

City of Culver City, California
Joint City Council/Redevelopment Agency Agenda Item Report

Meeting Date: 04/14/08		Item Number: <u>JPH-1</u>	
AGENDA ITEM: Joint Public Hearing Related to the Proposed Entrada Office Tower to be Located at 6161 Centinela Avenue: 1) City Council Public Hearing for Consideration of: a) Appeal of the Planning Commission's Certification of an Environmental Impact Report (EIR) and Related Project Entitlements, and b) Approval of a Height Exception: 2) Agency Consideration of; a) Approval of a Design for Development, b) Approval of a Tentative Parcel Map, and c) Determination that the Project Conforms with the Redevelopment Plan.			
Contact Person/Dept.: Sherry Jordan/CDD Planning Todd Tipton/CDD Redevelopment		Phone Number: 310-253-5746 310-253-5760	
Fiscal Impact: Yes ☒ No ☐		Fiscal Impact: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Published in the Culver City News (2/27/08); Mailed notices (1,600+) to various public agencies and Culver City and Los Angeles residents and interested parties (03/21/08); Site posted (03/24/08); e-mailed to interested parties (03/24/08); Master Notification List (03/24/08).			
Department Approval: Sol Blumenfeld (04/03/08)		City Attorney Approval: Carol Schwab (by H. Baker) (04/08/08)	
Fiscal Impact Review: Jeff Muir (04/09/08)		City Manager Approval: Jerry B. Fulwood (04/09/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: 1. Deny the Appeal and: a. Certify the Final Environmental Impact Report (Final EIR) b. Adopt a Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Program (MMRP) c. Approve Site Plan Review, SPR-P2007196 d. Approve Tentative Parcel Map, TPM P-2007199 2. Approve Height Exception HTEX-P2007200 Staff recommends the Redevelopment Agency: 1. Adopt an SOC and MMRP 2. Adopt the Design for Development (DFD) 3. Determine the project conforms to the Redevelopment Plan 4. Approve Tentative Parcel Map, TPM P-2007199			
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PROCEDURE:

(Note: The following procedures are presented to the City Council/Redevelopment Agency in a specific order. Staff respectfully recommends the procedures be considered in the order they are presented).

1. Mayor requests the Chair to convene the Agency meeting and the Mayor conducts a joint public hearing of the Council and Agency.
2. Chair convenes the Agency.
3. Mayor seeks motion from the Council to receive and file the affidavit of publication of notice and all correspondence received in response to the public hearing notices.
4. Chair requests similar motion from the Agency.
5. Mayor calls for a staff report and the Council/Agency poses questions to staff as desired.
6. Mayor opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
7. Mayor seeks motion to close the public hearing after all testimony has been presented.
8. Council considers the appeal of the Planning Commission's certification of the Final EIR and arrives at its decision. **If the Council grants the appeal and overturns the Planning Commission's certification of the Final EIR, then no further action on this agenda item can be taken.**
9. Agency considers adoption of an SOC and MMRP and considers the proposed DFD and arrives at its decision. **If the Agency does not adopt the SOC and MMRP or the proposed DFD, then no further action on this agenda item can be taken.**
10. Council considers the appeal of the Planning Commission's adoption of the SOC and MMRP, and approval of the Site Plan Review and Tentative Parcel Map and arrives at its decision.
11. Council considers the proposed Height Exception and arrives at its decision.
12. Agency considers the proposed Tentative Parcel Map, if approved by the Council, determines if the project conforms to the Redevelopment Plan and arrives at its decision.

BACKGROUND:

The applicant, Centinela Development Partners, proposes to construct a 13-story, 342,409 gross square feet (GSF), office tower and parking structure on the site of the existing surface parking lot that serves the Radisson Hotel at 6161 Centinela Avenue (the "Project"). The Project also includes the subdivision of the parcel into two separate lots, one containing the existing Radisson Hotel and conference center

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and the other one containing the proposed office tower and parking structure. Development plans are provided in Attachment No. 19.

In March of 2007 the City contracted with PCR Services Corporation to work with staff in analyzing the environmental impacts and preparing the EIR for the Project. A Draft EIR was prepared and released for a 68 day review period. On January 9, 2008, the Planning Commission held a meeting to allow the public an opportunity to submit comments in a public forum during the comment period. The January 9, 2008, staff report and meeting minutes are contained in Attachment Nos. 1 and 2.

The Draft EIR identified potential environmental impacts that would result from development of the Project, suggested mitigation measures available to minimize those impacts, and identified alternatives to the Project. Issues related to aesthetics, air quality, cultural resources, hydrology and water quality, land use, noise, public services (Fire and Police protection), transportation and circulation (traffic), utilities (water supply and wastewater), and global climate change were analyzed.

The Final EIR includes responses to all of the written comments received during the comment period of the Draft EIR and oral comments received during the January 9, 2008, Planning Commission public meeting. Additional comments that were received too late to be included in the EIR, or received after the February 27, 2008, Planning Commission meeting, are provided in Attachment No. 3.

On February 27, 2008, the Planning Commission held a public hearing and took the following actions:

1. Certified the Entrada Office Tower Final EIR as stated in Resolution No. 2008-P002 (Attachment No. 4);
2. Adopted an SOC and MMRP as stated in Resolution No. 2008-P003 (Attachment No. 5); and,
3. Recommended to the City Council approval of Height Exception, HTEX P-2007200; approved Site Plan Review, SPR P-2007196; and approved Tentative Parcel Map, TPM P-2007199, subject to Conditions of Approval as stated in Resolution No. 2008-P004 (Attachment No. 6).

A Project description and analysis of all the actions taken are discussed in the February 27, 2008 Planning Commission staff report (Attachment Nos. 7 and 8). The minutes of the Planning Commission meeting are included as Attachment No. 9.

On March 13, 2008, an appeal was timely filed by the United Neighbors of Westchester on each of the actions taken by the Planning Commission (Attachment No. 10).

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DISCUSSION:

The following analysis is broken down by the various actions (in order) that the Council and Agency are being asked to consider.

Appeal of the Certification of the Final EIR (**Council action**)

“Certification” of an EIR is the culmination of the EIR review process. Certification stipulates the EIR document is complete, accurate, and has been prepared and reviewed in accordance with California Environmental Quality Act (CEQA) requirements. Certification of an EIR and entitlement on a project are entirely distinct and separate issues and procedures under law. Therefore, certification of this EIR will, in no way, confer approval of the proposed development project.

The Final EIR identified four significant and unavoidable impacts:

- Air Quality; operational and cumulative impacts,
- Archaeological Resources; cumulative impacts,
- Construction Noise; project and cumulative impacts, and
- Traffic; project operational and cumulative impacts, and project and cumulative construction traffic impacts.

Mitigation measures will reduce, but not eliminate, the above stated significant unavoidable adverse impacts anticipated to result from the Project. Therefore, as part of the Project approval, the Council and Agency would be required under CEQA to adopt a statement of overriding considerations for each of the above stated impacts. This would be done in connection with the first discretionary action taken by each agency and not with the certification of the Final EIR.

With regard to the air quality impacts, the entire South Coast Air Basin (which includes Culver City) does not meet National Ambient Air Quality Standards. It is very unlikely any project proposed in Culver City that requires an EIR could be approved without a “statement of overriding considerations” because cumulative air quality impacts will not be able to be mitigated to a level of insignificance. In fact, in Culver City recent projects that required environmental impact reports (e.g., Costco, Town Plaza, and Symantec) required the adoption of statements of overriding considerations.

The Final EIR identifies five areas of potentially significant impacts that can be mitigated to a less than significant level:

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- Visual Quality; construction impacts,
- Air Quality; construction impacts,
- Paleontological Resources,
- Noise; office interior sound environment, and
- Water Supply.

For discussion of all of the impacts, please refer to the specific section of the Final EIR document.

The Planning Commission determined the Final EIR for the project was adequate, complete, and had been prepared in accordance with CEQA. The Final EIR adequately analyzes all of the potentially significant environmental impacts of the project, mitigation measures, environmental impacts reduced to a less than a significant level, environmental impacts not reduced to less than a significant level, alternatives to the project, short-term and long-term impacts, cumulative impacts, growth inducing impacts, and significant irreversible impacts. Attachment No. 11 is the proposed resolution outlining the findings for certification of the Final EIR.

The United Neighbors of Westchester appealed the certification of the Final EIR and requested recirculation of a corrected EIR. Their appeal letter (Attachment No. 10) discusses the basis of their appeal and, in part, disputes the Planning Commission recommendation to approve the height exception. Attachment No. 12 contains staff's response to the appeal.

Staff recommends the Council deny the appeal and certify the Final EIR as stated in Draft Resolution No. 2008-R____ (Attachment No. 11).

Adoption of a DFD and SOC and MMRP (**Agency action**)

The proposed project is within Component Area No. 1 of the Culver City Redevelopment Project (formerly, the Slauson-Sepulveda Redevelopment Project No. 1.) Pursuant to the City's Zoning Code, the City Council may grant a height exception in excess of 56 feet if the structure is located within an existing Redevelopment Project Area and the requested height is consistent with a DFD adopted by the Redevelopment Agency. Section 423 of the Redevelopment Plan for Component Area No. 1 establishes the Agency's authority to set height limits. With regard to the Project, the applicant has filed for a height exception with the City and is requesting the Agency adopt the necessary DFD required for the height exception to be granted.

A draft DFD (Attachment No. 13) has been prepared. The draft DFD has sections which address: I) Purpose and Intent; II) Uses Permitted; III) Development

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Standards; IV) City Zoning, Architectural and other Requirements; and V) Responsibility for Securing Permits and Paying Applicable Fees. The DFD was written with the proposed development in mind so as drafted, the Project would be permissible under the DFD. In particular, the draft DFD permits a structure up to 230 feet in height, including mechanical and equipment areas. If the Agency were to adopt a DFD with development standards which differ from with the proposed development, then the Project would have to be altered to conform to the adopted DFD. Also, if the Agency does not adopt a DFD, then there is no basis for the City Council to grant the requested height exception.

There are unique characteristics that apply to this site that lend it to being appropriate for a building higher than 56 feet in height. The Project site is separated from the main body of Culver City's regional commercial area (Fox Hills) by Sepulveda Boulevard and the I-405. The site is immediately surrounded by commercial and industrial uses with the closest residential property being approximately 550 to 700 feet on the Westchester bluff. Additionally, the building would be in character with the high rise Howard Hughes office complex at the corner of Sepulveda Boulevard and Centinela Avenue. The highest building at the Howard Hughes complex is 230 feet in height (16 stories).

The aesthetic impacts of the proposed building, including view analysis, are thoroughly discussed in Chapter III.A of the Final EIR.

Staff recommends the Agency adopt the draft DFD. Prior to approval of the DFD the Agency would have to adopt an SOC and MMRP. A discussion of what a SOC is and what it contains begins on Page 5 of the February 27, 2008, Planning Commission staff report (Attachment No. 7). A draft resolution has been prepared (Attachment No. 14) adopting an SOC and MMRP.

Appeal of the Planning Commission Actions on the Site Plan Review and Tentative Parcel Map, and Adoption of a SOC and MMRP (**Council action**)

In addition to appealing the certification of the Final EIR, the United Neighbors of Westchester appealed the following actions taken by the Planning Commission as described in their appeal letter. Attachment No. 12 contains staff's response to the appeal.

1. Adoption of a SOC and MMRP subject to Resolution No. 2008-P003
2. Approval of Site Plan Review, SPR P-2007196, subject to Resolution No. 2008-P004

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3. Approval of Tentative Parcel Map, TPM P-2007199, subject to Resolution No. 2008-P004

A discussion of the proposed Site Plan Review and Tentative Parcel Map begins on Page 7 of the February 27, 2008, Planning Commission staff report. The development plans are included as Attachment No. 19 along with a booklet of project information submitted by the applicant (Attachment No. 18). A building materials board will be available at the meeting.

Staff recommends denying the appeal and approving the Site Plan Review and Tentative Parcel Map subject to the conditions of approval adopted by the Planning Commission. All the conditions of approval have been included in Draft Resolution No. 2008-R___ (Attachment No. 15). In light of the Council's desire to address regional traffic issues, one additional Condition of Approval has been added. Condition No. 37 requires the project be subject to any new development and/or traffic impact fees adopted by the City Council prior to issuance of any permits.

In connection with any approvals of the Site Plan Review, Tentative Parcel Map, and Height Exception, the Council would be required to adopt an SOC and MMRP (Attachment No. 16).

Approval of a Height Exception (**Council action**)

Culver City Municipal Code (CCMC) Section 17.300.025.C permits the City Council to grant exceptions to the height limits established in the Zoning Code. The City Council, after consideration of a recommendation by the Planning Commission, can by resolution establish a maximum building height for new construction in Redevelopment Project Area Component Areas 1 through 3, consistent with a DFD established by the Redevelopment Agency.

In order to meet their development objectives, the applicant is requesting a Height Exception to permit the office tower to be 190 feet to the flat roof with a sloping parapet rising up to 220 feet along with mechanical equipment on the roof rising over 13.5 feet in height. The maximum building height in the CRB zone is 56 feet.

CCMC Section 17.300.025.C also limits the height of roof-mounted structures for the housing of mechanical equipment, elevators, stairways, or similar equipment required to operate and maintain the structure to 13.5 feet above the height of the building. Additionally it limits the height of fire or parapet walls to five feet above the building height. The operation of a modern high rise office building requires rooftop mechanical equipment and enclosures that are 18 feet tall. Additionally, the CCMC requires that an emergency helistop be provided for high rise buildings. The proposed oversized parapet serves two purposes. It serves to effectively shield the

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roof top mechanical equipment and helistop from view and provides an important architectural detail to enhance the appearance of the building.

A Height Exception is predicated on the standards of a DFD adopted for a site. The Project requires a Height Exception which may only be granted if it is consistent with an approved DFD. If the Agency adopts a DFD establishing a lower maximum building height than requested in the application for the Project, then the City Council could not approve a Height Exception greater than the maximum allowed under that approved DFD. The Agency could either deny the currently proposed Height Exception or approve a modified project with a lower building height commensurate with the DFD.

The central environmental issues related to the proposed Height Exception generally pertain to visual quality and the additional trips that added development will produce. The Project would be consistent with the highly urban character of the surrounding area, including the adjacent Radisson Hotel, and high rise development in the nearby Hughes Center. The development of the Playa Vista property to the west of the Project site also contributes to the urbanization of the area. The Final EIR indicates the Project would not be inconsistent with the mass and scale of the existing non-residential development of the area, and although the Project would not be consistent with the character and scale of the residences on the nearby Westchester bluffs, it would not degrade the character of these residences.

Regarding the issue of added trip generation, the Project's traffic mitigation program includes both Transportation Demand Management (TDM) and physical intersection improvement measures to address impacts. The Final EIR notes with the implementation of intersection improvements (as listed in the MMRP) all but one studied intersection can be mitigated to a less than significant level. At the intersection of Howard Hughes Parkway and Sepulveda Boulevard, traffic impacts in the AM peak-hour would require a fourth northbound through lane on Sepulveda Boulevard. This is not considered feasible due to right-of-way constraints.

As part of their environmental analysis, the Planning Commission considered the Project's traffic impacts and approved mitigation measures that included special provisions related to a TDM program in order to specifically address regional traffic issues in addition to local traffic mitigation. Examples of TDM mitigation measures include ridesharing, vanpools and using financial incentives and disincentives to make the programs work.

The comprehensive TDM plan requires a 10 percent trip reduction and includes a monitoring program and trip fees if the TMD program does not produce the anticipated 10 percent reduction in trips. The condition establishes a \$6,430 cost per peak-hour trip fee based on the median of the daily trip fees prescribed in the

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Draft Metro Congestion Management Mitigation Fee Feasibility Study Report dated January 2008. (The trip fee has been adjusted by 14% for peak periods. The range of daily trip fees in the Draft Metro Report is \$200 to \$1,600 and the median fee is \$900. Applying the 14% factor to this median daily fee, the peak-hour fee rounds up to \$6,430). This peak-hour trip fee will be applied to each excess AM and PM peak-hour trip as determined from the relevant annual monitoring report. The condition includes an annual reporting program and requires the applicant to pay trip fees of up to \$1,000,000 for excess trips beyond the 10% trip reduction.

The TDM condition provides significant financial penalties to the developer for failure to meet a 10% trip reduction during peak-hour trip generation periods. The financial penalties range from nothing (with full compliance) to \$1,000,000 if the 10% reduction in peak AM and PM trips is not achieved during the required monitoring period (up to five years). The funds generated from the mitigation program must be used to address regional traffic issues at the discretion of the City. This specific Condition of Approval (No. 119) is included in draft Resolution No. 2008-R____ (Attachment No. 15) approving the Site Plan Review.

The Council may also want to consider the application of a proposed citywide regional trip mitigation program currently under consideration by the City and the County. The citywide program would be based upon Metro's January 2008, Draft Congestion Mitigation Fee Feasibility Study Report and require each qualifying project provide trip fees to improve the regional transportation system in order to eliminate as many trips as possible from the sub-region. The regional traffic solutions are intended to address sub-regional roadway and transportation improvements. As discussed earlier in this report, a condition has been added to the Site Plan Review resolution that incorporates any new development and/or traffic impact fees adopted by the City Council prior to issuance of any Project permits. This condition would include the contemplated City-wide regional traffic mitigation program and associated trip fees if such program is adopted by the Council prior to Project building permits being issued. Those fees would apply in addition to the TDM program and specifically address the above issues related to the proposed height exception.

Thus, in granting a Height Exception, based upon an Agency approved DFD, the Council must find the Project is consistent with the General Plan and the environmental issues discussed above have been adequately addressed.

Staff recommends the City Council approve the requested height exception.

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Approval of a Tentative Parcel Map (**Agency action**)

Section 421 of the Redevelopment Plan for Component Area No.1, requires the Agency to approve all subdivisions of land within the Component Area. The site of the Project is presently the parking lot for, and a part of the same parcel as, the Radisson Hotel. This parcel is 5.6 acres in size. The proposed parcel map would split the one parcel into two parcels and provide an 11 foot dedication for street purposes along the Centinela Avenue property line. As proposed in Tentative Parcel Map No. 69726, the existing Radisson Hotel parcel would become 2.867 acres and the parcel underlying the office tower and parking structure would be 2.590 acres. The size and shape of both resulting parcels would not hinder development to occur pursuant to the Redevelopment Plan for the area.

Staff recommends approval of the Tentative Parcel Map subject to the conditions of approval adopted by the City Council for the Tentative Parcel Map as stated in Draft Resolution No. 2008-R___ (Attachment No. 15). The Agency can rely on the environmental findings and SOC and MMRP previously adopted by the Agency, as part of its review of the DFD, and by the Council.

Finding of Conformance with the Redevelopment Plan (**Agency action**)

The Redevelopment Plan land use designation for this site is "Regional Center." For reference, Attachment No. 17 is a map of allowed uses in Component Area No. 1. The majority of Component Area No. 1 is designated as "Regional Center." Examples of other "Regional Center" developments in Component Area No. 1 are: Corporate Pointe, Fox Hills Business Center, Fox Hills Mall, Buckingham Heights Business Park and all of the property bounded by Green Valley Circle, Bristol Parkway, and Sepulveda Boulevard. The location is adjacent to the 405 Freeway and Sepulveda Boulevard (both major arterials), a logical location for a larger development.

Staff recommends the Agency determine the project conforms to the Redevelopment Plan. Again, the Agency can rely on the environmental findings and SOC and MMRP previously adopted by the Agency, as part of its review of the DFD, and by the Council.

FISCAL ANALYSIS:

Generally an office development is a lower impact use relative to public safety and municipal services since operating hours are more limited than other land uses and costs less to service. However, it also generates less tax revenue for the City than some other land uses. Based on an independent financial review by the Agency's

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fiscal consultant, Keyser Marston Associates (KMA), the Project will generate a significant, positive, long-term financial benefit to both the City and Redevelopment Agency. KMA based their conclusion on more conservative fiscal assumptions than were contained in the developer's financial analysis prepared by CBRE and dated September 2007. The ongoing impact to the City's General Fund, once the Project is complete, is projected to be minor since the increased estimated revenues are offset by the estimated increased service costs. However, the impact to the Redevelopment Agency, once the project is complete, is a net increase in tax increment (after deducting statutory pass through payments and County administration fees) of almost \$1 million, which amount will increase annually by approximately 2 percent. When Redevelopment Component Area No. 1 expires in 2014 and debt obligations from that Component Area are fully satisfied (by 2024), the General Fund will realize an increase in property tax revenues.

Other positive financial benefits include a Project condition requiring that the applicant purchase a new Emergency Rescue Unit (i.e. paramedic unit) to offset potential costs related to providing public safety services. A fully stocked Emergency Rescue Unit costs approximately \$230,000. Additionally, the Project trip mitigation measures include financial penalties of up to \$1,000,000 annually for failure to reduce Project trips under the proposed TDM program (see the "Height Exception" section of this staff report dealing with Transportation Demand Management for more detail). These conditions serve to further offset potential service impacts to the City's existing infrastructure.

The City's conservative financial analysis projects a potential financial benefit of the Project and finds it will generate between \$200,000 and \$300,000 of additional tax revenue annually at Project stabilization (estimated to occur in 2010). For the Redevelopment Agency, the tax increment receipts are projected to be \$1.25 million in FY2009 -10. See Attachment 17A for more detail.

Therefore, after accounting for an increase in City revenues, increased public service costs, additional tax increment revenues, and the offsetting value of the public safety and traffic mitigation measures, the Project is anticipated to result in a significant positive financial benefit to the City and Agency.

ATTACHMENTS:

1. January 9, 2008, Planning Commission staff report with attached comments received
2. January 9, 2008, Planning Commission meeting minutes excerpt
3. Comments received since the February 27, 2008, Planning Commission public hearing

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4. Planning Commission Resolution No. 2008-P002
5. Planning Commission Resolution No. 2008-P003
6. Planning Commission Resolution No. 2008-P004
7. February 27, 2008, Planning Commission Staff Report without attachments
8. Project Summary
9. February 27, 2008, Planning Commission meeting minutes excerpt
10. Appeal of Planning Commission Project Approvals and Certification of Environmental Impact Report for Entrada Office Tower at 6161 Centinela Avenue, received March 13, 2008
11. Draft City Council Resolution Certifying the Final EIR
12. Staff Response to United Neighbors of Westchester Appeal
13. Draft Design for Development
14. Draft Redevelopment Agency Resolution Adopting a SOC and MMRP
15. Draft City Council Resolution Denying Appeal and Approving the Site Plan Review, Tentative Parcel Map, and Height Exception
16. Draft City Council Resolution Adopting a SOC and MMRP
17. Map of Allowed Uses in Component Area No. 1
18. Applicant's submittal of information for Council/Agency, file dated April 4, 2008
19. Development Plans, file dated February 4, 2008
20. Final Environmental Impact Report – Entrada Office Tower Project (previously delivered to the Council/Agency on March 24, 2008)
21. Materials board available at meeting (file dated December 20, 2007)

MOTIONS:

Please note, the recommended motions are provided for consideration by the City Council/Agency in a specific order. Staff respectfully recommends the City Council/Agency consider the proposed motions in the order they are presented.

That the City Council:

1. Adopt Resolution No. 2008-R denying the Appeal, upholding the Planning Commission's decision, and certifying the Final EIR for the Entrada Office Tower Project.

That the Redevelopment Agency:

1. Adopt Resolution No. 2008-A adopting an SOC and MMRP.
2. Adopt the Design for Development for a Portion of 6161 Centinela Avenue.

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That the City Council:

1. Adopt Resolution No. 2008-R denying the Appeal, upholding the Planning Commission's decision, and adopting an SOC and MMRP.
2. Adopt Resolution No. 2008-R denying the Appeal, upholding the Planning Commission's decisions, and approving the Site Plan Review, Tentative Parcel Map, and Height Exception.

That the Redevelopment Agency:

1. Approve the Tentative Parcel Map and find the Entrada Office Tower to be in conformance with the Redevelopment Plan for Component Area No. 1 of the Culver City Redevelopment Project.