

RESOLUTION No. 2020-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

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 that its planning department and housing-element consultants shall abide by the following principles when designing and drafting the City's housing element for the sixth planning period:

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. A site's capacity to accommodate housing during the planning period is: (probability of development or redevelopment) \* (net new units if developed or redeveloped).

2. In the absence of any better information about a site's probability of development during the planning period, the housing element shall assume that this probability equals "the proportion of parcels in the previous housing element's site inventory that were developed during the previous planning period," as recommended by HCD's [Site Inventory Guidebook](#). If this proportion cannot be ascertained, the housing element shall assume that a site's development probability is equal to [number], which is the portion of the City's aggregate RHNA target for the fifth cycle that the city is currently projected to meet.

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 Gov't Code 65583.2(c)(3).

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. Gov't Code 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.

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) that  $\frac{1}{8}$  of the realistic capacity in each income bin will be developed during each year of the planning period, (b) that [X]% of the units developed on sites suitable for lower-income housing will consist of lower-income units, and (c) that [Y]% of the units developed on sites suitable for moderate-income housing will consist of moderate-income units.

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 rezoning pursuant to Gov't Code 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 Gov't Code 65589.5(d)(2) & (j)(1).

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.

8. The housing element's analysis of constraints, required by Gov't Code 65583(a), shall include an assessment of the city's compliance with development-permitting requirements under state law, including:

- the timeframes of the California Environmental Quality Act (Pub. Res. Code 21080.1, 21080.2, 21151.5(a); CEQA Guidelines § 15107, 15108), including the implied 30-day period for making CEQA exemption determinations;
- the timeframes and "deemed approved" proviso of the Permit Streamlining Act (Gov't Code 65943 et seq.);
- the timeframes and "deemed approved" proviso of the state accessory dwelling unit law (Gov't Code 65852.2(b)); and
- the notice and "deemed to comply" provisions of the Housing Accountability Act (Gov't Code 65589.5(j)(2)) and SB 35 (Gov't Code 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.

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.

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." Gov't Code § 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 in-

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