

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, the state law governing housing elements has been substantially revised and strengthened since the City's current 2013-2021 Housing Element was adopted and certified as compliant by the California Department of Housing and Community Development (HCD); and

WHEREAS, Assembly Bill 725 requires the City to adopt a revised housing element 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, 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 (with a 120-day grace period ending February 12, 2022) would trigger significant consequences, including (i) a requirement to prepare a four-year update for the sixth cycle by October 15, 2025 (with no 120-day grace period); (ii) ineligibility for a grace period for submission of the seventh cycle Housing Element update ; (iii) ineligibility for state or regional grant funds that are contingent upon Housing Element certification; and (iv) a

1 requirement that the City's Housing Element allocate 25% of its RHNA share for moderate- and
2 above moderate-income housing to sites zoned to accommodate at least four on-site multi-family
3 housing units if the Housing Element is adopted on or after January 1, 2022; and

4 **WHEREAS**, regardless of when the Housing Element is adopted, all sites requiring
5 rezoning to comply with the adopted Housing Element will be subject to by-right approval if they
6 include at least 20% affordable units, between the time the Housing Element is adopted until the
7 zoning map is amended; and

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

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

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

17 **SECTION 1.** The City Council hereby directs its Community Development
18 Department and General Plan Update consultants (GPU Team) to abide by the following Guiding
19 Principles (Principles) when designing and drafting the City's Housing Element for the sixth
20 planning period. The GPU Team will follow the Principles that state law also requires to make
21 the state-mandated deadline for City Council adoption of the updated Housing Element (Phase
22 1). To the extent feasible, the GPU Team will also follow Principles that go beyond these
23 requirements in Phase 1, so long as doing so does not risk missing the adoption deadline.
24 Otherwise, these Principles will be explored further after adoption as part of the larger GPU
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1 update process (Phase 2), and, as needed, the Housing Element will be updated and amended
2 when the GPU is adopted.

3 PRINCIPLE 1. The estimate of a site's (parcel or group of parcels) "realistic
4 capacity" (number of new residential units in the planning period) shall be adjusted to reflect the
5 site's "likelihood of development" during the planning period. The estimate shall also account for
6 other required capacity factors per California Government Code Section (CGC §) 65583.2(c)(2),
7 which include land use controls and site improvement requirements; typical densities of existing
8 or approved residential developments at a similar affordability level in the jurisdiction; and the
9 current or planned availability and accessibility of sufficient water, sewer, and dry utilities.
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11 PRINCIPLE 2. As a starting point for projecting sites' likelihood of development
12 during the planning period, the Housing Element should report the proportion of parcels in the
13 previous Housing Element's site inventory that were developed during the previous planning
14 period. If this information cannot be obtained, its lack of availability should be acknowledged,
15 and the housing element should report the proportion of the City's aggregate RHNA target for
16 the fifth cycle the City is currently projected to meet. Other factors may also be applied to adjust
17 the likelihood-of-development projections, as advised in HCD's Site Inventory Guidebook
18 (Guidebook), such as performance standards mandating a specified portion of residential
19 development in mixed use or nonresidential zones; local or regional development trends in the
20 same nonresidential zoning districts; and local or regional track records, past production trends,
21 or net unit yields for redeveloping sites or intensification based on similar parcels' development
22 rates adjusted to reflect market and regulatory changes. Housing element programs that make
23 development more economically feasible generally will warrant upward adjustments to the
24 projected likelihood of development.
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1 PRINCIPLE 3. Sites which are designated as suitable for accommodating lower-
2 income housing shall be zoned to allow at least 30 dwelling units per acre, per the “Mullin
3 density” safe harbor of CGC § 65583.2(c)(3)(A) and (B)(iv).

4 PRINCIPLE 4. Zoned capacity for lower-income housing should be equitably
5 distributed throughout the city, consistent with the new statutory requirement that housing
6 elements affirmatively further fair housing per CGC § 65583(c)(3). More specifically, the ratio of
7 “realistic capacity for new Mullin-density housing” to “total number of extant housing units” should
8 be at least as large in high-opportunity neighborhoods as it is in low-opportunity neighborhoods.
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10 PRINCIPLE 5. The Housing Element should provide a sufficient capacity buffer
11 (after any initial rezoning required by the housing element) to comply with the state’s No Net
12 Loss law (CGC § 65863) throughout the planning period, without further rezoning to ensure
13 sufficient capacity exists to accommodate the RHNA throughout the planning period. The
14 Housing Element should assume a buffer of at least 30% for the lower-income and moderate-
15 income RHNA allocations. The mid-cycle adjustment required by Principle 7 would include
16 assessing whether an additional buffer is needed to keep the City in compliance with No Net
17 Loss during the second half of the planning period.
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19 PRINCIPLE 6. If, after applying Principles (1) through (5), the capacity or
20 distribution of developable sites under current zoning is determined to be inadequate, the
21 Housing Element’s site inventory table shall specify the minimum additional density that will be
22 allowed on each site. This additional capacity shall be codified through rezoning pursuant to
23 CGC §§ 65583(c) and 65583.2(c); provided, however, that the rezoning may reduce permissive
24 density on some sites if the reduction is offset with an equal or greater increase in capacity on
25 other sites, and the change is memorialized with amendments to the housing element’s site
26 inventory table. It shall be a fundamental, mandatory, and clear policy of the general plan to
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1 allow development of inventory sites at the density specified in inventory table, including
2 “minimum additional density” if any, except in the rare instance where such development would
3 have a “specific, adverse impact upon the public health or safety” per the Housing Accountability
4 Act (CGC § 65589.5(d)(2) and (j)(1)).

5 PRINCIPLE 7. The Housing Element shall set feasible quantified objectives in
6 each income category, which should include a trigger for automatic mid-cycle adjustments in the
7 event that the City has not permitted at least 50% of the quantified objective in each category by
8 the midpoint of the planning period. This adjustment should include, at a minimum, a density
9 bonus on inventory sites proportionate to any deficit accrued during the first half of the planning
10 period. It may also include an option for developers to elect ministerial permitting of projects on
11 the inventory sites, and/or a procedure for developers to obtain waivers of development
12 standards that render redevelopment of a site economically infeasible but are not necessary for
13 public health or safety. The automatic mid-cycle adjustment should be deemed a “fundamental,
14 mandatory and clear” component of the general plan.
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16 PRINCIPLE 8. The Housing Element’s analysis of constraints, required by CGC §
17 65583(a), shall include an assessment of the City’s compliance with development-permitting
18 requirements under state law. The GPU Team will conduct a high-level analysis of the City’s
19 permit processing procedures and timeframes. The GPU Team will update the Housing Element
20 based on analysis prepared as part of the Westside Council of Government’s Regional Early
21 Action Planning (WSCCOG REAP) project, which will identify Westside cities’ development and
22 governmental constraints on housing production and provide policy actions for eliminating or
23 reducing the identified constraints.
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25 The analyses should assess the following Governmental constraints:
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1 a. the timeframes of the California Environmental Quality Act (CEQA) (Public
2 Resources Code §§ 21080.1, 21080.2, and 21151.5(a) and CEQA Guidelines §§ 15107 and
3 15108), including the implied 30-day period for making CEQA exemption determinations;

4 b. the timeframes and “deemed approved” provisions of the Permit
5 Streamlining Act (CGC § 65943 et seq.);

6 c. the timeframes and “deemed approved” provisions of the state accessory
7 dwelling unit law (CGC § 65852.2(b)); and

8 d. the notice and “deemed to comply” provisions of the Housing Accountability
9 Act (CGC § 65589.5(j)(2)) and SB 35 (CGC § 65913.4(c)).
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11 Insofar as the City is not in substantial compliance with these provisions, or lacks
12 the data needed to ascertain compliance, the Housing Element should include concrete program
13 actions to achieve compliance and to process building permits for development projects which
14 have been “deemed approved” as a matter of state law.
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16 PRINCIPLE 9. To the extent feasible, the Housing Element’s analysis of
17 constraints should be grounded in quantitative data. The GPU Team will update the housing
18 element based on the WSCCOG REAP project findings, for comparisons between the City and
19 peer municipalities in regions where the housing market’s response to sharp increases in
20 demand has taken the form of rapidly expanding housing production rather than rapidly
21 escalating housing prices. Data used in the analysis of constraints will be released to the public
22 absent an overriding privacy interest.
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24 PRINCIPLE 10. State law requires “a diligent effort by the local government to
25 achieve public participation of all economic segments of the community in the development of
26 the housing element,” per CGC § 65583(c)(8). To this end, public opinion should be gathered
27 through, among other things, a survey about housing priorities, and this survey should elicit basic
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1 demographic information about the respondent (age, place of residence, status as tenant or
2 homeowner, race/ethnicity).

3 **SECTION 2.** Prior to the 60-day HCD draft housing element review period, the
4 GPU Team will give the Planning Commission a summary of which Principles were followed in
5 Phase 1 and which will need to be completed in Phase 2.

6 **SECTION 3.** Nothing in this Resolution shall limit the City Council's discretionary
7 powers or the public hearing process in the City's future consideration and adoption of the
8 Housing Element.
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10 **SECTION 4.** Should any Principles established in this Resolution be found to be
11 in conflict with state law, the latter shall take precedence.

12 APPROVED and ADOPTED on this _____ day of April, 2021.

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16 ALEX FISCH, MAYOR
17 City of Culver City, California

18 ATTEST:

19 APPROVED AS TO FORM:

20 _____
21 JEREMY GREEN, City Clerk
22 A21-00038

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25 CAROL A. SCHWAB, City Attorney
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