

1 **RESOLUTION NO. 2022-R_____**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER
3 CITY PURSUANT TO THE PROVISIONS OF CALIFORNIA
4 GOVERNMENT CODE SECTION 52201 APPROVING: (1) THE SALE
5 AND TRANSFER OF CERTAIN REAL PROPERTY LOCATED AT 9814
6 WASHINGTON BOULEVARD TO RETHINK CULVER LLC; (2) ENTRY
7 BY THE CITY OF CULVER CITY AND RETHINK CULVER LLC INTO
8 A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT
9 AND A GRANT DEED TO EFFECTUATE SAID DISPOSITION OF
10 PROPERTY; (3) THE CITY OF CULVER CITY'S REMITTANCE OF
11 THE NET PURCHASE PRICE PROCEEDS RECEIVED BY THE CITY
12 OF CULVER CITY AFTER CLOSE OF ESCROW TO THE LOS
13 ANGELES COUNTY AUDITOR-CONTROLLER FOR DISPOSITION
14 TO TAXING ENTITIES; AND (4) RELATED ACTIONS.

15 WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("**AB 26**") was
16 signed by the Governor of California on June 28, 2011, making certain changes to the
17 California Community Redevelopment Law (Part 1 (commencing with Section 33000) of
18 Division 24 of the California Health and Safety Code) (the "**Redevelopment Law**") and to the
19 California Health and Safety Code ("**H&S Code**") including adding Part 1.8 (commencing
20 with Section 34161) and Part 1.85 (commencing with Section 34170) ("**Part 1.85**") to Division
21 24 of the H&S Code; and

22 WHEREAS, pursuant to AB 26, as modified by the California Supreme Court
23 on December 29, 2011 by its decision in *California Redevelopment Association v.*
24 *Matosantos*, all California redevelopment agencies, including the Culver City Redevelopment
25 Agency (the "**Former CCRA**"), were dissolved on February 1, 2012, and successor agencies
26 were designated and vested with the responsibility of paying, performing and enforcing the
27 enforceable obligations of the former redevelopment agencies and expeditiously winding
28 down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City of Culver City adopted Resolution No.
2012-R001 on January 9, 2012, pursuant to Part 1.85 of AB 26, accepting for the City of

1 Culver City (the “**City**”) the role of successor agency to the Former CCRA (the “**Successor**
2 **Agency**”); and

3 WHEREAS, AB 26 has since been amended by various assembly and senate
4 bills enacted by the California Legislature and signed by the Governor (AB 26 as amended
5 is hereinafter referred to as the “**Dissolution Law**”); and

6 WHEREAS, on February 6, 2012, the Board of Directors of the Successor
7 Agency, adopted Resolution No. 2012-SA001 naming itself the “Successor Agency to the
8 Culver City Redevelopment Agency”, the sole name by which it will exercise its powers and
9 fulfill its duties pursuant to Part 1.85 of the Dissolution Law and establishing itself as a
10 separate legal entity with rules and regulations that will apply to the governance and
11 operations of the Successor Agency; and

12 WHEREAS, pursuant to the Dissolution Law, each successor agency shall
13 have an oversight board with fiduciary responsibilities to holders of enforceable obligations
14 and to the taxing entities that benefit from distributions of property taxes and other revenues
15 pursuant to H&S Code Section 34188 of the Dissolution Law; and

16 WHEREAS, the oversight board has been established for the Successor
17 Agency (hereinafter referred to as the “**Oversight Board**”) and all seven (7) members have
18 been appointed to the Oversight Board pursuant to H&S Code Section 34179. The duties
19 and responsibilities of the Oversight Board are primarily set forth in H&S Sections 34179
20 through 34181 of the Dissolution Law; and

21 WHEREAS, pursuant to H&S Code Section 34191.5(b) of the Dissolution Law,
22 on July 18, 2013, the Successor Agency prepared and submitted to the California
23 Department of Finance (the “**DOF**”) for approval its Long Range Property Management Plan
24 (the “**LRPMP**”), as approved by its Oversight Board, that addressed the disposition and use
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1 of certain real properties of the Former CCRA. On March 13, 2014, the Successor Agency
2 prepared and submitted to the DOF for approval certain revisions to its LRPMP, as approved
3 by its Oversight Board, that addressed changes to the disposition of certain parking parcels
4 of the Former CCRA as described in the revised LRPMP; and

5 WHEREAS, the DOF, by letter dated March 18, 2014, issued its determination
6 on the LRPMP, as revised, (the "**Revised LRPMP**") approving the Successor Agency's use
7 and disposition of all the properties listed in the LRPMP. The DOF's letter states that its
8 approval of the Revised LRPMP took into account Resolution No. 2014-OB004 approving
9 the Revised LRPMP and accompanying Agenda Item Report and acknowledges the
10 Successor Agency's submittal of its LRPMP on July 18, 2013 and the Revised LRPMP on
11 March 13, 2014; and

12 WHEREAS, among the properties approved for disposition was the Successor
13 Agency-owned real property located at 9814 Washington Boulevard, in the City of Culver
14 City (the "**Site**"); and

15 WHEREAS, by grant deed recorded in the official records of Los Angeles
16 County on January 29, 2020, the Site was transferred from the Successor Agency to the City
17 for no monetary compensation; and

18 WHEREAS, the City and REthink Culver LLC, a California limited liability
19 company (the "**Developer**"), desire to enter into a Disposition and Development Agreement
20 and related agreements (collectively, the "**DDA**") to provide for the improvement and
21 development of the Site with the 34-unit market rate and affordable housing project with
22 ground-floor arts related space (the "**Project**"). The DDA provides for the City to sell and
23 transfer the Site to the Developer for a purchase price of Three Hundred Thousand Dollars
24 (\$300,000) (the "**Purchase Price**"); and

1 WHEREAS, the City desires to sell and transfer to the Developer fee title to the
2 Site through a proposed grant deed (the “**Grant Deed**”); and

3 WHEREAS, the DDA contains all the provisions, terms and obligations required
4 by State and local law, and the Developer represents that it possesses the qualifications and
5 financial resources necessary to develop and operate the Project as set forth in the DDA, all
6 of which development will be in accordance with the purposes and objectives of the
7 Redevelopment Law; and

8 WHEREAS, pursuant to California Government Code Section 52201, the City
9 is authorized, with the consent of the City Council, to sell or lease property, such as the Site,
10 in order to create an economic opportunity; and

11 WHEREAS, a copy of the DDA and a summary of this transaction (which by
12 this reference is incorporated herein as if set forth in full at this point) setting forth all of those
13 matters required by the provisions of Section 52201 of the California Government Code have
14 been available for public inspection; and

15 WHEREAS, notice of the hearing to consider the DDA was given in the manner
16 required by law; and

17 WHEREAS, at said public hearing, the City Council received and considered a
18 staff report (which by this reference is incorporated herein as if set forth in full at this point)
19 and testimony; and

20 WHEREAS, the City and the Developer’s predecessor-in-interest entered into
21 an exclusive negotiation agreement dated as of November 17, 2020 regarding the proposed
22 sale of the Site, and so long as such sale is completed by December 31, 2022, California
23 Government Code Section 54234(b)(1) and Surplus Land Act Guidelines Section 103(b)(2)
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1 provide that the sale is not subject to the requirements of AB 1486 and must comply with the
2 Surplus Land Act as it existed on December 31, 2019; and

3 WHEREAS, in accordance with the California Environmental Quality Act
4 (“**CEQA**”) set forth in California Public Resources Code Section 21000 *et seq.*, the State
5 CEQA Guidelines set forth in Title 14, California Code of Regulations Section 15000 *et seq.*,
6 and procedures adopted by the City relating to environmental evaluation of public and private
7 projects, initial review of the Project established that there are no potentially significant
8 adverse impacts upon the environment, and the Project has been determined to be
9 Categorically Exempt pursuant to CEQA Section 15332, Class 32 – In-Fill Developments,
10 because the proposed project is consistent with the Downtown (Commercial) General Plan
11 Land Use designation and the Commercial Downtown (CD) Zoning standards, the Project
12 site is on a 0.29-acre site surrounded by urban land uses (*e.g.*, commercial uses, medical
13 and hospital uses, and municipal buildings), the Project site currently consists of a vacant
14 single-family home and a commercial restaurant, and has no value as habitat for
15 endangered, rare, or threatened species, the Project would not result in any significant effects
16 relating to traffic, noise, air quality, or water quality because it is within the anticipated
17 development threshold for this area, and the Project analysis did not identify significant
18 impacts and required utilities and public services are provided as determined by the City; and
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21 WHEREAS, all other legal prerequisites to the adoption of this Resolution have
22 occurred.
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24 NOW, THEREFORE, the City Council of the City of Culver City, DOES
25 HEREBY RESOLVE as follows:

26 SECTION 1. The foregoing recitals are true and correct and are a substantive
27 part of this Resolution.
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1 SECTION 2. The City Council has received and heard all oral and written
2 objections to the City's proposed sale and transfer of the Site to the Developer for the
3 Purchase Price, in accordance with the terms and conditions set forth in the DDA, and to
4 other matters pertaining to this transaction, and that all such oral and written objections are
5 hereby overruled.

6 SECTION 3. The City's proposed sale and transfer of the Site to the Developer
7 for the Purchase Price will assist in the creation of economic opportunity.

8 SECTION 4. The consideration for the Site is not less than the fair market
9 value at its highest and best use.

10 SECTION 5. The City Council hereby approves the City's entry into the DDA,
11 and the sale and transfer of the Site to the Developer for the Purchase Price, all in
12 accordance with the terms and conditions set forth in the DDA.

13 SECTION 6. The City Council hereby approves the DDA, in substantially the
14 form as the DDA attached to the September 12, 2022 City Council Agenda Item Report,
15 Agenda Item No. 23-76, that effectuates the City's disposition of the Site to the Developer for
16 the Purchase Price.

17 SECTION 7. The City Council hereby approves delivery of the Grant Deed that
18 would effectuate the City's disposition of the Site to the Developer for the Purchase Price.

19 SECTION 8. The City Council hereby authorizes and directs the City Manager
20 of the City, or designee, to remit to the Los Angeles County Auditor-Controller's Office for
21 distribution to the taxing entities in accordance with H&S Code Section 34191.5(c)(2)(B) of
22 the Dissolution Law the net purchase price proceeds that are received by the City after the
23 close of escrow for the City's sale and transfer of the Site to the Developer in accordance
24 with the terms and conditions set forth in the DDA, and consistent with the Revised LRPMP,
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1 because the Site was transferred from the Successor Agency to the City for no monetary
2 compensation.

3 SECTION 9. The City Council hereby finds that so long as the sale of the Site
4 is completed by December 31, 2022, it is not subject to the requirements of AB 1486 and
5 must comply with the Surplus Land Act as it existed on December 31, 2019.

6 SECTION 10. The City Council hereby authorizes and directs the City Manager
7 of the City, or designee, (i) to take all actions and to execute any and all documents,
8 instruments, and agreements necessary or desirable on behalf of the City, as approved by
9 the City Manager of the City and the City Attorney, including, without limitation, the DDA and
10 the Grant Deed transferring the Site the Developer for the Purchase Price; (ii) to remit the
11 net purchase price proceeds for the Site received from the Developer by the City after the
12 close of escrow to the Los Angeles County Auditor-Controller's Office for distribution to the
13 taxing entities in accordance with H&S Code Section 34191.5(c)(2)(B) of the Dissolution Law,
14 (iii) to effectuate all other actions approved by this Resolution, including, without limitation,
15 approving changes, implementations, or revisions to documents, instruments, and
16 agreements as determined necessary by the City Manager, or designee; and (iv) to
17 administer the City's obligations, responsibilities, and duties to be performed pursuant to this
18 Resolution and all documents, instruments, and agreements required by and for the sale and
19 transfer of the Site to the Developer for the Purchase Price.
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22 SECTION 11. If any provision of this Resolution or the application of any such
23 provision to any person or circumstance is held invalid, then such invalidity shall not affect
24 other provisions or applications of this Resolution that can be given effect without the invalid
25 provision or application, and to this end the provisions of this Resolution are severable. The
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1 City Council declares that it would have adopted this Resolution irrespective of the invalidity
2 of any particular portion of this Resolution.

3 SECTION 12. This Resolution shall take effect upon the date of its adoption.
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6 APPROVED AND ADOPTED, this ____ day of _____, 2022.
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9 _____
DR. DANIEL LEE, Mayor

10 ATTEST:

11 APPROVED AS TO FORM:

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JEREMY BOCCHINO, City Clerk

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HEATHER BAKER, City Attorney