

RESOLUTION NO. 2021-R\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ESTABLISHING GUIDING PRINCIPLES FOR THE CITY’S HOUSING ELEMENT UPDATE FOR THE 6TH PLANNING PERIOD.**

**WHEREAS**, the City of Culver City (City) is required by state law to adopt a revised “housing element” of its general plan by October 15, 2021; and

**WHEREAS**, the revised housing element must accommodate the City’s share of the regional need for new housing from October 15, 2021 to October 15, 2029, affirmatively further fair housing, and remove unwarranted constraints to the development of housing; and

**WHEREAS**, the City’s failure to adopt a revised, substantially compliant housing element by October 15, 2021 would trigger very substantial consequences, including loss of authority to deny projects containing at least 20% low-income units on the basis of the project’s noncompliance with the City’s zoning ordinances and general plan; and

**WHEREAS**, the state law governing housing elements has been substantially revised and strengthened since the City’s current housing element was adopted and certified as compliant by the California Department of Housing and Community Development (HCD); and

**WHEREAS**, climate change, wildfires, and the moral imperative to provide opportunities for socioeconomic mobility create an urgent need for rapid expansion of the multifamily housing supply in locations with high housing prices; good access to transit, jobs and schools; and separation from the wildland-urban interface; and

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1           **WHEREAS**, a housing element that advances the goals of the state law  
2 governing housing elements will strengthen local control by solving a statewide problem  
3 through regional cooperation;

4           **NOW, THEREFORE**, the City Council of the City of Culver City does  
5 **HEREBY RESOLVE** as follows:

6           **SECTION 1.** The City Council hereby directs its Community Development  
7 Department and General Plan Update consultants to abide by the following principles  
8 when designing and drafting the City's Housing Element for the sixth planning period:  
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10           **PRINCIPLE 1.** The estimate of a site's "realistic capacity" for new housing  
11 shall account for the parcel's probability of development during the planning period. To  
12 the extent feasible, a site's capacity to accommodate housing during the planning period  
13 shall be determined as follows: (probability of development or redevelopment) \* (net new  
14 units if developed or redeveloped).  
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16           **PRINCIPLE 2.** In the absence of any better information about a site's  
17 probability of development during the planning period, the housing element shall assume  
18 that this probability equals "the proportion of parcels in the previous housing element's  
19 site inventory that were developed during the previous planning period," as recommended  
20 by HCD's Site Inventory Guidebook. If this proportion cannot be ascertained, the housing  
21 element shall assume that a site's development probability is equal to [number], which is  
22 the portion of the City's aggregate RHNA target for the fifth cycle that the city is currently  
23 projected to meet.  
24

25           **PRINCIPLE 3.** Sites which are designated as suitable for accommodating  
26 lower-income housing shall be zoned to allow at least 30 dwelling units per acre, the  
27 "Mullin density" safe harbor of Government Code Section 65583.2(c)(3).  
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1 PRINCIPLE 4. Zoned capacity for lower-income housing shall be equitably  
2 distributed throughout the city, consistent with the new statutory requirement that housing  
3 elements affirmatively further fair housing. Government Code Section 65583(c)(3). More  
4 specifically, the ratio of “realistic capacity for new Mullin-density housing” to “total number  
5 of extant housing units” shall be at least as large in high-opportunity neighborhoods as it  
6 is in low-opportunity neighborhoods.

7  
8 PRINCIPLE 5. As recommended by HCD’s Site Inventory Guidebook, the  
9 housing element shall provide a sufficient capacity buffer (after any initial rezoning  
10 required by the housing element) to comply with the state’s No Net Loss law throughout  
11 the planning period, without further rezoning. For purposes of estimating the capacity  
12 buffer, the housing element shall assume (a) that  $\frac{1}{8}$  of the realistic capacity in each  
13 income bin will be developed during each year of the planning period, (b) that [X]% of the  
14 units developed on sites suitable for lower-income housing will consist of lower-income  
15 units, and (c) that [Y]% of the units developed on sites suitable for moderate-income  
16 housing will consist of moderate-income units.

17  
18 PRINCIPLE 6. If, after applying principles (1) through (5) above, the  
19 capacity or distribution of developable sites under current zoning is determined to be  
20 inadequate, the housing element’s site inventory table shall specify the minimum  
21 additional density that will be allowed on each site. This additional capacity shall be  
22 codified through rezoning pursuant to Government Code Section 65583(c) and  
23 65583.2(c); provided, however, that the rezoning may reduce permissive density on some  
24 sites if the reduction is offset with an equal or greater increase in capacity on other sites,  
25 and the change is memorialized with amendments to the housing element’s site inventory  
26 table. It shall be a fundamental, mandatory, and clear policy of the general plan to allow  
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development of inventory sites at the density specified in inventory table, including “minimum additional density” if any, except in the rare instance where such development would have a “specific, adverse impact upon the public health or safety” within the meaning of the Housing Accountability Act. See Government Code Section 65589.5(d)(2) and (j)(1).

PRINCIPLE 7. The housing element shall set feasible quantified objectives in each income category, and shall trigger automatic mid-cycle adjustments in the event that the city has not permitted at least 50% of the quantified objective in each category by the midpoint of the planning period. This adjustment shall include, at a minimum, a density bonus on housing element inventory sites which is proportionate to any deficit accrued during the first half of the planning period. It may also include an option for developers to elect ministerial permitting of projects on the inventory sites, and/or a procedure for developers to obtain waivers of development standards that render redevelopment of a site economically infeasible but are not necessary for public health or safety. The automatic mid-cycle adjustment shall be deemed a “fundamental, mandatory and clear” component of the general plan.

PRINCIPLE 8. The housing element’s analysis of constraints, required by Government Code Section 65583(a), shall include an assessment of the city’s compliance with development-permitting requirements under state law, including:

a. the timeframes of the California Environmental Quality Act (Public Resources Code Sections 21080.1, 21080.2, 21151.5(a); CEQA Guidelines Sections 15107, 15108), including the implied 30-day period for making CEQA exemption determinations;

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b. the timeframes and “deemed approved” provisions of the Permit Streamlining Act (Government Code Section 65943 et seq.);

c. the timeframes and “deemed approved” provisions of the state accessory dwelling unit law (Government Code Section 65852.2(b)); and

d. the notice and “deemed to comply” provisions of the Housing Accountability Act (Government Code Section 65589.5(j)(2)) and SB 35 (Government Code Section 65913.4(c)).

Insofar as the City is not in substantial compliance with these provisions, or lacks the data needed to ascertain compliance, the housing element shall include concrete program actions to achieve compliance and to process building permits for development projects which have been “deemed approved” as a matter of state law.

PRINCIPLE 9. To the extent feasible, the housing element’s analysis of constraints shall be grounded in quantitative data, and in comparisons between the City and peer municipalities in regions where the housing market’s response to sharp increases in demand has taken the form of rapidly expanding housing production rather than rapidly escalating housing prices. Data used in the analysis of constraints shall be released to the public absent an overriding privacy interest.

PRINCIPLE 10. State law requires “a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element.” Government Code Section 65583(c)(9). To this end, public opinion shall be gathered through, among other things, a survey about housing priorities, and this survey shall elicit basic demographic information about the respondent (age, place of residence, status as tenant or homeowner, race/ethnicity). Summary statistics provided in the housing element, such as the average response to a

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survey item, shall be reweighted to reflect the demographic composition of the adult residents of the City.

**SECTION 2.** Nothing in this Resolution shall limit the City Council's discretionary powers or the public hearing process in the City's future consideration and adoption of the Housing Element.

APPROVED and ADOPTED on this \_\_\_\_\_ day of March, 2021.

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ALEX FISCH, MAYOR  
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JEREMY GREEN, City Clerk

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CAROL A. SCHWAB, City Attorney

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