012 (the “Original Lease”),  
11 whereby Wende leased from City the “Subject Property” comprised of the land located on  
12 Lots 14 through 30, in Tract No. 9974, as recorded in Book 139, pages 1 and 2 of Maps, in  
13 the Office of the County Recorder of Los Angeles, State of California and all improvements  
14 and buildings situated thereon; and

15 WHEREAS, City and Wende amended the Original Lease by entering into that  
16 certain First Amendment to Memorandum of Understanding and Lease Agreement, dated  
17 December 18, 2020 (the “First Amendment”), whereby Wende leased from City the  
18 “Additional Lots” comprised of the land located on Lots 11 through 13 of such Tract No.  
19 9974, which are adjacent to the Subject Property; and

20 WHEREAS, the Original Lease, as amended by the First Amendment, shall be  
21 referred to herein as the “Lease”; and

22 WHEREAS, any capitalized term not defined herein shall have the meaning set forth  
23 therefor in the Lease; and

24 WHEREAS, in addition to the Subject Property and the Additional Lots, Wende  
25 desires to lease from City Lots 9 and 10 of such Tract No. 9974 (hereinafter, the  
26 “Affordable Housing Lots”), which are adjacent to the Additional Lots; and  
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1           WHEREAS, Artistic Freedom Initiative, Inc., a New York nonprofit corporation  
2 (“AFI”), was created by a family of Indian-American civil rights attorneys, led by Dinesh  
3 Khosla and the Human Dignity Foundation, to provide legal advocacy, housing support,  
4 and transition and resettlement assistance to refugee artists; and

5           WHEREAS, Wende intends to work with AFI or a similar organization with a like  
6 mission (AFI, or its successor(s), shall be referred to herein as the “Then-Current Artist  
7 Organization”) in order to work with City to utilize the Affordable Housing Lots to develop a  
8 multi-organizational affordable housing residency program for low-income political asylum-  
9 seeking and refugee artists as well as low-income local artists, musicians, filmmakers, and  
10 other creatives, strengthening the City’s cultural resources and providing a benefit to the  
11 community through collaborative programming in conjunction with the forthcoming Creative  
12 Community Center that will be located directly next door on the Additional Lots; and

13           WHEREAS, the proposed housing on the Affordable Housing Lots shall be referred  
14 to herein as the “Affordable Housing Units”; and

15           WHEREAS, City and Wende desire to enter into a Second Amendment to  
16 Memorandum of Understanding and Lease Agreement (the “Second Amendment”) in order  
17 to set forth the terms and conditions of City’s lease of the Affordable Housing Lots to  
18 Wende, for the construction of the Affordable Housing Units on the Affordable Housing  
19 Lots, and the occupancy and operation of the Affordable Housing Units; and

20           WHEREAS, the proposed Second Amendment provides *inter alia* that (i) Wende  
21 shall construct four Affordable Housing Units, as defined herein; (ii) a full-time program  
22 coordinator shall occupy one of the Affordable Housing Units to provide onsite  
23 management (the “Manager’s Unit”); (iii) at least one-half of the Affordable Housing Units  
24 (not including the Manager’s Unit) shall be occupied by low-income asylum seeking-artists  
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1 and refugees identified by the Then-Current Artist Organization (such units shall be referred  
2 to herein as the “International Units”); (iv) the remainder of the Affordable Housing Units  
3 (not including the Manager’s Unit) shall be occupied by low-income local, Southern  
4 California-based artists who are qualified for affordable housing based on California  
5 Department of Housing and Community Development (“HCD”) standards; and (v) no rent  
6 shall be charged for occupancy of any of the International Units (collectively, the “Selected  
7 Second Amendment Requirements”); and  
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9 WHEREAS, the proposed Second Amendment requires that prior to the occupancy  
10 of any of the Affordable Housing Units, written restrictions specifying the maximum incomes  
11 of the residents of the Affordable Housing Units (not including the Manager’s Unit), and the  
12 maximum rents that may be charged (not including the Manager’s Unit), in a form mutually  
13 acceptable to City and Wende, shall be recorded against title to all of the Affordable  
14 Housing Lots (the “Affordable Housing Covenants”); and  
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16 WHEREAS, the Affordable Housing Covenants shall (i) include the Selected Second  
17 Amendment Requirements; (ii) require the development of the entirety of the Affordable  
18 Housing Lots for housing (either improved with a housing structure or serving as common  
19 open space for the residential development); (iii) provide that each of the Affordable  
20 Housing Units (not including the Manager’s Unit) shall be affordable to very low income  
21 households, lower income households, or persons and families of moderate income  
22 (including the requirement that not less than 40 percent of the Affordable Housing Units,  
23 not including the Manager’s Unit, shall be affordable to households whose incomes are  
24 equal to, or less than, 75 percent of the maximum income of lower income households, and  
25 at least half of which shall be affordable to very low income households); (iv) provide that  
26 the Manager’s Unit shall not be income- or rent- restricted; and (v) provide that such  
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1 Affordable Housing Units (not including the Manager’s Unit) shall remain continually  
2 affordable to those persons and families for not less than 55 years; and

3 WHEREAS, pursuant to California Government Code Section 54220 *et seq.* (the  
4 “Surplus Land Act”), the City Council must declare the Affordable Housing Lots to be  
5 “Surplus Land” or “Exempt Surplus Land” before the City Council may take action to  
6 dispose of the Affordable Housing Lots; and

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8 WHEREAS, California Government Code Section 54221(f)(1)(A) defines “Exempt  
9 Surplus Land” to include surplus land that is transferred pursuant to California Government  
10 Code Section 37364; and

11 WHEREAS, California Government Code Section 37364 authorizes a city to sell,  
12 lease, exchange, quitclaim, convey, or otherwise dispose of real property to provide  
13 affordable housing to persons and families of low or moderate income provided the  
14 following conditions are met:

15 a) Not less than 80 percent of the area of the parcel will be used for the  
16 development of housing; and

17 b) Not less than 40 percent of the total number of those housing units  
18 developed on the parcel shall be affordable to households whose incomes are equal to, or  
19 less than, 75 percent of the maximum income of lower income households, and at least half  
20 of which shall be affordable to very low income households; and

21 c) Dwelling units produced for persons or families of low and moderate  
22 income under California Government Code Section 37364 shall be restricted by regulatory  
23 agreement to remain continually affordable to those persons and families for the longest  
24 feasible time, but not less than 30 years, with such regulatory agreement recorded in the  
25 office of the county recorder in which the housing development is located; and  
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1 WHEREAS, in view of the provisions of the proposed Second Amendment and the  
2 Affordable Housing Covenants, the requirements of California Government Code Section  
3 37364 will be met; and

4 WHEREAS, pursuant to the Surplus Land Act, the City Council must take formal  
5 action in a regular public meeting to declare that the Affordable Housing Lots are exempt  
6 surplus land, as supported by written findings; and

7 WHEREAS, pursuant to the Surplus Land Act Guidelines issued by HCD, any  
8 determination by a local agency that its surplus lands are exempt from the Surplus Land  
9 Act must be provided to HCD for its review at least 30 days prior to disposition; and

10 WHEREAS, construction of the Affordable Housing Units is contemplated by  
11 Comprehensive Plan Amendment P2021-0174-CPA (the "Project"); and

12 WHEREAS, the Affordable Housing Lots are not (i) within a coastal zone, (ii)  
13 adjacent to a historical unit of the State Parks System, (iii) listed on, or determined by the  
14 State Office of Historic Preservation to be eligible for, the National Register of Historic  
15 Places, or (iv) within the Lake Tahoe region as defined in California Government Section  
16 66905.5; and

17 WHEREAS, the City Council previously adopted a Class 32 Categorical Exemption,  
18 in accordance with the California Environmental Quality Act ("CEQA"), finding that the  
19 Project will not result in significant adverse environmental impacts; and

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

22 NOW, THEREFORE, the City Council of the City of Culver City, DOES HEREBY  
23 RESOLVE as follows:  
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1 SECTION 1. The foregoing recitals are true and correct and are a substantive part  
2 of this Resolution.

3 SECTION 2. The City Council hereby declares, pursuant to California Government  
4 Code Sections 54221(b) and 54221(f)(1)(A), that the Affordable Housing Lots are exempt  
5 surplus land because City intends to lease the Affordable Housing Lots pursuant to the  
6 Second Amendment that, *via* Affordable Housing Covenants, *inter alia*, (i) requires the  
7 development of the entirety of the Affordable Housing Lots for housing (either improved  
8 with a housing structure or serving as common open space for the residential  
9 development); (ii) requires that not less than 40 percent of the Affordable Housing Units  
10 (not including the Manager's Unit) shall be affordable to households whose incomes are  
11 equal to, or less than, 75 percent of the maximum income of lower income households, and  
12 at least half of which shall be affordable to very low income households; and (iii) provides  
13 that the Affordable Housing Units (not including the Manager's Unit) shall remain  
14 continually affordable to those persons and families for not less than 55 years, which  
15 restrictions shall be recorded in the official records of Los Angeles County.  
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18 SECTION 3. The City Council hereby authorizes the City Manager, or designee, to  
19 submit a copy of this Resolution to HCD in accordance with the Surplus Land Act  
20 Guidelines.  
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22 SECTION 4. The Affordable Housing Lots are not (i) within a coastal zone, (ii)  
23 adjacent to a historical unit of the State Parks System, (iii) listed on, or determined by the  
24 State Office of Historic Preservation to be eligible for, the National Register of Historic  
25 Places, or (iv) within the Lake Tahoe region as defined in California Government Section  
26 66905.5, and therefore the City is not required to issue a Notice of Availability of the  
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1 Affordable Housing Lots for open space purposes pursuant to California Government Code  
2 section 54221(f)(2).

3 SECTION 5. The City Council hereby affirms that pursuant to CEQA Section 15332,  
4 Class 32 – In-Fill Development, these actions are Categorical Exempt. Staff is directed to  
5 take any and all necessary actions in order to effectuate the purpose of this Resolution.

6 SECTION 6. If any provision of this Resolution or the application of any such  
7 provision to any person or circumstance is held invalid, then such invalidity shall not affect  
8 other provisions or applications of this Resolution that can be given effect without the  
9 invalid provision or application, and to this end the provisions of this Resolution are  
10 severable. The City Council declares that it would have adopted this Resolution  
11 irrespective of the invalidity of any particular portion of this Resolution.  
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13 SECTION 7. This Resolution shall take effect upon the date of its adoption.  
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17 APPROVED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2024.  
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19 \_\_\_\_\_  
YASMINE-IMANI MCMORRIN, Mayor

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21 ATTEST:

APPROVED AS TO FORM:



22 \_\_\_\_\_  
23 JEREMY BOCCHINO, City Clerk

24 \_\_\_\_\_  
25 HEATHER BAKER, City Attorney  
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