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1 4236-020-030 and a 15-foot-wide alley to be vacated to the Applicant by the City of Los
2 Angeles; and,

3 **WHEREAS**, while both portions of the Project are designed as one
4 development with integrated vehicular, pedestrian, and residential amenities access, the
5 Project is subject to separate Zoning review and entitlement processing required by the two
6 jurisdictions, City of Culver City and City of Los Angeles, and Culver City is processing the
7 above noted entitlements only for the Project's Culver City portion; and,

8
9 **WHEREAS**, to implement the proposed Project, approval of the following
10 applications is required:

11 1. Site Plan Review P2021-0103-SPR: To ensure the Project is in compliance
12 with the required standards, design guidelines, and ordinances of the City; minimize potential
13 adverse effects on surrounding properties and the environment; and protect the integrity and
14 character of the residential, commercial, and public areas of the City;

15
16 2. Administrative Use Permit: For residential tandem parking, to ensure that the
17 alternative parking provided for some of the Project's required parking complies with all
18 required standards and City ordinances and to establish conditions of approval to ensure the
19 uses are compatible with the Project site and surrounding area; and,

20 3. Density and Other Bonus Incentives P2021-0103-DOBI: To ensure
21 implementation of State law requirements for density bonuses and other bonus incentives
22 comply with the goals and policies of the Housing Element of the City's General Plan; and,

23
24 **WHEREAS**, the Project qualifies for a Sustainable Communities Project
25 Exemption (SCPE) pursuant to California Environmental Quality Act (CEQA) Guidelines as
26 analyzed in the SCPE Report dated August 10, 2022 (Attachment No. 7 to the Staff Report).
27 The SCPE report describes in detail the Project's eligibility for said exemption pursuant to
28

1 SB 375 streamlined CEQA review, and there are no potentially significant adverse impacts
2 upon the environment, based on the CEQA SCPE, as further described below:

- 3 I. The Proposed Project qualifies as a transit priority project pursuant to Public
4 Resources Code Section 21155(b) because the Proposed Project is consistent with
5 the general use designations, density, building intensity, and applicable policies
6 specified for the project area in the Regional Transportation Plan/Sustainable
7 Communities Strategy (RTP/SCS) prepared by the Southern California Association of
8 Governments (SCAG) pursuant to Public Resources Code Section 21155(a); and
9 contains more than 50% residential use; provides a minimum net density greater than
10 20 units an acre; and is within one-half mile of a major transit stop or high-quality
11 transit corridor included in the SCAG RTP/SCS per PRC Section 21155(b) and, as
12 described below, all criteria in 21155.1(a) and (b) are met by the Proposed Project,
13 including environmental criteria, land use criteria, and at least one criterion (affordable
14 housing) in PRC Section 21155.1(c).; and
- 15 II. The Proposed Project meets all eight requirements of State Public Resources Code
16 Section 21155.1(a) that stipulates projects seeking an SB375 exemption meet the
17 eight criteria and as described in the SCPE Report that was prepared for the Project;
18 and,
- 19 III. The Proposed Project meets all seven land use criteria of State Public Resources
20 Code Section 21155.1(b) that stipulates projects seeking an SB375 exemption meet
21 the seven land use criteria as described in the SCPE Report; and,
- 22 IV. State Public Resources Code Section 21155.1(c) further requires the Project to meet
23 one of three additional criteria to be eligible for the SB375 exemption. The Project will
24 provide 8 Low Income or lower units resulting in more than 5% of the 144-overall
25 number of dwelling units provided to Very Low Income or lower households. All
26 restricted affordable units within the Project, both in Culver City and Los Angeles, are
27 covenanted for 55 years.; and,

28 **WHEREAS**, Pursuant to CEQA statutes 21155 through 21155.4, the SCPE
(jam) was adopted by the Planning Commission on August 24, 2022, determining the Project will
not have significant adverse impacts on the environment; and,

WHEREAS, on August 24, 2022, after conducting a duly noticed public hearing
on the subject application, including full consideration of the application, plans, staff report,
environmental information and all testimony presented, the Planning Commission (i) by a
vote of 4 to 1, adopted Sustainable Communities Project Exemption, in accordance with

CEQA, finding the Project will not result in significant adverse environmental impacts; (ii) by a vote of 4 to 1, conditionally approved Site Plan Review and Administrative Use Permit, P2021-0103—SPR/AUP; (iii) by a vote of 4 to 1, recommended to the City Council approval of Density and Other Bonus Incentives, P2021-0103- DOBI; and (iv) by a vote of 4 to 1, as part of the DOBI recommendation, recommended the City Council approve the following Concessions in return for 5 very low income and 11 workforce units:

- I. Relief from the 56 FT height limit to allow a height of 67 FT and an additional 5 FT of parapet wall.
- II. Relief from setbacks to:
 - a. Allow a 0-setback on portions of the street facing levels above the ground floor that normally require a 5-foot setback above the street facing ground level.
 - b. Allow a 0-setback for the rear portion of the Project abutting the Los Angeles portion of the Project that has a residential Zone and that would normally require a 10-foot setback for the first 15 feet of height followed by a 60-degree clear zone above the 15 feet.; and,

WHEREAS, on September 8, 2022, Lozeau Drury LLP on behalf of Supporters Alliance for Environmental Responsibility (“Appellant”) filed a timely appeal of the Planning Commission’s CEQA SCPE, pursuant to Culver City Municipal Code (CCMC) Section 17.640.030, claiming that the City cannot rely on a SCPE and should instead prepare the necessary environmental review documents under CEQA and that the City should not approve the Project until the appropriate level of environmental review is completed; and,

WHEREAS, the appeal does not include documentation or exhibits that could potentially prove the inadequacy of the Planning Commission CEQA determination; and,

WHEREAS, Staff’s response to the appeal is that the Planning Commission adopted SCPE provides sufficient environmental review pursuant to CEQA statutes and guidelines and no further analysis is required; and,

WHEREAS, DLA Piper, LLP submitted a response to the appeal on behalf of the Applicant on September 27, 2022, and the response restated the adequacy of the SCPE

1 Report and noted: there was substantial evidence to support SCPE; the appeal failed to
2 demonstrate any error on the part of the Planning Commission in adopting the SCPE; the
3 appeal only asserts as a concluding statement that the Project does not qualify for a SCPE;
4 there is no argument or evidence in support of the appeal concluding statement and there is
5 no attempt to discuss the substantial evidence in support of the SCPE nor does the appeal
6 lay out evidence proving the SCPE is lacking; and there is no contrary substantial evidence;
7 and,
8

9 **WHEREAS**, on October 10, 2022, the City Council conducted a duly noticed
10 public hearing on the Appeal of the Planning Commission's CEQA SCPE adoption, fully
11 considering the whole administrative record, including, but not limited to, the Planning
12 Commission's decision, application materials, plans, staff report, Applicant response,
13 environmental information and all testimony presented, and the City Council by a vote of __
14 to __ denied the appeal filed by the Appellant and affirmed the Planning Commission's
15 adoption of a Sustainable Communities Project Exemption, in accordance with CEQA, for
16 Site Plan Review, Administrative Use Permit, and Density and Other Bonus Incentives,
17 P2021-0103—SPR, -AUP, -DOBI.
18

19 NOW, THEREFORE, the City Council of the City of Culver City, DOES
20 HEREBY RESOLVE as follows:
21

22 **Section 1.** Since Planning Commission adoption of the CEQA SCPE for the
23 Project, the circumstances under which the SCPE was prepared have not significantly
24 changed, and no new significant information has been found that would impact the SCPE;
25 therefore, no additional environmental analysis is required.

26 **Section 2.** The Appellant has not demonstrated, nor provided, substantial
27 evidence in light of the whole record that the City cannot rely on a SCPE and should instead
28

prepare the necessary environmental review documents under CEQA and that the City should not approve the Project until the appropriate level of environmental review is completed.

Section 3. Pursuant to all of the foregoing, the City Council of the City of Culver City, California, hereby denies the appeal filed by the Appellant and affirms the Planning Commission's adoption of a CEQA SCPE for a mixed-use development, Case Nos. Site Plan Review, Administrative Use Permit, and Density and Other Bonus Incentives, P2021-0103-SPR, -AUP, -DOBI.

APPROVED and ADOPTED this 10th day of October 2022.

DR. DANIEL LEE, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED AS TO FORM:

JEREMY BOCCHINO, City Clerk

HEATHER BAKER, City Attorney