

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, with a 120-day grace period ending February 12, 2022; and

WHEREAS, Assembly Bill 725 requires the City to adopt a revised housing element of its general plan before January 1, 2022, to avoid allocating 25% of its Regional Housing Needs Assessment (RHNA) share for moderate- and above moderate-income housing to sites zoned to accommodate at least four on-site multi-family housing units; and

WHEREAS, a revised housing element must accommodate the City's share of the regional need for new housing from October 15, 2021 to October 15, 2029 (the sixth planning period), 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, with a 120-day grace period ending February 12, 2022, would trigger substantial consequences, including, but not limited to, requiring a four year update cycle instead of an eight year cycle and ineligibility to apply for State funds; and

WHEREAS, all sites requiring rezoning to comply with the adopted Housing Element will be subject to by-right approval if they include at least 20% affordable units,

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between the time the Housing Element is adopted until the Zoning Map is amended, regardless of when the Housing Element is adopted; 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

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

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

SECTION 1. The City Council hereby directs its Community Development Department and General Plan Update consultants to abide by the following principles when designing and drafting the City’s Housing Element for the sixth planning period:

PRINCIPLE 1. The estimate of a site’s “realistic capacity” for new housing shall account for the parcel’s “probability of development” during the planning period.

PRINCIPLE 2. The Housing Element shall assume that “probability of development” be determined by identifying eligible parcels based on factors historically accepted by HCD (e.g. age of existing structure, land to improvement value, existing floor area ratio and lot coverage, existing uses [vacancy and turnover rates], staff knowledge

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of owner/developer interest, location proximity to recent development activities, and potential unit yield [at least 3-4 times the existing number of units on site]) and applying historical trend and mixed use discounts to estimate site capacity in keeping with HCD's Site Inventory Guidebook.

PRINCIPLE 3. Sites which are designated as suitable for accommodating lower-income housing shall be zoned to allow at least 30 dwelling units per acre, the "Mullin density" safe harbor of Government Code Section 65583.2(c)(3).

PRINCIPLE 4. Zoned capacity for lower-income housing shall be equitably distributed throughout the city, consistent with the new statutory requirement that housing elements affirmatively further fair housing. Government Code Section 65583(c)(3). More specifically, the ratio of "realistic capacity for new Mullin-density housing" to "total number of extant housing units" shall be at least as large in high-opportunity neighborhoods as it is in low-opportunity neighborhoods.

PRINCIPLE 5. As recommended by HCD's Site Inventory Guidebook, the Housing Element shall provide a sufficient capacity buffer (after any initial rezoning required by the Housing Element) to comply with the state's No Net Loss law throughout the planning period, without further rezoning. For purposes of estimating the capacity buffer, the Housing Element shall assume a buffer of at least 20% for the lower-income and moderate-income Regional Housing Needs Assessment allocation in keeping with HCD's Site Inventory Guidebook.

PRINCIPLE 6. If, after applying Principles 1 through 5, above, the capacity or distribution of developable sites under current zoning is determined to be inadequate, the Housing Element's site inventory table shall specify the minimum additional density that will be allowed on each site. This additional capacity shall be codified through

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rezoning pursuant to Government Code Sections 65583(c) and 65583.2(c); provided, however, that the rezoning may reduce permissive density on some sites if the reduction is offset with an equal or greater increase in capacity on other sites, and the change is memorialized with amendments to the Housing Element's site inventory table. It shall be a fundamental, mandatory, and clear policy of the general plan to allow 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 to allow 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 be informed by the assessment of the City's compliance with development-permitting requirements under state law prepared as part

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of the Westside Council of Government's Regional Early Action Planning grant project (WSSCOG REAP project), 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;

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 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. Should the REAP schedule lag behind the Housing Element, the Element can be amended to incorporate the results along with the remaining GPU process and adoption schedule.

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

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1 than rapidly escalating housing prices. The comparison of peer municipalities will be as
2 informed by the Westside Council of Government's Regional Early Action Planning grant
3 project (WSSCOG REAP project). Data used in the analysis of constraints shall be
4 released to the public absent an overriding privacy interest. Should the REAP schedule
5 lag behind the Housing Element, the Element can be amended to incorporate the results
6 along with the remaining GPU process and adoption schedule.

7
8 PRINCIPLE 10. State law requires "a diligent effort by the local government
9 to achieve public participation of all economic segments of the community in the
10 development of the housing element." Government Code Section 65583(c)(9). To this
11 end, public opinion shall be gathered through, among other things, surveys about housing
12 priorities, and this survey shall elicit basic demographic information about the respondent
13 (age, place of residence, status as tenant or homeowner, race/ethnicity).

14
15 **SECTION 2.** Nothing in this Resolution shall limit the City Council's
16 discretionary powers or the public hearing process in the City's future consideration and
17 adoption of the Housing Element.

18 APPROVED and ADOPTED this _____ day of March, 2021.

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21 _____
22 ALEX FISCH, MAYOR
23 City of Culver City, California

24 ATTEST:

25 APPROVED AS TO FORM:

26 _____
27 JEREMY GREEN, City Clerk

28 _____
29 CAROL A. SCHWAB, City Attorney

30 A21-00038