

1 **RESOLUTION NO. 2025-R\_\_\_\_\_**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER  
3 CITY DECLARING CERTAIN PROPERTY AT 10401 VIRGINIA  
4 AVENUE, CULVER CITY, CALIFORNIA (APNS 4209-027-905, 4209-  
5 029-900, 4209-029-923, 4209-029-924 & 4209-029-925) AS EXEMPT  
6 SURPLUS LAND PURSUANT TO CALIFORNIA GOVERNMENT  
7 CODE SECTION 54221(f)(1)(F)

8 WHEREAS, the City of Culver City owns fee title to that certain real property,  
9 comprising approximately 1.13 acres, located in Culver City, California, with assessor  
10 parcel numbers 4209-027-905, 4209-029-900, 4209-029-923, 4209-029-924 & 4209-029-  
11 925 and known as 10401 Virginia Avenue, Culver City, California (the "Property"); and

12 WHEREAS, the Actors Fund Housing Development Corporation ("AFHDC")  
13 delivered to Culver City (the "City") a request for an exclusive negotiating agreement  
14 ("ENA"), dated December 6, 2023, pursuant to which AFHDC described the potential  
15 development of a mixed-use, multi-story building or buildings and related improvements on  
16 the Property, with affordable housing for families and artists on the upper floors, along with  
17 ground floor arts-focused community commercial space (the "Project"); and

18 WHEREAS, the Project would include 70-80 housing units, all of which would  
19 be affordable to lower income households earning between 30% and 80% of the area  
20 median income;

21 WHEREAS, the City and AFHDC have negotiated a draft ENA, which will be  
22 considered by the City Council on March 17, 2025; and

23 WHEREAS, pursuant to California Government Code Section 54220 *et seq.*  
24 (the "Surplus Land Act"), the City Council must declare the Property to be "Surplus Land" or  
25 "Exempt Surplus Land" before the City Council may take action on the ENA; and  
26  
27  
28

1           WHEREAS, California Government Code Section 54221(f)(1)(F) defines  
2 “Exempt Surplus Land” to include surplus land that is to be developed for a housing  
3 development, which may have ancillary commercial ground floor uses, that restricts 100  
4 percent of the residential units to persons and families of low or moderate income, with at  
5 least 75 percent of the residential units restricted to lower income households, as defined in  
6 Section 50079.5 of the Health and Safety Code, with an affordable sales price or an  
7 affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, for  
8 55 years for rental housing, 45 years for ownership housing, and 50 years for rental or  
9 ownership housing located on tribal trust lands, unless a local ordinance or a federal, state,  
10 or local grant, tax credit, or other project financing requires a longer period of affordability,  
11 and in no event shall the maximum affordable sales price or rent level be higher than 20  
12 percent below the median market rents or sales prices for the neighborhood in which the  
13 site is located; and  
14

15           WHEREAS, California Government Code Section 54221(f)(1)(F) requires the  
16 affordability requirements to be contained in a covenant or restriction recorded against the  
17 surplus land at the time of sale that shall run with the land and be enforceable against any  
18 owner who violates the covenant or restriction and each successor in interest who  
19 continues the violation; and  
20

21           WHEREAS, for the purposes of Government Code Section 54221(f)(2), the  
22 Property is not (i) within a coastal zone; (ii) adjacent to a historical unit of the State Parks  
23 System; (iii) listed on, or determined by the State Office of Historical Preservation to be  
24 eligible for, the National Register of Historical Places; or (iv) within the Lake Tahoe region  
25 as defined by Government Code Section 66905.5; and  
26  
27  
28

1           WHEREAS, in view of the terms described in the proposed ENA, the  
2 requirements of California Government Code Section 54421(f)(1)(F) will be met; and

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

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

9           WHEREAS, all other legal prerequisites to the adoption of this Resolution  
10 have occurred.  
11

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

14           SECTION 1. The foregoing recitals are true and correct and are a  
15 substantive part of this Resolution.  
16

17           SECTION 2. The City Council hereby declares, pursuant to California  
18 Government Code Sections 54221(b) and 54221(f)(1)(F), that the Property is exempt  
19 surplus land because City intends enter into an ENA to negotiate the terms of a lease of the  
20 Property for the Project.

21           SECTION 3. The City Council hereby authorizes the City Manager, or  
22 designee, to submit a copy of this Resolution to HCD in accordance with the Surplus Land  
23 Act Guidelines.  
24

25           SECTION 4. The City Council hereby affirms that the designation of the  
26 Property as Exempt Surplus Land does not have the potential for creating a significant  
27 effect on the environment and is therefore exempt from further review under CEQA  
28

1 pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as  
2 defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have  
3 the potential for resulting in either a direct physical change in the environment or a  
4 reasonably foreseeable indirect physical change in the environment. Staff is directed to  
5 take any and all necessary actions in order to effectuate the purpose of this Resolution.

6 SECTION 5. 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.  
12

13 SECTION 6. This Resolution shall take effect upon the date of its adoption.  
14

15 APPROVED AND ADOPTED, this \_\_\_ day of \_\_\_\_\_, 2025.  
16  
17

18 \_\_\_\_\_  
19 DAN O'BRIEN, Mayor  
20 City of Culver City

21 ATTEST:

22 APPROVED AS TO FORM:

23 

24 \_\_\_\_\_  
25 JEREMY BOCCHINO, City Clerk

26 \_\_\_\_\_  
27 HEATHER BAKER, City Attorney  
28