

1 RESOLUTION NO. 2025-P002

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY,  
3 CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING CODE  
4 AMENDMENT, P2024-0306-ZCA, THAT AMENDS CULVER CITY MUNICIPAL CODE  
5 CHAPTER 17.580, DENSITY BONUSES AND OTHER BONUS INCENTIVES, AND  
6 CHAPTER 17.700, DEFINITIONS.

7 (Zoning Code Amendment, P2024-0306-ZCA)

8 WHEREAS, like most cities in Southern California, the City of Culver City (the “City”) is facing a  
9 growing housing affordability crisis, with median home prices and rents continuing to rise beyond the  
10 reach of residents and furthermore, despite approximately 538 affordable units (out of 4,201 total units)  
11 currently in the housing pipeline, only 43 income-restricted units have been built since July 2016; and

12 WHEREAS, the State Density Bonus Law (California Government Code Section 65915 et seq.)  
13 provides incentives for the production of affordable housing through the granting of additional density  
14 and other concessions for eligible housing projects; and

15 WHEREAS, the City of Culver City 2045 General Plan update and Housing Element establishes  
16 goals and programs to further incentivize affordable housing to increase the supply of housing for  
17 different income groups within the City; and

18 WHEREAS, after discussion on April 25, 2022, City Council requested an Affordable Housing  
19 update to the Zoning Code described in Exhibit A of this resolution as a proposed Affordable Housing  
20 Density Bonus ordinance (the “ordinance”); and

21 WHEREAS, in December 2022, the City of Culver City engaged Rincon Consultants Inc. to draft  
22 the ordinance and review and expand the City’s existing Density Bonuses and Other Bonus Incentives  
23 (DOBI) of the municipal code; and

24 WHEREAS, as part of the process for drafting the ordinance, the City actively engaged the  
25 community, seeking community input at the Fiesta La Ballona event in August 2023, where over 100  
26 community members were engaged with many residents completing a housing affordability survey; and  
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28 WHEREAS, the City and Rincon also conducted several public outreach events in conjunction  
29

1 with the General Plan update, held in Fall 2023, including community open houses at El Rincon  
2 Elementary School, the Veterans Memorial Building, and a virtual open house via Zoom and at these  
3 events, staff and their consultants presented the current affordable housing incentives and proposed  
4 updates to the ordinance; and

5 WHEREAS, on March 13, 2024, a workshop was held before the Planning Commission that  
6 provided general goals for the draft ordinance and solicited input from the Planning Commission; and

7 WHEREAS, the City's proposed ordinance makes changes to Culver City Municipal Code  
8 (CCMC) Zoning Code Chapter 17.580: Density Bonuses and Other Bonus Incentives that provide new  
9 regulations, standards, and procedures that facilitate and promote affordable housing production; align  
10 Chapter 17.580 with State Affordable Housing law; implement the goals, policies, and measures of the  
11 Housing Element and 2045 General Plan update; incentivize additional affordable housing in housing  
12 developments above minimum required units pursuant to State Affordable Housing law; and incorporate  
13 both community and Planning Commission input; and

14 WHEREAS, the ordinance that incentivizes additional affordable housing includes additional  
15 local density bonuses through Tier Density Bonuses and Community Benefit Bonuses which encourage  
16 housing production, particularly near transit; and

17 WHEREAS, the ordinance establishes clear regulations for density bonus calculations,  
18 affordable housing requirements, applicable incentives, concessions, and waivers to facilitate the  
19 development of affordable and middle-income housing; and

20 WHEREAS, to implement the proposed Project, approval of the following is required:

21 1. Zoning Code Amendment, P2024-0306-ZCA: an amendment to the Culver City  
22 Municipal Code, specifically, Chapter 17.580, Density Bonuses and Other Bonus Incentives, and  
23 Chapter 17.700, Definitions, to facilitate changes in the City's Density Bonus ordinance with goal of  
24 incentivizing affordable housing production; and  
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1 WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the project's  
2 corresponding Finding of Consistency the proposed Zoning Code Amendment is consistent with the  
3 Environmental Impact Report (EIR) for the General Plan and Zoning Code Update certified in August  
4 2024 (SCH# 2022030144) and would not result in new impacts; and

5 WHEREAS, on February 12, 2025, after conducting a duly noticed public hearing on the subject  
6 application, including full consideration of the staff report, environmental information and all testimony  
7 presented, the Planning Commission, by a vote of \_ to \_, recommended the City Council approve  
8 Zoning Code Amendment, P2024-0306-ZCA making changes to Chapter 17.580: Density Bonuses and  
9 Other Bonus Incentives and Chapter 17.700, Definitions, as set forth herein below;

10  
11 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER CITY,  
12 CALIFORNIA, RESOLVES AS FOLLOWS:

13 SECTION 1. Pursuant to the foregoing recitations and the provisions of the Culver City  
14 Municipal Code (CCMC), the following findings are hereby made:

15 **Zoning Code Amendment P2024-0306-ZCA**

16 As outlined in CCMC Title 17, Section 17.620.030, the following required findings for Zoning Code  
17 Amendments are hereby made:

- 18 **1. The proposed amendment ensures and maintains internal consistency with the goals,**  
19 **policies, and strategies of all elements of the General Plan, and, in the case of a Zoning**  
20 **Code amendment, will not create any inconsistencies with this Title.**

21 The proposed Density Bonus Ordinance adds provisions in support of the goals and policies in the  
22 General Plan Housing Element. These provisions advance the following Measures. Housing  
23 Element Measure 1F. Affordable Housing Development Assistance: This measure's objectives  
24 include facilitating the development of 250 affordable units over eight years which the ordinance  
25 does through incentivizing additional affordable units above State minimum required units; Housing  
26 Element Measure 1G: This measure ensures the Mixed Use Ordinance effectively supports  
27 affordable housing production and the Density Bonus Ordinance that increases production of  
28 affordable housing through local density bonuses strengthens the Mixed Use Ordinance; Housing  
29 Element Measure 4F: Affordable Housing Tools and Best Practices: This measure implements  
tools and strategies from the 2045 Housing Element and broader research to boost Affordable  
Housing production, including Transit-Oriented Communities and Enhanced Density Bonuses such  
as can be found in the Density Bonus Ordinance.

The proposed Density Bonus Ordinance adds provisions in support of the goals and policies in the  
General Plan Land Use Element. These provisions advance the following Land Use  
Implementation Actions (IA.LU). IA.LU-5. Transit-oriented communities affordable housing

1 incentives: This action specifically calls to evaluate a transit-oriented communities affordable  
2 housing incentive area within half mile of a high-quality transit stop that incentivizes affordable  
3 housing beyond the State Density Bonus. The Tiering system in the Density Bonus Ordinance  
4 provides local density bonuses for projects within half mile of high-quality transit stop if projects  
5 provide additional affordable housing above the State minimums.

6 The proposed Density Bonus Ordinance advances the following Land Use Goals. Goal LU-1.3.  
7 Development near transit stations: The ordinance incentivizes additional affordable housing above  
8 State minimums by providing local density bonuses for projects within half mile of high-quality  
9 transit stops and along transit corridors. Goal LU-2. Housing opportunity and equality: This goal  
10 calls for a diverse range of housing options to create equitable opportunity for people of all ages,  
11 races/ ethnicities, abilities, socio-economic status, genders, and family types. The Ordinance will  
12 promote various housing types for varied income households and will incentivize various local  
13 community benefits such as 3-bedroom units, workforce housing, on-site childcare, and on-site  
14 public open spaces. Goal LU-11. Affordable and workforce housing: The Ordinance with its tiering  
15 system actively facilitates adding affordable and workforce housing in all Culver City  
16 neighborhoods.

17 **2. The proposed amendment would not be detrimental to the public interest, health, safety,**  
18 **convenience or welfare of the City.**

19 The proposed amendments to CCMC Title 17, Chapter 17.580 would not be detrimental to the  
20 public interest, health, safety, convenience, or welfare of the City. The proposed amendments to  
21 the Zoning Code ensure the protection of the general interest, health, safety, and welfare of the  
22 community by expanding density bonus regulations to supplement the City's housing production  
23 goals. These amendments establish clear standards related to affordable housing incentives and  
24 community benefits, ensuring consistency with State Density Bonus Law while maintaining  
25 compatibility with existing zoning, use, density/intensity, and height requirements of the Municipal  
26 Code.

27 **3. The proposed amendment is in compliance with the provisions of the California**  
28 **Environmental Quality Act (CEQA).**

29 According to CEQA guidelines, a Finding of Consistency may be prepared if a project is determined  
to be within the scope of the certified EIR, exempt from the conditions described in CEQA  
Guidelines Section 15162(a), and does not result in an addendum to the certified General Plan  
EIR. Pursuant to these guidelines, a Finding of Consistency has been prepared for this project,  
which demonstrates that there is no substantial new evidence that this project may have additional  
significant impacts that were not previously analyzed as significant adverse effects in the Certified  
EIR. Therefore, a Finding of Consistency is the appropriate document to review the Revised  
Density Bonus's consistency with the Certified EIR.

The Planning and Development Department has determined that the proposed Density Bonuses  
and Other Bonus Incentives are consistent with the Environmental Impact Report (EIR) for the  
General Plan and Zoning Code Update certified in August 2024 (SCH# 2022030144) and would  
not result in new impacts. The Density Bonuses and Other Bonus Incentives implement the  
adopted General Plan Housing and Land Use Element goals as indicated above, as the expansion  
of Density Bonuses and Other Bonus Incentives was considered in the General Plan and Zoning  
Code Update EIR. Pursuant to the provisions of CEQA no further environmental analysis is  
required.

1 SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of  
2 the City of Culver City, California, hereby recommends the City Council Adopt Chapter 17.580: Density  
3 Bonuses and Other Bonus Incentives, P2024-0306-ZCA, subject to: the proposed Zoning Code  
4 Amendments set forth in Exhibit A, attached hereto and incorporated herein by this reference.  
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7 APPROVED and ADOPTED this 12 day of February, 2025.  
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10 \_\_\_\_\_  
11 ANDREW REILMAN - CHAIRPERSON  
12 PLANNING COMMISSION  
13 CITY OF CULVER CITY, CALIFORNIA

14 Attested by:

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16 \_\_\_\_\_  
17 RUTH MARTIN DEL CAMPO, SECRETARY  
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## Exhibit A

### CHAPTER 17.580: DENSITY BONUSES AND OTHER BONUS INCENTIVES

17.580.005	PURPOSE.
17.580.010	DEFINITIONS.
17.580.015	APPLICABILITY.
17.580.020	DENSITY BONUS CALCULATION.
17.580.025	TIER DENSITY BONUSES.
17.580.030	COMMUNITY BENEFIT DENSITY BONUSES.
17.580.035	WAIVERS.
17.580.040	CONCESSIONS.
17.580.045	APPLICATION FILING, PROCESSING, AND REVIEW.
17.580.050	AFFORDABLE HOUSING PLAN.
17.580.055	AFFORDABLE HOUSING AGREEMENT (AHA).
17.580.060	ENFORCEMENT OF AFFORDABLE HOUSING AGREEMENT.
17.580.065	GENERAL AFFORDABLE HOUSING REQUIREMENTS.
17.580.070	REPLACEMENT OF DWELLING UNITS.
17.580.075	FINDINGS AND DECISION.
17.580.080	CONDITIONS OF APPROVAL.
17.580.085	POST-APPROVAL PROCEDURES.

#### **17.580.005 PURPOSE.**

- A. This Chapter provides requirements and incentives for the development of Affordable Housing Units as provided under State law. These provisions are intended to implement General Plan policies encouraging the production of affordable housing for all economic groups, and housing for disabled and older residents, transitional foster youth, disabled veterans, and homeless persons as defined in Government Code Section 65915, as modified from time to time, all of which is integrated, compatible with and complements adjacent uses, and is located near public and commercial services.
- B. The incentives and concessions offered in this article are used by the City to facilitate housing affordable to all economic groups and to meet its regional fair share requirements for the construction of housing affordable to Extremely Low-, Very Low-, Low-, and Moderate-Income Households. Additionally, this section aims to implement the goals, objectives, and policies of the Housing Element of the City's General Plan to increase the feasibility of developing affordable housing in Culver City and decrease housing insecurity within the City.
- C. All references in this Ordinance to the State Density Bonus Law refer to Government Code section 65915, et seq.

## 17.580.010 DEFINITIONS.

Certain words and phrases are defined within this Chapter. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be as determined by the Director.

- A. **Affordable Housing Agreement (AHA).** An agreement approved by the City between a commercial Developer and a housing Developer identifying how the commercial development will provide housing available at affordable ownership cost or affordable rent. An Affordable Housing Agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial Developer and the housing Developer are each partners, members, shareholders, or other participants, or a contract between the commercial Developer and the housing Developer for the development of both the commercial development and the Residential Development Project.
- B. **Affordable Housing Cost** is used within this Chapter with the same meaning as defined in Section 50052.5 of the California Health and Safety Code.
- C. **Affordable Rent.** The maximum monthly rent, including all fees for housing services and a utility allowance as determined by the Los Angeles County Development Authority, which does not exceed the following, based on Presumed Occupancy Levels:
  - 1. For Extremely Low-Income Households: 30% of Area Median Income multiplied by 30% and divided by 12.
  - 2. For Very Low-Income Households: 50% of Area Median Income multiplied by 30% and divided by 12.
  - 3. For Low-Income Households: 60% of Area Median Income multiplied by 30% and divided by 12.
  - 4. For Moderate-Income Households: 120% of Area Median Income multiplied by 30% and divided by 12.
- D. **Affordable Unit.** An ownership or rental dwelling unit whose price is set at an Affordable Housing Cost as defined in this Chapter.
- E. **Area Median Income (AMI).** The median income for Los Angeles County, adjusted for household size, as published annually in Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development (HCD).
- F. **Base Density Bonus.** The additional number of units that a Developer is entitled to add to a Residential Development Project based on meeting specific criteria, without combining it with any other bonuses or incentives. It represents the fundamental density increase granted independently of any additional bonuses.
- G. **Base Unit.** Represents a unit of housing, such as an apartment or house, as defined by zoning regulations or development standards before any additional density bonuses or incentives are applied. The Base Unit serves as the foundational unit for calculating potential increases in development capacity or density.
- H. **Community Benefit Bonus.** Refers to additional incentives for Residential Development Projects that provide specific community enhancements pursuant to Section 17.580.030 of this Chapter.
- I. **Concession.** A reduction or modification of development standards or requirements granted to a project, such as height, setbacks, or parking. Concessions must result in identifiable cost reductions for the project in accordance with applicable housing laws, such as the State Density Bonus Law. Each deviation is considered one concession.

- J. **Culver City Transit Priority Area.** Culver City Transit Priority Areas are all parcels which are partially or wholly within a 1/2 mile of the geographical center of the following transit locations and any future transit locations, as determined by the City:
1. Culver City Metro Station.
  2. La Cienega Metro Station.
  3. Sepulveda/Venice Intersection.
  4. Westfield-Culver City Transit Center.
- K. **Density Bonus.** A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the City as per Section 65915 of the California Government Code and/or the provisions of this Chapter.
- L. **Extremely Low-, Very Low-, Low-, and Moderate-Income Households.** Households whose incomes do not exceed the Extremely Low-, Very Low-, Low-, or Moderate-Income limits, as applicable, established for Los Angeles County and adjusted for household size that are published annually in Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by HCD.
- M. **High-Quality Transit Corridor.** Per Section 21155 of the California Public Resources Code, a High-Quality Transit Corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within a 1/2 mile of a High-Quality Transit Corridor if all parcels within the project have no more than 25% of their area farther than one-half mile from the corridor and if not more than 10% of the residential units or 100 units, whichever is less, in the project are farther than a 1/2 mile from the corridor.
- N. **Household Income.** The gross annual household income, monetary benefits, and all other sources of household income, before deductions or exemptions, and includes the income of all members of the household 18 years of age or older.
- O. **Marketing Plan.** A plan that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Housing Units.
- P. **Neighborhood-Oriented Commercial Space.** Refers to commercial establishments that primarily cater to the everyday needs and preferences of local residents. These spaces are meant to enhance the quality of life within residential neighborhoods by providing convenient access to essential goods, services, or community enrichment opportunities. Neighborhood-Oriented Commercial Spaces are limited to uses outlined in Section 17.580.030(F).
- Q. **Presumed occupancy levels.** As listed below, these shall be used to establish affordable ownership cost and affordable rents, unless the residential development project is financed with federal tax credits, in which case the applicable federal regulations shall determine the Presumed Occupancy Levels:
1. One person for a studio unit;
  2. Two people for a one-bedroom unit;
  3. Three people for a two-bedroom unit; and
  4. One additional person for each additional bedroom thereafter.
- R. **Resale Controls and/or Rent Restrictions.** The restrictions, set forth by the City of Culver City or by state and/or federal law, by which the rents paid on rental Affordable Housing Units and the sales price for ownership Affordable Housing Units are limited to ensure that the unit remains affordable to Acutely Low, Extremely Low, Very Low- or Low-Income households for a term of no less than 55 years or affordable to Moderate-Income households for a term of no less than 45 years. With respect to rental units, such rent restrictions shall be in the form of a regulatory



agreement recorded against the applicable property. With respect to owner-occupied units, such resale controls shall be in the form of resale restrictions, deeds of trust, and/or other similar documents recorded against the applicable property. Affordability restrictions and terms shall be consistent with State Density Bonus Law.

- S. **Residential Development Project** shall have the same definition as Section 65589.5(h)(2) of the California Government Code. Residential Development Projects also includes a shared housing building development and a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code.
- T. **Tier Density Bonus.** Refers to a system of progressively increasing density incentives for Residential Development Projects based on the proportion of Affordable Units provided and the project's proximity to transit pursuant to Section 17.580.025.
- U. **Waiver.** An exemption or relinquishment of a specific requirement, rule, regulation, or any development standard that will have the effect of physically precluding the construction of a development meeting specified criteria and affordability thresholds at the densities or with the concessions or incentives permitted by State Law, provided such Waivers meet specific criteria and reasonable documentation is provided to demonstrate physical infeasibility if all development standards are applied.

#### **17.580.015 APPLICABILITY.**

- A. The provisions of this Chapter apply to Residential Development Projects consisting of two or more dwelling units.
- B. Projects with special targeting, including foster youth, disabled veterans, unhoused individuals, or other populations with specific needs, may be subject to additional requirements or incentives, as outlined in applicable local, state, or federal regulations.
- C. The density bonus and other bonus incentive provisions of California Government Code Section 65915 shall apply in all zoning districts. Notwithstanding the forgoing sentence, neither those provisions nor any other provision of this Chapter are intended to require the City to grant modifications in any zone beyond those allowed by State Law and specifically allowed in this Chapter.
- D. This Chapter implements California Government Code Chapter 4.3, Density Bonuses and other incentives (Sections 65915-65918). In the event these sections are amended, those amended provisions shall be incorporated into this Chapter. Should any inconsistencies exist between the amended state law and the provisions set forth herein, the amended state law shall prevail.

#### **17.580.020 DENSITY BONUS CALCULATION.**

The following method shall be used in determining the total number of units to be granted, including base density and bonus density as well as the resulting number of Affordable Units needed for a given density bonus project.

- A. **Calculation.**
  - 1. **Compliance with State Law.** All density bonuses are designed to be in conformance with Government Code Section 65915 or the maximum amount allowed by the City Density Bonus Ordinance. If local density bonuses interact with State Law in a way that reduces the number of income-restricted housing units required by State Law or undermines the goals of the State Density Bonus Law, the State Density Bonus Law shall take precedence over the local incentives.
  - 2. **Calculation Order.** Density bonuses shall be applied in the following order:

- a. Apply the State density bonus to base density.
  - b. Apply the Tier Density Bonuses to base density pursuant to Section 17.580.025.
  - c. Apply Community Benefit Bonuses to the base density pursuant Section 17.580.030.
3. **Restriction on Overlapping or Compounding Bonuses.** Each bonus, whether from State, Tier, or Community Benefit categories, shall be applied individually and sequentially to the project's base density, without overlap or compounding of incentives.
  4. **Rounding.** All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density as well as the resulting number of Affordable Units needed for a given density bonus project.
  5. **Broad Interpretation.** The provisions of this section shall be interpreted broadly to affect the purposes of this Chapter and to prevent evasion of its terms.
- B. **Election to Accept Lesser Density Bonus.** The applicant may elect to accept a lesser percentage of density bonus than the Residential Development Project is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required Affordable Units contained in Government Code Section 65915, subdivisions (b), (c), and (f) or as required by Tier Density Bonuses and Community Benefit Bonuses. Regardless of the number of Affordable Units, no Residential Development Project shall be entitled to a density bonus of more than what is authorized under State law and/or as allowed by the City's Density Bonus Ordinance.
  - C. **Exclusion of Density Bonus Units in Affordable Unit Calculations.** The density bonus units shall not be included in determining the number of Affordable Units required to qualify a Residential Development Project for a density bonus pursuant to Government Code Section 65915R.
  - D. **Multiple Eligibility Categories.** If a Residential Development Project qualifies for a density bonus under more than one income category, such as income-based eligibility, Senior Citizen Housing, or housing designated for transitional foster youth, disabled veterans, unhoused persons, or lower-income students, the applicant must identify which categories they are using to qualify for a density bonus. Density bonuses from more than one category can be combined up to the maximum allowed under Government Code Section 65915 or the maximum amount allowed by the City's Density Bonus Law, whichever allows for a greater bonus.

## 17.580.025 TIER DENSITY BONUSSES.

- A. **Tier Bonuses.** Tier Bonuses are intended to incentivize the development of additional housing in transit-rich areas, thereby mitigating the impacts of population growth on traffic, vehicle miles traveled, and carbon emissions, while also reducing the reliance of Low-Income Households on automobile ownership. The bonuses increase progressively across the tiers, corresponding to the proportion of Affordable Units required to attain these incentives.
- B. **Base Density Increase in Certain Mixed-Use Zones.** Projects within MU 1 or MU 2 zones which qualify for Tiers 1, 2, 3 or 4 Density Bonuses shall automatically receive a Base Density increase to 65 dwelling units per acre. All Tier and Community Benefit Bonuses may be applied to this increased Base Density.

C. **Summary of Tier Bonuses.** The four tiers are summarized in Table 5-3.

Table 5-3 Local Tier Density Bonus requirements

Tier Name	Transit proximity requirement	Affordability Threshold to Qualify for Bonus	Local Density Bonus
<b>Tier 1: State Minimums</b>	None	Must fulfill the requirements of California Density Bonus Law.	None
<b>Tier 2: Enhanced State Minimums</b>	None	Projects must qualify for a State Density Bonus and provide additional Affordable Units equal to at least 50% of the state-required minimum percentage for the corresponding income level.	20% of the minimum percentage required under California Density Bonus Law for the applicable affordability category.
<b>Tier 3: High-Quality Transit Corridors</b>	Within a half-mile of a High-Quality Transit Corridor	Projects must qualify for a State Density Bonus and provide additional Affordable Units equal to at least 75% of the state-required minimum percentage for the corresponding income level.	30% of the minimum percentage required under California Density Bonus Law for the applicable affordability category.
<b>Tier 4: Culver City Transit Priority Area</b>	Within a Culver City Transit Priority Area	Projects must qualify for a State Density Bonus and provide additional Affordable Units equal to at least 100% of the state-required minimum percentage for the corresponding income level.	40% of the minimum percentage required under California Density Bonus Law for the applicable affordability category.

D. **Tier 1: State Minimums.**

1. Residential Development Projects that qualify for a State density bonus are designated as Tier 1. Tier 1 projects are not eligible for any additional local bonuses.

E. **Tier 2: Enhanced State Minimums.**

1. Eligibility requirements for Tier 2 projects: Projects must qualify for a State Density Bonus and provide additional Affordable Units equal to at least 50% of the state-required minimum percentage for the corresponding income level.
2. Local bonuses for Tier 2 projects:
  - a. Tier 2 projects that meet the eligibility criteria may receive an additional local bonus equal to 20% of the minimum percentage required under California Density Bonus Law for the applicable affordability category.
  - b. Tier 2 projects are eligible for Community Benefit Bonuses.

F. **Tier 3: High-Quality Transit Corridors.**

1. Eligibility requirements for Tier 3 projects: Projects must qualify for a State Density Bonus and provide additional Affordable Units equal to at least 75% of the state-required minimum percentage for the corresponding income level.
2. Local bonuses for Tier 3 projects:
  - a. Tier 3 projects that meet the eligibility criteria may receive an additional local bonus equal to 30% of the minimum percentage required under California Density Bonus Law for the applicable affordability category.
  - b. Tier 3 projects are eligible for Community Benefit Bonuses.

**G. Tier 4: Culver City Transit Priority Areas.**

1. Eligibility requirements for Tier 4 projects: Projects must qualify for a State Density Bonus and provide additional Affordable Units equal to at least 100% of the state-required minimum percentage for the corresponding income level.
2. Local bonuses for Tier 4 projects:
  - a. Tier 4 projects that meet the eligibility criteria may receive an additional local bonus equal to 40% of the minimum percentage required under California Density Bonus Law for the applicable affordability category.
  - b. Tier 4 projects are eligible for Community Benefit Bonuses.

**17.580.030 COMMUNITY BENEFIT DENSITY BONUSES.**

**A. Community Benefit Density Bonuses.** Community Benefit Density Bonuses are designed to promote significant enhancements to Residential Development Projects by incentivizing the provision of additional middle-income housing, meeting the needs of multi-generational households, and improving overall quality of life. To ensure that the City goal to facilitate Low-Income Housing is not compromised, projects are eligible for Community Benefit Density Bonuses only after meeting the State and Local requirements for affordable housing as well as the requirements of either Culver City’s Tier 2, 3, or 4 Density Bonuses. Community Benefit Density Bonuses shall conform to requirements of Table 5-4.

Table 5-4 Community Benefit Density Bonuses

Community Benefit	Bonus Requirements	Bonus	Regulating Section
<b>Workforce Housing Bonus</b>	Projects restricting at least 10% of their base units to households earning between 80% and 140% of the AMI.	5% base density bonus.	Section 17.580.030.B
<b>Three or More Bedroom Unit Bonus</b>	Projects that designate at least 11% of total units as three or more bedrooms.	One percent for each additional percentage above 10% of the units that are 3 or more bedrooms with a maximum bonus of 5%.	Section 17.580.030.C
<b>Child Day Care Facility Bonus</b>	Projects that include a dedicated, fully licensed Child Day Care Facility of at least 500 square feet.	Density bonus equal to State bonus plus the square footage of the Child Day Care Facility.	Section 17.580.030.D
<b>Public Open Space Bonus</b>	Projects that include at least 3,000 square feet of public open space.	One unit per 1,000 square feet of eligible public open space, up to 10 units.	Section 17.580.030.E
<b>Neighborhood-Oriented Commercial Bonus</b>	Projects that include at least 1,000 square feet of Neighborhood-Oriented Commercial space.	One unit per 1,000 square feet of eligible Neighborhood-Oriented Commercial Space, up to 5 units.	Section 17.580.030.F
<b>Bus Stop Improvement Bonus</b>	Projects that install a new bus shelter or shelters or maintain an existing bus shelter or shelters to City standards.	2 units maximum	Section 17.580.030.G

**B. Workforce Housing Bonus.**

1. Eligibility requirements:
  - a. The Residential Development Project must meet the requirements for Density Bonus Tier 2, Tier 3, or Tier 4, as outlined in Section 17.580.025, Tier Density Bonuses.
  - b. The project must designate at least 10% of the base units for rental at rates affordable to households earning between 80% and 140% of the Area Median Income (AMI); OR
  - c. The project must designate at least 10% of the units for sale at prices affordable to households earning between 120% and 140% of the AMI.
2. Bonus requirements: Residential Development Projects that meet the above criteria shall receive a 5% base density bonus.

**C. Three or More Bedroom Unit Bonus.**

1. Eligibility requirements:
  - a. The Residential Development Project must meet the requirements for Density Bonus Tier 2, Tier 3, or Tier 4, as outlined in Section 17.580.025, Tier Density Bonuses.
  - b. At least 11% of all units within the Residential Development Project must have three or more bedrooms.
2. Bonus. For each additional percentage of units above 10% that have 3 or more bedrooms, the Residential Development Project qualifies for an equivalent base density bonus, up to a maximum of 5%.

**D. Child Day Care Facility Bonus.**

1. Eligibility requirements:
  - a. The Residential Development Project must meet the requirements for Density Bonus Tier 2, Tier 3, or Tier 4, as outlined in Section 17.580.025, Tier Density Bonuses.
  - b. The project must include a dedicated space for a Child Day Care Facility as defined in Article 7 of the Culver City Municipal Code and which fulfills the requirements of State Density Bonus Law. Small Family Day Care Homes or Large Family Day Care Homes, as defined in Section 17.700.010 Definitions of Specialized Terms and Phrases, are not eligible for this bonus.
  - c. The Child Day Care must be at least 500 square feet.
  - d. The California State Department of Social Services must fully license the Child Day Care facility.
2. Bonus. The Residential Development Project shall receive the State bonus plus the square footage of the Child Day Care Facility.
3. The Child Day Care facility must operate for at least as long as the density bonus units are required to remain affordable.

**E. Public Open Space Bonus.**

1. Eligibility requirements.
  - a. The Residential Development Project must meet the requirements for Density Bonus Tier 2, Tier 3, or Tier 4, as outlined in Section 17.580.025, Tier Density Bonuses.
  - b. The project must provide at least 2,000 square feet of public open space that includes one or more of the following: parks for passive or active use, playgrounds, and outdoor recreational facilities.

2. Bonus requirements:
  - a. The Residential Development Project shall receive a density bonus of one unit for each 1,000 square feet of public open space provided by the Developer.
  - b. The maximum unit bonus is 10 units.
3. Public Open Space Requirements.
  - a. The public open space must be accessible to the public from dawn to dusk. Private recreation areas, areas requiring admission fees, keycard, or keyed access, or those necessitating a sign-in or registration process are not eligible for this bonus.
  - b. The public open space must be open to the sky, although sun shelters, picnic shelters, or shade structures may be used provided they cover no more than 30% of the public open space.
  - c. The public open space must be accessible by pedestrians and must comply with the Americans with Disabilities Act (ADA).
  - d. The public open space must be visible from adjacent roads. Directional signage must be provided to help pedestrians and micromobility users locate and access the entrance.
  - e. The public open space must front a public Right of Way for at least 20 feet.
  - f. Landscaping within the public open space shall adhere to the standards set forth in the California State Model Water Efficient Landscape Ordinance, ensuring sustainability and water efficiency.
  - g. No more than 50% of the public open space may consist of impervious surfaces. Sports courts are excluded from these calculations.
  - h. Public Open Space that utilizes this bonus will not count towards any parkland dedication calculation or credits or required private or common open space.
4. Maintenance. The property owner is responsible for maintaining the Public Open Space unless a separate agreement is established with the Culver City Parks, Recreation and Community Services Department.

#### **F. Neighborhood-Oriented Commercial Bonus.**

1. Eligibility requirements.
  - a. The Residential Development Project must be located along a Primary or Secondary Arterial as designated on the Roadway Network exhibit within the Culver City General Plan Mobility Element.
  - b. The Residential Development Project must meet the requirements for Density Bonus Tier 2, Tier 3, or Tier 4, as outlined in Section 17.580.025, Tier Density Bonuses.
  - c. The Residential Development Project must provide at least 1,000 square feet of neighborhood-oriented commercial space.
  - d. The neighborhood-oriented commercial space must fulfill criteria outlined in Section 17.580.030 F.3.
2. Bonus requirements:
  - a. The Residential Development Project shall receive a bonus of one additional unit for each 1,000 square feet of eligible commercial space provided.
  - b. The maximum bonus is five units.
3. Neighborhood-Oriented Commercial requirements.
  - a. Five-year covenant. A covenant shall be required as a Condition of Approval for a minimum term of five years to reserve the commercial space for one of the uses listed within this section.

- i. The duration of the term shall commence upon the issuance of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for the commercial shell of the building.
  - ii. During the covenant period, the property owner or manager shall make a reasonable, good-faith effort to lease the commercial space to a tenant with a conforming use. Efforts shall include, but are not limited to, advertising the availability of the space, maintaining visible signage on-site with contact information, and engaging a licensed leasing agent. Documentation of these efforts shall be made available to the City upon request.
  - iii. If a tenant with a conforming use is not secured within the first five years upon the issuance of a TCO or CO, or if the existing conforming use fails and a new tenant with a conforming use is not secured within five years, the City may, at its discretion, waive the covenant.
- b. **Eligible uses.** The following uses are permitted at neighborhood-oriented commercial spaces.
  - i. Art studios or galleries that feature local artists and/or offer workshops or community art events.
  - ii. Bakeries offering freshly baked goods and pastries.
  - iii. Bookstores.
  - iv. Cafes and Restaurants less than 3,000 square feet.
  - v. Child Day Care centers and educational tutoring services.
  - vi. Co-working spaces under 10,000 square feet offering flexible work environments for local freelancers, remote workers, and small businesses.
  - vii. Dry cleaners and laundry services catering to the routine needs of residents.
  - viii. Fitness centers or yoga studios, and exercise and wellness services tailored to the community.
  - ix. Grocery stores and small supermarkets which offer fresh produce, household essentials, and other grocery items.
  - x. Local boutiques and specialty shops sell clothing, accessories, and unique items.
  - xi. Personal care services, including hair salons, barbershops, and nail salons.
  - xii. Pet care services such as grooming salons, pet supply stores, and small veterinary clinics.
  - xiii. Pharmacies offering prescription medications, over-the-counter drugs, and health-related products.
  - xiv. Other uses which primarily cater to the day-to-day needs residential neighborhoods by providing convenient access to essential goods or services, as determined by the Director.
- c. **Ineligible Uses.** Uses which are likely to attract additional regional vehicle traffic, increase noise pollution, and/or otherwise degrade the quality of life of neighborhood residents are prohibited, including but not limited to:
  - i. Large-scale retail stores and big-box stores exceeding 10,000 square feet.
  - ii. Bars and nightclubs.
  - iii. Drive-through businesses.
  - iv. Auto and vehicle sales/rental, auto parts sales, auto repair shops, gas stations, or other vehicle services.

- v. Uses which consistently generate noise levels detectable from outside the premises.
  - vi. Warehouses or distribution centers.
  - vii. Commercial parking lots or garages.
  - viii. Offices.
  - ix. Pet shops.
  - x. Hotels and motels.
  - xi. Other uses which do not primarily cater to the day-to-day needs residential neighborhoods by providing convenient access to essential goods or services.
- d. **Other Standards.** All Neighborhood-Oriented Retail spaces shall comply with all other applicable standards and regulations within the Culver City Municipal Code.

**G. Bus Stop Improvement Bonus.**

1. Eligibility requirements:
  - a. The Residential Development Project must be located along an unsheltered or uncovered designated bus stop, as determined by the Culver City Transportation Department and Mobility and Traffic Engineering Division (MTE); or
  - b. The project must maintain an existing sheltered or uncovered designated bus stop (or stops) and bring it into compliance with the requirements of this section and approved City model/specifications, if it is not already compliant.
  - c. The Residential Development Project must meet the requirements for Density Bonus Tier 2, Tier 3, or Tier 4, as outlined in Section 17.580.025, Tier Density Bonuses.
  - d. The bus stop furniture must conform to requirements outlined in Section 17.580.030 G.3.
2. Bonus requirements.
  - a. Projects meeting all eligibility criteria will receive a bonus of two units maximum regardless of the number of bus stops that are improved per project.
3. Bus Stop Improvement Requirements including Bus Stop locations.
  - a. Bus stops and their locations must comply with all State, Local, and City requirements.
  - b. The bus stop shall conform to the City's Bus Stop Standards and improvements, must be fully covered, protect users from rain, must provide seating for at least two people, provide a covered area for an accessible individual who uses a wheelchair and must provide shelters, benches, poles, real-time information displays, and waste receptacles.
  - c. Shelters shall be constructed per Transportation Department Specifications.
  - d. Shelters must include adequate lighting for safety, ensuring visibility during nighttime and low-light conditions. Lighting shall be energy-efficient and minimize light pollution.
  - e. The property manager is responsible for maintenance of the bus shelter for at least as long as the density bonus units are required to remain affordable, unless a separate agreement is established with Culver City. Maintenance parameters shall be determined by the Transportation Department.

**17.580.035 WAIVERS.**

- A. **Waivers.** Developers may request a Waiver of Development Standards if these standards physically prevent the construction of a housing development at the permitted density or with the



allowed incentives. The Developer must demonstrate that the Waiver is necessary to make the project, including Affordable Units, physically feasible. The number of Waivers is based on entitlement under State Density Bonus Law, with additional local Waivers available under Section 17.580.035 of this Chapter. Requested Waivers may include the following:

1. An exception to site Development Standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code including but not limited to:
    - a. Reduced minimum lot sizes and/or dimensions.
    - b. Reduced minimum lot setbacks.
    - c. Reduced minimum outdoor and/or private outdoor living area.
    - d. Increased maximum lot coverage.
    - e. Increased maximum building height.
    - f. Reduced minimum building separation requirements.
    - g. Reduced street standards, such as reduced minimum street widths.
  2. Other Waivers proposed by the Developer or the City which result in identifiable and required physical changes needed for the project to be constructed.
  3. Any other Waiver granted under Section 65915 of the California Government Code.
- B. **Financial Incentives.** Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee Waivers, or Waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.
- C. **City Planning Commission Review.** Projects that request five or more Waivers or reductions of any development standards not on listed in Section 17.580.035.A.1. must receive Planning Commission approval of a Site Plan Review pursuant to Chapter 17.540.
- D. **Findings for Waivers.** Waivers requested pursuant to the procedures described in this subsection shall be approved by the applicable decision-making authority unless the decision-making authority makes findings pursuant to CCMC Section 17.580.075.

## 17.580.040 CONCESSIONS.

- A. **Local Concessions.** Developers of residential projects qualifying for Tier 2, 3, or 4 Density Bonuses may request Local Concession(s) from development standards, fees, or other requirements, in addition to concessions granted by State Law.
1. **Demonstration of Necessity.** The Developer is not required to demonstrate that the Concession is necessary to make the project, including Affordable Units, economically feasible.
  2. **Number of Local Concessions.** The number of Local Concessions available to the Developer are as follows:
    - a. Tier 2-4 projects may receive one additional concession in addition to those which are granted by State Law.
    - b. 100% affordable projects receive two additional concessions in addition to those which are granted by State Law.
- B. **Limits.** Concessions related to height are restricted to the following:
1. Tier 1 eligible projects may have a maximum height increase of up to 11 feet above the Zoning Code maximum height limit per zoning district.
  2. Tier 2-4 eligible projects may have a maximum height increase of up to 22 feet above the Zoning Code maximum height limit per zoning district.

3. 100% affordable projects may have a maximum height increase of up to 33 feet above the Zoning Code maximum height limit per zoning district.
- C. **Financial Incentives.** Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee Waivers, or Waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

#### **17.580.045 APPLICATION FILING, PROCESSING, AND REVIEW.**

- A. **Filing.** A request for density bonus or other incentives pursuant to State Density Bonus Law shall be processed as part of an application in compliance with and subject to the provisions and requirements of Chapter 17.500 (Applications, Processing, and Fees). No additional discretionary approval shall be required for a request for, or the granting of, a density bonus or other incentive that is available pursuant to current State Density Bonus Law. A density bonus request shall include the following:
1. **Requested density bonus.**
    - a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed Affordable Units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
    - b. A site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed Affordable Units and density bonus units.
    - c. The zoning and general plan designations and assessor's parcel number(s) of the Residential Development Project site.
    - d. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period.
      - i. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units shall be included in the description, if known.
      - ii. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.
    - e. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to Very Low- or Lower-Income Households in the five-year period preceding the date of submittal of the application.
      - i. If any units on the site are currently subject to deed restrictions, the application must include a plan outlining how the project will meet State requirements for replacing these units.
    - f. A tentative map and/or preliminary site plan, if applicable, drawn to scale, showing the number and location of all proposed units, designating the location of proposed Affordable Units and density bonus units.
  2. **Affordable Housing Plan**, pursuant to Section 17.580.050, below.
  3. **Requested Concession(s) or Incentive(s).** In the event an application proposes concessions or incentives for a Residential Development Project pursuant to State Density Bonus Law, or, as applicable, the City's Density Bonus Law, the density bonus

report shall include the City's required development standard and the Applicant's requested development standard concession or regulatory incentive.

4. **Requested Waiver(s).** In the event an application proposes Waivers of development standards for a Residential Development Project pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each Waiver requested, shown on a site plan or elevation if appropriate:
    - a. The City's required development standard and the requested development standard Waiver.
    - b. Reasonable documentation that the development standards for which a Waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by State Density Bonus Law.
  5. **Child Day Care Facility.** If a density bonus or incentive is requested for a Child Day Care Facility in a Residential or Mixed Use project, reasonable documentation that all of the requirements included in Section 17.580.030.D can be met.
  6. **Neighborhood-Oriented Commercial Bonus.** If a Neighborhood-Oriented Commercial Bonus is requested for a housing project, the application shall include a plan explaining how the Neighborhood-Oriented Commercial space will comply with Section 17.580.030.F.
- B. **Director Finding.** If the Director makes any of the findings set forth in CCMC 17.580.075, the written finding shall be provided to the Developer, who may appeal the findings pursuant to Section 17.640 of the Municipal Code.
  - C. **Public Notice and Hearings.** Notices, public hearings, and project approvals shall be completed consistent with the appropriate approving authority of the project.
  - D. **Review Authority.** The approval authority is determined by the underlying entitlement request.
  - E. **Mixed Use Project.** The granting of a density bonus and incentives for a mixed-use development project shall comply with the provisions of Government Code Section 65915, et. seq.
  - F. **Compliance with other applicable zoning regulations.** Notwithstanding any permitted density bonus or incentive granted pursuant to this section, any project receiving a density bonus hereunder shall otherwise be consistent with the applicable zoning and land use regulations and requirements, including permitted uses.

## **17.580.050 AFFORDABLE HOUSING PLAN.**

The Applicant shall submit an Affordable Housing Plan (AHP) as part of the formal entitlement application for a Residential Development Project. The Director shall determine whether the AHP is complete. The elements of a complete AHP are described below. If the AHP is incomplete, it will be returned to the Applicant with a list of the deficiencies, or the information required. No application for a discretionary or ministerial permit to which this Chapter applies shall be deemed complete until the AHP is deemed complete by the Director. At any time during the review process, the Director may require from the Applicant additional information necessary to clarify and supplement the application or to determine the consistency of the proposed AHP with the requirements of this Chapter.

The AHP should include, but not be limited to, the following:

- A. The structure layout (attached, semi-attached, or detached), proposed tenure (for-sale or rental), and size of the proposed market-rate units, commercial space, and/or Affordable Housing Units;
- B. A plan indicating the location of the Affordable Units;
- C. The income levels to which each Affordable Housing Unit will be made affordable;

- D. For phased Residential Development Projects, a comprehensive phasing plan must be provided. This plan shall clearly outline that each phase of development includes Affordable Units in the same proportion as the overall project commitment as required by this Chapter;
- E. A written statement demonstrating compliance with the requirements of this Chapter;
- F. A preliminary marketing plan that describes how the Applicant intends to inform the public, and those within the appropriate income groups, of the availability of Affordable Housing Units; and
- G. Any other information requested by the Director to assist with evaluation of the AHP under the standards of this Chapter.
- H. No monitoring fee shall be imposed on projects that are 100% affordable and subject to this section. The City may only impose a monitoring fee for local programs that establish affordability levels distinct from those tracked by the State, including but not limited to projects utilizing tax incentives or workforce housing bonuses.

### **17.580.055 AFFORDABLE HOUSING AGREEMENT (AHA).**

- A. **General Requirements.** Except where a density bonus, incentive, Waiver, or commercial development bonus is provided for a market-rate Senior Citizen Housing Development, the Applicant shall enter into an AHA with the City, in a form approved by the City Attorney, to be executed by the City Manager, to ensure that the requirements of this Section are satisfied. The AHA shall guarantee that the units remain affordable to Very Low- or Low-Income households for a minimum term of 55 years, or to Moderate-Income households for a minimum term of 45 years. With respect to rental units, such rent restrictions shall be in the form of a regulatory agreement recorded against the applicable property. With respect to owner-occupied units, such resale controls shall be in the form of resale restrictions, deeds of trust, and/or other similar documents recorded against the applicable property. Affordability restrictions and terms shall be consistent with State Density Bonus law. The AHA shall include the following:
  - 1. The number of density bonus dwelling units granted;
  - 2. The number and type of affordable dwelling units;
  - 3. The unit size(s) (square footage) of affordable dwelling units and the number of bedrooms per Dwelling Unit;
  - 4. The proposed location of the affordable dwelling units;
  - 5. Schedule for production and phasing of affordable dwelling units in relation to the market-rate units as per State Density Bonus Law;
  - 6. Incentives or concessions or Waivers provided by the City;
  - 7. Where applicable, tenure and conditions governing the initial sale of the Affordable Units;
  - 8. Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining affordable rental dwelling units;
  - 9. Compliance with federal and state laws;
  - 10. Prohibition against discrimination;
  - 11. Indemnification;
  - 12. City's right to inspect units and documents;
  - 13. Remedies;
  - 14. The duration of the AHA.
- B. **Senior Housing Agreement.** Where a density bonus, or Waiver is provided for a market-rate Senior Citizen Housing Development, the Applicant shall enter into a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, to require that the Residential Development Project be operated as "housing for older persons" consistent with state and federal fair housing laws.

- C. **Execution.** Upon approval of a Community Benefit Density Bonus and/or Tier Density Bonus, the applicant must enter into a binding agreement with the City, detailing the specific terms of the bonus, including the provision of the agreed-upon Low-Income Units and/or Community Benefits. The agreement shall be recorded against the property and shall be binding on all future owners, heirs, and assigns. The executed AHA or senior housing agreement shall be recorded against the land prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for the Residential Development Project. The AHA or senior housing agreement shall be binding on all future owners and successors in interest.
- D. **Monitoring.** As part of the AHA, all restricted units will be monitored on an annual basis by the Culver City Housing and Human Services Department. The monitoring is to ensure all restricted units are occupied by income eligible households and that the Affordable Units are within the HCD standards of charging an Affordable Unit based on unit size and household income level.

### 17.580.060 ENFORCEMENT OF AFFORDABLE HOUSING AGREEMENT.

- A. **Excess Rents.** In the event it is determined that rents in excess of those allowed by this Chapter have been charged to a tenant residing in a rental Affordable Housing Unit, the City may take the appropriate legal action, and the rental unit owner shall be obligated to pay to the tenant (or to the City in the event the tenant cannot be located) an amount equal to three times the excess rent charges for the first offense, five times the excess rent charges for the second offense, and ten times the excess rent charges for the third offense. In the event of additional repeat violations or severe cases, the penalty may increase, with the possibility of additional fines or legal actions.
- B. **Excess Sales Prices.** In the event it is determined that a sales price in excess of that allowed by this Chapter has been charged to an income-eligible household purchasing an ownership Affordable Unit, the City may take the appropriate legal action to recover funds, and the Affordable Unit seller shall be obligated to pay to the purchaser (or to the City in the event the purchaser cannot be located), an amount equal to three times the excess sales costs for the first offense, five times the excess sales charges for the second offense, and ten times the excess sales charges for the third offense. In the event of additional repeat violations or severe cases, the penalty may increase, with the possibility of additional fines or legal actions.
- C. **Enforcement of Bonus Terms.**
  - 1. **Compliance Monitoring and Site Inspections.** The City reserves the right to conduct periodic site inspections to ensure compliance with the terms of the agreement. Inspections will verify that the Affordable Units and Community Benefits are being provided and maintained as outlined in the approved plan.
  - 2. **Remedies for Non-Compliance.** If the City determines that the Developer or property owner is not in compliance with the terms of this Chapter, the following remedies may be enforced:
    - a. **Notice of Violation.** The City will issue a written notice of violation, outlining the specific areas of non-compliance and providing a timeframe for corrective action.
    - b. **Fines and Penalties.** If the violation is not corrected within the specified timeframe, the City may impose fines. The number of fines shall be determined based on the severity of the violation.
    - c. **Revocation of Bonus.** The City reserves the right to revoke the provisions of this Chapter if the Developer or property owner fails to comply with the agreed-upon terms prior to building permit issuance. Upon revocation, the property may revert to its original allowable density or use restrictions, and any additional units or benefits granted under the bonus may be rendered invalid.

- d. Legal Action. The City may pursue legal action to enforce compliance with the terms of the agreement, including seeking injunctive relief or damages as necessary.

## 17.580.065 GENERAL AFFORDABLE HOUSING REQUIREMENTS.

### A. Affordable Unit Requirements.

1. Affordable units shall be located throughout the Residential Development Project site and not isolated to one specific building.
2. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any Affordable Units that qualified the project for a density bonus, incentive, Waiver, or parking reduction, so that the Affordable Units comprise the required percentage of total units.
3. To comply with fair housing laws, the Affordable Units shall contain the same proportional mix of bedroom sizes as the market-rate units.
4. In mixed-income buildings, the occupants of the Affordable Units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the Affordable Units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.
5. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.
6. Residential Development Projects shall comply with all applicable Development Standards, except those which may be modified as provided by this Chapter.

B. **Compliance with other applicable zoning regulations.** Notwithstanding any permitted density bonus or incentive granted pursuant to this section, any project receiving a density bonus hereunder shall otherwise be consistent with the applicable zoning and land use regulations and requirements, including permitted uses.

C. **Affordable Unit Availability.** Affordable Housing Units shall be constructed concurrently with and made available for qualified occupants at the same time as market-rate units within the same project, unless both the City and the Developer agree to an alternative schedule for development.

D. **Effect of Granting Density Bonus.** The granting of a density bonus under this section shall not, in and of itself, be interpreted to require a General Plan amendment, Zoning Code or Zoning Map amendment, or other discretionary approval.

E. **First-Time Homebuyers.** Owner-occupied Units that implement Tier Density or Community Benefit Bonuses may be offered for sale only to first-time homebuyers, who are defined as follows:

1. An individual or his or her spouse who has not owned a home during the three-year period prior to the date of purchase of the unit.
2. An individual who is a displaced homemaker or single parent who has only owned a home with a former spouse while married. A displaced homemaker is defined as an individual who meet all the following criteria:
  - a. Is an adult;
  - b. Has not worked full-time and full-year in the labor force for two years but has, during such years, worked primarily without remuneration to care for the home and family; and

- c. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- 3. An individual shall not be excluded from consideration as a first-time homebuyer on the basis that the individual owns or owned, as a principal residence during the three year period, a dwelling unit whose structure is not permanently affixed to a permanent foundation in accordance with local or other applicable regulations or is not in compliance with State, local, or model building codes, or other applicable codes, and cannot be brought into compliance with the codes for less than the cost of constructing a permanent structure.

**17.580.070 REPLACEMENT OF DWELLING UNITS.**

Residential Development Projects utilizing Tier Density Bonuses or Community Benefit Density Bonuses must comply with the State's Replacement Unit Requirements, which ensure the replacement of removed or demolished units, including affordability and tenant protection provisions as applicable.

**17.580.075 FINDINGS AND DECISION.**

The Director shall review and may approve, conditionally approve, or disapprove a density bonus and other bonus incentives request.

- A. The Director may deny a request for an incentive or concession for which the findings set forth in subsection A of this section can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
  - 1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
  - 2. The incentive or concession would have a specific adverse impact upon public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete; or
  - 3. The concession or incentive would be contrary to state or federal law.
- B. The Director may deny a request for a Waiver or reduction for which the findings set forth in subsection A of this section can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
  - 1. The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
  - 2. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources; or
  - 3. The Waiver or reduction would be contrary to state or federal law; or

- 4. The development standard associated with a request for Waiver(s) will not have the effect of physically precluding the construction of a development meeting the maximum density of the Residential Development Project permitted under the provisions of this Chapter and State Law.
- C. The Director may deny a density bonus, incentive, or concession that is based on the provision of childcare facilities and for which the required findings can be made only if it makes a written finding, based on substantial evidence, that the City already has adequate childcare facilities.

**17.580.080 CONDITIONS OF APPROVAL.**

- A. The applicable review authority may approve a density bonus and other bonus incentives for both ministerial and discretionary projects in compliance with Section 17.580.075 (Findings and Decision), and may impose conditions upon the project, including but not limited to, the City's Comprehensive Standard Conditions of Approval for Discretionary Projects as adopted by the Commission to ensure that the project will meet all of the required findings.
- B. Conditions may relate to both on- and off-site improvements, which are reasonable and necessary to mitigate project-related impacts, and to carry out the purpose and requirements of this Chapter and applicable development standards and objective design standards.

**17.580.085 POST-APPROVAL PROCEDURES.**

Procedures relating to appeals, notices, revocations, and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.595 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a density bonus and other bonus incentives.

**DEFINITIONS TO ADD TO 17.700**

- A. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities who seek residential property development permits or approvals from the City of Culver City.
- B. **Base Density.** The number of base units per acre a Residential Development Project is entitled to under Culver City Zoning Code regulations before applying any State, Local, or other bonuses. Projects within MU-1 or MU-2 zones may receive a Base Density increase to 65 dwelling units per acre.
- C. **Development Standard.** Site or construction conditions that apply to a Residential Development Project pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation as per Government Code section 65915(o)(1) of State Density Bonus Law, including, but not limited to, height limitations, setback requirements, onsite open-space requirements, design standards, or parking ratios as stipulated by any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.