

Appeal of Planning Commission Project Approvals
and Certification of Environmental Impact Report for
Entrada Office Tower at 6161 Centinela Avenue

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Planning Division

City Council of Culver City
Culver City Hall
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Culver City, California 90232

March 13, 2008

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CITY OF CULVER CITY

Honorable Council Members:

Pursuant to Culver City Municipal Code Sections 17.640 et seq., and Public Resources Code Section 21151(c), the United Neighbors of Westchester ("UNOW"), for itself and on behalf of a group of concerned individuals and entities from Culver City, Westchester, and Ladera Heights, hereinafter "Appellants," hereby appeals the Culver City Planning Commission's: (1) Certification of the Final Environmental Impact Report for the Entrada Office Tower Project at 6161 Centinela Avenue ("Project"), (2) Adoption of a Statement of Overriding Considerations and mitigation monitoring program, and (3) Approval of the Site Plan Review (SPR P-2007196) and Tentative Parcel Map. In addition, Appellant takes issue with each finding in HTEX P-2007200, that portion of Resolution No. 2008-P004 recommending that a Height Exception be granted.

Each matter described above was on the agenda of the Planning Commission meeting which commenced on Wednesday, February 27, 2008. Voice vote was not taken on such items until the early hours of Thursday, February 28, 2008. Moreover, Resolution Nos. 2008-P002, P003 and P004 embodying the above-referenced certification and approvals were only approved and adopted at the earliest on Friday, March 7, 2008. Appellant has been informed by the Senior Planner assigned to the Project that the Site Plan Review is the only matter that will become final if not appealed, that the fee for filing an appeal of the Site Plan Review is \$5026.32 pursuant to a City Council Fee Resolution, but that the \$5026.32 fee will be the total fee if appellant combines in its appeal other aspects of the Planning Commission's actions taken on the Project. In fact, the Public Resources Code provides that Certification of the EIR must be appealable to an elected body. Accordingly, Appellant is hereby appealing each of the Planning Commission's actions on the Project approved by voice vote and/or resolution.

The evidence upon which the appeal is based is contained in the public records possessed by the Lead Agency and includes, but is not limited to, the Draft EIR in all of its volumes, the Final EIR in all of its volumes, the transcript and/or video of the February 27/28 proceedings before the Culver City Planning Commission, the public comments submitted orally and in writing after the February 4, 2008 deadline for public comments to the Draft EIR and up to and at the hearing on this appeal. Additional evidence upon which this appeal is based is the subject of a Public Records Act request currently pending with the Culver City Clerk's office and/or Culver City attorney. Pursuant to Public Resources Code Section

21167.6, Appellant will submit this and additional relevant evidence prior to or at the hearing on this appeal.

Certification of the Final EIR

Appellant appeals certification of the Environmental Impact Report for the Project on each of the grounds raised in the public comments to the Draft and Final EIR, including, but not limited to, those listed below. Pursuant to Public Resources Code Section 21151(c), CEQA Guidelines Section 15090(b) and Citizens for Open Government v. City of Lodi 2006 Cal. App. LEXIS 1764, the City Council must conduct a *de novo* review of the adequacy of the EIR and may not defer to the Commission's findings or to the exercise of the Commission's discretion.

1. The Final EIR does not accurately analyze and disclose the regulatory framework relevant to the requested "height exception" of more than 150 feet in excess of the maximum building height provided by Code. The interpretation of the "height exception" language as permitting high-rise structures irreconcilably conflicts with the letter and intent of the height restriction ordinance enacted in 1990 (the "People's Initiative"). Evidence in support of this issue will include testimony and documents relevant to the interpretation of the People's Initiative, some of which is the subject of the pending Public Records Act request.
2. The Final EIR incorrectly and inadequately assesses the visual impacts of the Entrada on nearby homes, including the Westchester bluff homes.
 - 2.1. The EIR incorrectly concludes that the aesthetic impact to an entire neighborhood of nearby private residences of a 220 foot tall building with greater square footage than the Fox Hills Mall will be "insignificant."
 - 2.2. The EIR continues to include incorrect statements about the quality of the existing and future environmental setting, including the heights of relevant structures and the bluffs and the visibility of formally recognized historic landmarks.
 - 2.3. The EIR significance threshold for view impacts does not comport with the law in failing to analyze the quality of the visual impacts.
 - 2.4. The EIR's significance threshold for view obstruction impacts was not adopted by Culver City pursuant to a public process.

- 2.5. The EIR's significance threshold for view obstruction and analysis of aesthetic impacts conflicts with Culver City's view preservation ordinance that was adopted pursuant to a public process.
- 2.6. The EIR's significance threshold and aesthetics analysis conflicts with the view preservation policies of the Westchester/Playa del Rey Community Plan.
- 2.7. The EIR's significance threshold for view obstruction does not quantify what is substantial.
- 2.8. The EIR incorrectly states the correct field of view.
- 2.9. The EIR incorrectly concludes that an approximate 20% "obstruction" of the existing view is insignificant.
- 2.10. The EIR is inaccurate that the "worst case" obstruction will be approximately 20% for private residences.
- 2.11. The EIR's analysis of aesthetics does not comport with the law by suggesting view obstruction could be minimized by the "dynamic experience of observation [that] would likely include the movement of the head."
- 2.12. The EIR's aesthetics discussion does not analyze the photographs actually taken by the third party neutral.
- 2.13. The EIR does not analyze the cumulative aesthetic impacts as described in public comments, nor the cumulative aesthetic impact of the 100 foot neon signs proposed at the Westfield Shopping mall.
- 2.14. The EIR inadequately analyzes the aesthetics of the Project in terms of mass, scale, articulation, and incorrectly assesses the overall aesthetics of the Project.
3. The EIR inadequately addresses and fails to identify the significant and unavoidable Land Use impacts relevant under CEQA.
 - 3.1. The Project is incompatible with and degrades the character of the nearby residential neighborhood.

- 3.2. The EIR incorrectly states that the Project does not directly interface with the nearby residential neighborhood.
- 3.3. The EIR is incomplete in its discussion of applicable land use policies.
- 3.4. The EIR relies on land use policies that are not applicable.
- 3.5. The EIR inaccurately analyzes the Project's consistency with applicable Culver City and Westchester/Playa del Rey land use policies.
4. The Final EIR does not adequately address the traffic impacts of the Project.
 - 4.1. The EIR's baseline traffic counts are unreliable because conducted on the Tuesday after a three-day weekend.
 - 4.2. The EIR does not disclose the significant and unavoidable impact of the Project on traffic at the closest major intersection at Sepulveda/Centinela, as identified by LADOT.
 - 4.3. The EIR does not analyze the traffic impacts of the Project on the mainline of the 405 and 90 freeways, as required and twice requested by the State of California Department of Transportation ("Caltrans").
 - 4.4. The EIR does not adequately analyze or respond to the public concern that the Project's additional traffic generation will impair access to Westport Heights and Westchester of police, fire and ambulance services that must travel along Sepulveda Boulevard.
 - 4.5. The EIR does not analyze the length of Sepulveda and Lincoln Boulevards required by the Department of World Airports.
 - 4.6. The EIR does not analyze the neighborhood traffic impacts to Ladera Heights, Westchester, Westport Heights and areas of Culver City.
5. The EIR's conclusion that the Project's net contribution to Global Greenhouse Gas Emissions ("GHGs") will be "insignificant" is inaccurate. The EIR is incomplete for failing to identify feasible mitigations that could reduce GHGs.

6. The EIR's analysis of Operational Air Quality is inaccurate based on the EIR's failure to clarify a haul route and staging plans that will bear on air quality.
7. The "finding" that the "alternatives analyzed in the Final EIR do not sufficiently meet the Project objectives" is factually incorrect and misstates the concept of feasibility, as recognized under CEQA.
8. At least eleven (11) of the seventeen (17) Project Objectives identified in the EIR, as revised in the "Findings" of Resolution No. 2008-P003, are invalid. References to Project Objective numbers are from Pages 59 and 60 of Resolution No. 2008-P003.
 - 8.1. Project Objective (a)(i) is invalid because each articulated "redevelopment goal" is actually a sub-goal of the elimination of blight. Blight does not exist at the Project site.
 - 8.2. Project Objectives (a)(i) through (a)(iv), (b)(i) and (c) (i) through (c)(vii) are unlawfully articulated and impermissibly narrow to the extent they can be "maximized" only by a structure that exceeds building heights permitted under the People's Initiative.
 - 8.3. Project Objective No. (c)(iii) "to provide approximately 342,000 square feet of new office space" is unlawfully narrow because it can only be met by a like-sized office building.
 - 8.4. Project Objective Nos. (a)(ii) to "complement" increasing residential density with increasing office density and (a)(iii) to create jobs near housing are invalid as the only evidence is that the Project will only further skew the severe jobs/housing imbalance in Culver City.
 - 8.5. Project Objectives articulated as the desire to facilitate or provide facilities for forecasted job growth in Culver City are invalid. Projected job growth through 2015 can be adequately housed just at the Symantec campus.
 - 8.6. Project alternatives meet each Project objective with or without correction for the problems above.
9. The EIR does not identify a sufficient range of Project Alternatives including office-use Project Alternatives without subterranean parking.

10. The record, EIR, and Statement of Overriding Considerations do not demonstrate that project alternatives are infeasible, as recognized by CEQA. "Infeasibility" cannot be self-created by Applicant's poor risk assessment. Reduced revenues to the City's General Fund and Redevelopment Agency from Project Alternatives do not render alternatives "infeasible."

11. Certification Number 5 on page 6 of Resolution No. 2008-P002 ("EIR Certification Resolution") is contrary to law in as much as it suggests adoption of a Statement of Overriding Considerations is sufficient to render "acceptable" environmental harms that will result from the Project *as proposed*. All such harms first be mitigated by all feasible mitigations and feasible project alternatives. A Statement of Overriding Considerations can be issued ONLY where there is remaining unavoidable environmental harm after adoption of all feasible mitigations and feasible project alternatives.

Adoption of Statement of Overriding Considerations:

There is not substantial evidence to support the findings in the statement of overriding considerations. Most of the stated "benefits" of the Project are restatements of the Project Objectives, and are invalid for all the reasons stated above. Moreover:

12. Such benefits would result, even if to a lesser extent, from Project alternatives, so they cannot "override" harms that would not result if such Project alternatives were adopted.
13. Without the Project, the City would still obtain the same financial benefits and so-called regional growth benefits from "by right" development.
14. Project benefit 2(a) to "combat blight" is invalid as the site is not blighted.
15. Increasing office-space density in the Project area will not benefit the residents of Culver City or the area community.
16. Approving a high-rise structure will thwart the collective will of the Culver City people as expressed in 1990. That must be considered in the balance.
17. There is inadequate evidence that the Project will not set precedent for future high-rise development in areas already saturated with development.

18. The paramount public concern is the preservation of the quality of life, as defined by congestion levels, air quality, and preservation of views and of open space, as expressed in height limit initiatives, view protection and open space policies and support of reasonable growth. That concern cannot be overridden by an "immediate gratification" approach to economic development.
19. For purposes of weighing the public benefits against the harms, the relevant "public" must include the residents of all impacted communities. The Statement of Overriding Considerations does not address any public benefits to the non-Culver City residents who will be impacted.
20. Exhibits to Statement of Overriding Considerations
- 20.1. There is not substantial evidence for the "finding" that "as an infill development, population to support new jobs created by the Project is expected to be generated to a large degree from existing residents in [LA, Culver City, Playa Vista, and South Bay]." (Page 15 of Reso. 2008-P003)
- 20.2. The EIR does not address the public comment that the 10% TDM program is not aggressive at all and will not fully or substantially mitigate the traffic impacts as required.
- 20.3. The EIR is incorrect that substantial and immitigable noise impacts will occur only to residences to the west. The residences to the south, which are homes in Westchester, must be included. No benefits of the project inure to Westchester residents, so the harms to those residents have not been outweighed. (Page 17 of Reso. 2008-P003).

Site Plan Review

21. The general layout of the Project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is NOT consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located and with all applicable development standards and design guidelines.
- 21.1. The Project height is inconsistent with the requirements of the zoning district in which the Project is located. It is proposed to be 190-220 feet in an area zoned for 56'.

21.2. The Project cannot be consistent with "applicable" design and development standards contained in a Design for Development that does not yet exist. Approval of the Site Plan Review was premature.

21.3. Open space will be lost. Circulation will be inadequate with the ingress/egress provided. The height, mass and articulation are not compatible with the Radisson, nor with Culver City's design guidelines. The materials and architectural design are not compatible with the Radisson. The proposed size of the structure is not compatible with any other building in Culver City.

22. The architectural design of the structure and the materials and colors are NOT compatible with the scale and character of surrounding development and other improvements on the site and are NOT consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located and with all applicable development standards and design guidelines

22.1. The Project's architectural features, materials and colors cannot be consistent with "applicable" design and development standards contained in a Design for Development that does not yet exist. Approval of the Site Plan Review was premature.

22.2. The Project could not be more different from the Radisson Hotel, the Radisson Conference Center, Playa Vista development, single story industrial areas that encircle the building Arizona Circle, the ITT building and the remaining structures in the area. The Project is not compatible with the architectural design and material/color choices at Howard Hughes Center. The tallest building is at least attractive, highly articulated and uses contrasting colors and materials. In any case, it could never be used by Los Angeles as precedent for "height exceptions" in this general area, as height restrictions have now been imposed all around the general vicinity of the Project site, including at Howard Hughes Center.

23. The landscaping, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, and protection of landscape elements HAS NOT been designed to create visual relief, complement structures, and provide an attractive environment and IS NOT consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable standards and design guidelines.

24. The design and layout of the proposed project **WILL** interfere with the use and enjoyment of neighboring existing or future development, **WILL** result in vehicular and pedestrian hazards, and **WILL NOT** be in the best interest of the public health, safety, and general welfare.

24.1. For all the reasons listed above, the use and enjoyment of nearby neighborhoods will be compromised by the height, scale, shape and architectural features of this aesthetically unappealing building.

24.2. The shade and shadow the Project will cast will interfere with the use and enjoyment of the Radisson. The Hotel pool will be plunged into darkness for much of the day, most of the year, according to the EIR. The shadow impacts to surrounding businesses were not adequately addressed in the EIR.

24.3. The Project will result in vehicular and pedestrian hazards as more and more people attempt to run the red light at Centinela/Sepulveda and other impacted intersections.

24.4. The Project will compromise the health, safety and general welfare of the public in all the ways discussed above, including dangerous air quality conditions and levels of congestion that will impede access from emergency service providers.

25. The existing or proposed public facilities necessary to accommodate the proposed project (e.g. fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) **WILL NOT** be available to serve the subject site.

26. The proposed project is **NOT** consistent with the General Plan and any applicable specific plan. It is not consistent with at least the Land Use, Circulation, Noise, Open Space, and Public Safety Elements. The Project is not proposed for a blighted area and is inconsistent with the Redevelopment Plan. The Project does not comport with the requirements of the Westchester/Playa del Rey Plan, applicable to affected residents.

Tentative Parcel Map

27. The proposed division **WILL** be detrimental to the public welfare **AND** injurious to the property or improvements in the immediate vicinity, and **WILL** be contrary to [an] official plan adopted by the Council of the City of Culver City, for all the reasons stated above.

Height Exception HTEX P-2007200

28. Each of the findings is wrong for the reasons stated above. City Council may not establish a maximum building height permitting high-rise structures in Redevelopment Area No. 1. The Project is not similar in scale to the existing 12-story Radisson. As to the Radisson and Howard Hughes Center, it is not appropriate to make scale comparisons or to use as precedent non-conforming structures. The findings cannot be made as to the size of the parapet wall. The Project will create significant view, shadow and glare impacts.

For each of the foregoing reasons, Appellant respectfully requests that the City Council: (1) decertify the Environmental Impact Report for the Project and require the recirculation of a Revised EIR correcting each of the issues identified above; and (2) reverse each of the approvals granted and findings contained in Resolution Nos. 2008-P002, P003 and P004, including the Adoption of a Statement of Overriding Considerations and Mitigation Monitoring Program, approval of Site Plan Review (SPR P-2007196) and Tentative Parcel Map, and the each finding in HTEX P-2007200 recommending that a Height Exception be granted.

Respectfully Submitted,


Sandy Balek, Officer

United Neighbors of Westchester

Attachment No. 11

RESOLUTION NO. 2008-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DENYING THE APPEAL AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT TITLED "ENVIRONMENTAL IMPACT REPORT - ENTRADA OFFICE TOWER PROJECT" (STATE CLEARINGHOUSE NO. 2007051061)

(Final EIR, Entrada Office Tower, 6161 Centinela Avenue)

WHEREAS, Centinela Development Partners ("Applicant") proposes to develop a 13-story office tower with approximately 342,409 gross square feet of floor area, including a nine-level parking structure comprised of two subterranean levels and seven structured levels with parking on the roof ("Project"), on the site of a surface parking lot at 6161 Centinela Avenue, being Parcel 2 of Parcel Map No. 4031 (the "Project Site"); and

WHEREAS, the City's General Plan presently designates the Project Site as a Regional Center and the Project Site is presently zoned Commercial Regional Business Park. The Project Site is located within the City's Redevelopment Plan Component Area 1, which also designates the Project Site as a Regional Center; and

WHEREAS, the Applicant filed an application for the Project with the City of Culver City (the "City") on December 20, 2007 (the "Project Application"), and the City deemed the Project Application complete on January 3, 2008; and

WHEREAS, the following entitlements, permits and approvals will be necessary:

- Approval of Tentative Parcel Map No. 69726 by the City Council and Redevelopment Agency;
- Approval of a Site Plan Review by the City Council;
- Approval of Design for Development by the Redevelopment Agency;

- Approval of a Height Exception, including exceptions for mechanical equipment, and parapets by the City Council;
- Issuance of any necessary permits which may include demolition, grading, building, construction of utility improvement, public right-of-way construction permits, operation permits, and other related permits by various City departments;
- Approval of plans and issuance of permits for construction of the proposed private development; and
- Approval of any other actions incidental to implementation of the above actions, or required to implement the proposed project as described.

WHEREAS, the California Environmental Quality Act of 1970, as amended (California Public Resources Code § 21000, et seq.; and California Code of Regulations, Title 14, Ch. 3 § 15000, et seq.; collectively, "CEQA"), gives to the lead agency the responsibility for considering the effects of a project, both individual and collective, of all physical development activities involved when action is taken by a lead agency to approve a Project; and

WHEREAS, the City prepared an Initial Environmental Study ("Initial Study") for the Project, which determined that the Project may have a significant effect on the environment and that an Environmental Impact Report ("EIR") must be prepared. The Initial Study determined that the Project's EIR must address the following areas: aesthetics, air quality, cultural resources, hydrology and water quality, land use, noise, public services (police and fire), transportation and circulation, utilities (water supply and wastewater) and mandatory findings of significance; and

WHEREAS, the City prepared a Notice of Preparation ("NOP") of the Draft EIR, which was circulated to the affected agencies and the public, pursuant to CEQA for thirty days

1 beginning on May 10, 2007, and numerous comments from agencies and the public were
2 received in response. The City held a public scoping meeting on May 30, 2007, to obtain
3 information from the public as to issues that should be addressed in the Draft EIR; and

4 WHEREAS, the City prepared a Draft EIR for the Project that addressed, among other
5 things, all issues raised by the Initial Study and by comments received on the NOP; and
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7 WHEREAS, the City submitted the Draft EIR to the Governor's Office of Planning and
8 Research, State Clearinghouse, which established a 68-day public review period beginning
9 on November 29, 2007, and ending on February 4, 2008 and the Notice of Availability was
10 posted as required pursuant to CEQA. The City accepted written comments during the 68-
11 day public review period, as well as late written comments which were received on or prior to
12 February 8, 2008, all of which were included in the Final EIR. In addition, the City accepted
13 oral comments expressed during the duly noticed public meeting of the Planning Commission
14 held on January 9, 2008, for inclusion in the Final EIR. Further public outreach for purposes
15 of providing information about the Project and responding to questions from the community
16 was conducted by the Applicant at community outreach meetings held on October 17 and
17 October 24, 2007 ; and
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20 WHEREAS, the City received numerous written and oral comments to the Draft EIR,
21 prepared responses to those comments and made appropriate changes to the Draft EIR.
22 Those changes, comments and responses were made a part of the Final EIR for the Project
23 in compliance with California Public Resources Code Section 21092.5. The proposed written
24 responses to comments from public agencies received during the 68-day review period were
25 provided to such agencies on February 15, 2008 and the Final EIR was made publicly
26 available on February 18, 2008; and
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1 WHEREAS, the Final EIR includes the Draft EIR, comments on the Draft EIR,
2 responses to written comments on the Draft EIR, responses to public testimony regarding
3 Draft EIR issues raised at the public hearings during the public comment period,
4 modifications to the Draft EIR text, and the Mitigation Monitoring and Reporting Program
5 ("MMRP"). The Final EIR was prepared and circulated in compliance with CEQA. The
6 Statement of Overriding Considerations, which includes the MMRP, was prepared and
7 circulated in compliance with CEQA; and
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9 WHEREAS, on February 27, 2008, the Planning Commission held a duly noticed
10 public meeting to receive public comment on the Final EIR and consider the proposed Final
11 EIR. During the course of the public hearing, the Planning Commission considered staff and
12 consultant presentations, written comments received from public agencies and the public,
13 staff reports, Applicant presentations, information presented to the Planning Commission to
14 assist its understanding of the Project, and public comments and testimony on the Project.
15 In addition, the Planning Commission considered the Final EIR prepared for the Project,
16 including information provided in staff reports, the amended text of the Final EIR, information
17 presented from experts and in public testimony, including letters submitted to the City
18 following the close of the Draft EIR public comment period and prior to the close of the public
19 hearing before the Planning Commission, and other matters in the public record; and
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23 WHEREAS, following conclusion of the public discussion and thorough deliberation of
24 the subject matter, the Planning Commission unanimously certified the Final EIR as set forth
25 in Resolution No. 2008-P002; and
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1 WHEREAS, the United Neighbors of Westchester, submitted a timely appeal to the
2 City Clerk on March 13, 2008, appealing the Planning Commission's certification of the Final
3 EIR; and

4 WHEREAS, on April 14, 2008, the City Council held a duly noticed public meeting to
5 consider the appeal, receive public comment on the Final EIR, and consider the proposed
6 Final EIR. During the course of the public hearing, the City Council considered staff and
7 consultant presentations, written comments received from public agencies and the public,
8 staff reports, Applicant presentations, information presented to the Planning Commission and
9 City Council to assist in the understanding of the Project, and public comments and
10 testimony on the Project. In addition, the City Council considered the Final EIR prepared for
11 the Project, including information provided in staff reports, the amended text of the Final EIR,
12 information presented from experts and in public testimony, including letters submitted to the
13 Planning Commission following the close of the Draft EIR public comment period and prior to
14 the close of the public hearing before the Planning Commission, comments received
15 following the Planning Commission hearing, and other matters in the public record; and
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17 WHEREAS, following conclusion of the public discussion and thorough deliberation of
18 the subject matter, the City Council determined, by a vote of to___, the following as set
19 forth herein below.
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21 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
22 CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:
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24 SECTION 1. FINDINGS. Pursuant to the foregoing recitations, the following findings
25 are hereby made:
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1. Based on the findings contained in the Initial Study prepared by the City, dated May 8, 2007, the proposed Project may have a significant effect on the environment and an EIR is required.
2. The Draft and Final EIRs, including the technical appendices and responses to comments, were prepared, circulated, and completed in compliance with CEQA.
3. Revisions have been appropriately made to the Draft EIR and such revisions, including responses to comments, and other documents related to the Draft EIR have been made a part of or incorporated into the Final EIR.
4. The revisions made to the Draft EIR and incorporated into the Final EIR do *not* require recirculation of the Draft EIR based on the following:
 - a. No significant new information has been added that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project, a feasible way to mitigate or avoid such an impact that the Applicant has declined to implement, or a feasible project alternative;
 - b. The new information, including certain factual corrections and minor changes, provides clarification to points and information already included in the Draft EIR;
 - c. There are no significant new environmental impacts resulting from the Project or from a new mitigation measure proposed to be implemented;
 - d. There is no substantial increase in the severity of an environmental impact that has not been mitigated to a level of insignificance;
 - e. The Applicant has not declined to adopt any feasible project alternatives or mitigation measures, considerably different from others previously analyzed, that clearly would lessen the environmental impacts of the Project; and
 - f. The Draft EIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded.
5. The Final EIR accurately describes the Project and identifies the discretionary approvals necessary for the project as listed in the recitations above.
6. The Final EIR adequately analyzes all of the potentially significant environmental impacts of approval of the Project, mitigation measures, environmental impacts and cumulative impacts which have been mitigated to a less than significant level, environmental impacts and cumulative impacts which cannot be mitigated to a less than significant level, alternatives to the Project on the Project site, short-term and long-term impacts, growth inducing impacts, and significant irreversible impacts.
7. No new information has become available and no changes in the proposed project have been made since the Planning Commission certified the Final EIR.

SECTION 2. CERTIFICATION. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby denies the appeal and certifies:

1. The Final EIR has been prepared, circulated and completed in compliance with CEQA.
2. The City Council upon appeal is the decision-making body responsible for making a final decision on the Project.
3. The City Council has reviewed and considered the information contained in the Final EIR, as well as the whole of the administrative record and the evidence and testimony presented in this matter, prior to making its decision on the Project.
4. The Final EIR reflects the City Council's independent judgment and analysis.
5. If the Project is implemented as mitigated in accordance with the MMRP, then it is anticipated to result in significant unavoidable adverse impacts which would necessitate the adoption of a Statement of Overriding Considerations as part of any Project approval.

APPROVED and ADOPTED this 14th day of April, 2008.

ALAN CORLIN, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED TO AS FORM:

CHRISTOPHER ARMENTA, City Clerk

CAROL SCHWAB, City Attorney

United Neighbors of Westchester (UNOW) Appeal of Planning Commission Project Approvals and Certification of Final EIR

Comment No.	Comment	Response	EIR Reference
CERTIFICATION OF THE FINAL EIR			
N/A	The City Council must conduct a <i>de novo</i> review of the adequacy of the EIR and may not defer to the Commission's findings or to the exercise of the Commission's discretion.	The City Council will be conducting a <i>de novo</i> hearing on the entire appeal.	
1.	The Final EIR does not accurately analyze and disclose the regulatory framework relevant to the requested "height exception" of more than 150 feet in excess of the maximum building height provided by Code. The interpretation of the "height exception" language as permitting high-rise structures irreconcilably conflicts with the letter and intent of the height restriction ordinance enacted in 1990 (the "People's Initiative"). Evidence in support of this issue will include testimony and documents relevant to the interpretation of the People's Initiative, some of which is the subject of the pending Public Records Act request.	Measure I (1990) amended specific provisions of the Zoning Code to set a building height limit of 56 feet in four specific zones. The initiative ordinance is very specific about which sections of the Zoning Code were amended, and Section 17.300.025.C (then Section 37-83.A-1) is not mentioned, either by number or by subject matter. Therefore, there was no repeal of that provision. Section 17.300.025.C gives the City Council the discretion to establish a greater building height maximum than is otherwise allowed under the Code in three Redevelopment Component Areas, Nos. 1, 2 and 3.	
2.	The Final EIR incorrectly and inadequately assesses the visual impacts of the Entrada on nearby homes, including the Westchester bluff homes.	The visual impact of the Project with respect to those locations is adequately addressed in the Final EIR. The Final EIR specifically identifies residential locations that would have prominent, direct views of the Project. Those include the residences on the Westchester bluffs (including seven residences located at the north side and east end of Kentwood Court, and the two nearest residences to the Project Site, 6921 and 6931 Kentwood Court) and approximately 13 residences located on Riggs Place (between 6301 and 6401 Riggs Place). The visual impact to residences in the vicinity of the upper	Final EIR, Volume I, pages III.A-28, III.A-31 through III.A-34, III.A-36, III.A-38 through III.A-41 and Final EIR, Volume IV, Responses to Comments, Topical Response TR-4.

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

Comment No.	Comment	Response	EIR Reference
		terminus of Arizona Avenue is also analyzed. In addition, see Topical Response TR-4 in Volume IV of the Final EIR for a discussion of the third party review of the accuracy and methodology used to create the visual simulations in the EIR.	
2.1	The EIR incorrectly concludes that the aesthetic impact to an entire neighborhood of nearby private residences of a 220 foot tall building with greater square footage than the Fox Hills Mall will be "insignificant."	See Response #2, above. In addition, many of the residences along the bluffs are not oriented toward the site and homes in the neighborhood not located on the bluffs do not view the site. Topical Responses and individual Responses to Comments address concerns regarding the adequacy of the Final EIR's visual impacts analysis and further conclude that aesthetic impacts would be less than significant.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-4 and Responses to Individual Comments 014-2, 031-8, and 032-3.
2.2	The EIR continues to include incorrect statements about the quality of the existing and future environmental setting, including the heights of relevant structures and the bluffs and the visibility of formally recognized historic landmarks.	No formally recognized historic landmarks, or views of historic landmarks, would be impacted by the Project. Figure III.A-1, Building Height Comparisons, was corrected in the Final EIR to reflect revised information about the Radisson Hotel (from 114.5 feet to the parapet, not 132 feet), height of the Westchester Bluff (from approximately 130 feet to approximately 135 feet), and hotel names. The statement regarding visibility of historic landmarks is unclear as there are no landmarks in the project vicinity or that are historic elements in views across the site.	
2.3	The EIR significance threshold for view impacts does not comport with the law in failing to analyze the quality of the visual impacts.	CEQA allows individual jurisdictions discretion in determining significance thresholds. The Final EIR includes three significance thresholds that specifically address visual quality, one of which is verbatim from CEQA Guidelines Appendix G and one is substantially derived from Appendix G. There was no failure to analyze visual quality impacts, the nearly 50 page analysis of aesthetics in the Final EIR is primarily focused on visual quality impacts and view obstruction impacts. See response to 2.1, above, regarding the adequacy of the Final EIR's evaluation of visual quality.	Final EIR, Volume I, pages III.A-8.
2.4	The EIR's significance threshold for view obstruction impacts was not adopted by Culver City pursuant to a public process.	CEQA does not require significance thresholds be adopted by individual jurisdictions. The significance thresholds used by Culver City in the Final EIR are taken from and derived from the CEQA Guidelines Environmental Checklist with additional	Final EIR, Volume IV, Responses to Comments, Response to Individual Comment 032-6.

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Comment No.	Comment	Response	EIR Reference
		thresholds expanded beyond the CEQA Guidelines Environmental Checklist for greater specificity and to include view impacts on private residential properties.	
2.5	The EIR's significance threshold for view obstruction and analysis of aesthetic impacts conflicts with Culver City's view preservation ordinance that was adopted pursuant to a public process.	The Culver City View Preservation Ordinance, adopted March 5, 2006, is intended to resolve view conflicts among neighbors in specific limited areas of the City regarding view obstruction caused by trees (not structures). That ordinance is discussed in greater detail in Response 032-14 in the Responses to Comments section of the Final EIR.	Final EIR, Volume IV, Responses to Comments, Response to Individual Comment 032-14.
2.6	The EIR's significance threshold and aesthetics analysis conflicts with the view preservation policies of the Westchester/Playa del Rey Community Plan.	Those policies are evaluated in the Final EIR. As stated therein, the EIR takes into account Policy 1.6-1 of the Westchester Community that provides the preservation of existing scenic views from surrounding residential uses should be a significant consideration in the approval of discretionary actions. With regard to Policy 1.6-1, as discussed in the Final EIR (Section III.A, Aesthetics, pages III.A-28, A-32-33, A-36, A-39, and A-41), demonstrated in Revised Figures III.A-9 through III.A-14 (Section III.A, pages III.A-31, A-34-35, A-37, A-38, A-40), and confirmed in a neutral, third reader analysis by KTU+A, the Project would have a less than significant impact with respect to view blockage. The intention of the Westchester/Playa del Rey Community Plan regarding view protection from residential uses was addressed by the inclusion of the Westchester bluff residential area in the view analysis presented in the EIR. This issue is discussed in more detail in the Final EIR, Volume IV, Responses to Comments.	Final EIR, Volume I, Section III.A, Aesthetics, pages III.A-19, A-20, and A-28 through III.A-41. Final EIR, Volume IV, Responses to Comments, Topical Responses TR-2 and TR-4 and Responses to Individual Comments 032-18 and 032-39.
2.7	The EIR's significance threshold for view obstruction does not quantify what is substantial.	CEQA does not provide quantitative thresholds and there are no industry standards or commonly accepted thresholds for quantifying the significance of view obstruction. Substantial obstruction of prominent scenic views is considered a reasonable basis for a threshold.	Final EIR, Volume I, Section III.A, Aesthetics, page III.A-8 and A-9 (View Significance Thresholds)

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Comment No.	Comment	Response	EIR Reference
2.8	The EIR incorrectly states the correct field of view.	The independent third party expert (KTU+A) validated the Final EIR's conclusions regarding view impacts. Topical Response TR-4 and KTU+A's third party review of photo simulations evaluation in Appendix Q, provide further clarification of the different fields of view presented in view simulations (photographs). KTU+A's report, attached to the Final EIR as Appendix Q, contains a detailed discussion of fields of view and the appropriate consideration of various fields of view in assessing the view simulations.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-4, and Volume IV, Appendix Q.
2.9	The EIR incorrectly concludes that an approximate 20% "obstruction" of the existing view is insignificant.	The most significant obstruction scenario is represented by the backyard of the nearest residential property (550 feet from the Project Site). Under this degree of view obstruction, views of substantially more than the majority of the background would continue to be available and the impact would be considered less than significant. The Final EIR was revised to reflect a 23 percent view blockage that would occur in a 90 degree view field from View 7 (between 6930 and 6921 Kentwood Court), the residential site nearest the proposed office building. The obstruction would be greatest from View 7 and incrementally less with regard to the other 5 impacted properties along Kentwood Court, as these are respectively farther from the Project Site.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-4 and Volume IV, Appendix Q.
2.10	The EIR is inaccurate that the "worst case" obstruction will be approximately 20% for private residences.	KTU+A determined that the most significant view obstruction would be approximately 23 percent view blockage that would occur in a 90 degree view field from View 7 (between 6930 and 6921 Kentwood Court), the nearest residential location to the Project Site. The Final EIR was revised to reflect this degree of view blockage at the nearest location. View obstruction was shown to be respectively less at all other residential sites.	Final EIR, Volume I, Revised Draft EIR, page III.A-32, and Volume IV, Responses to Comments, Topical Response TR-4, and Volume IV, Appendix Q.
2.11	The EIR's analysis of aesthetics does not comport with the law by suggesting view obstruction could be minimized by the "dynamic experience of observation [that] would likely include the movement of the head."	The CEQA Guidelines do not provide methodologies, standards, or other procedures for the evaluation of views. Topical Response TR-4 provides a thorough discussion of the variability of views and location positions.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-4.

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Comment No.	Comment	Response	EIR Reference
2.12	The EIR's aesthetics discussion does not analyze the photographs actually taken by the third party neutral.	Topical Response TR-4 discusses all of the KTU+A findings and provides direct reference to and discussion of KTU+A photographs and the detailed technical evaluation contained in Appendix Q of the Final EIR.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-4 and Appendix Q.
2.13	The EIR does not analyze the cumulative aesthetic impacts as described in public comments, nor the cumulative aesthetic impact of the 100 foot neon signs proposed at the Westfield Shopping mall.	The baseline for the EIR analysis, including related projects, was established at the time the Notice of Preparation (NOP) was published, May 8, 2007, and the environmental analysis commenced, pursuant to Section 15125 of the CEQA Guidelines. Cumulative aesthetic impacts were addressed in the EIR. Although a draft Master Sign Program for the Fox Hills Mall was submitted to the City of Culver City in September 2007, this occurred after the NOP for the Entrada Project was published. The Fox Hills Mall Master Sign Program proposed three vertical signs that would be oriented primarily along I-405. Since that time, a Design for Development (DFD) has been adopted allowing up to three signs to be 100 feet in height. There is no neon proposed for these signs. The Master Sign Program has not been approved as of this writing.	Final EIR Volume I, Section I, Introduction, Table I-1, and Section III.A, Aesthetics, pages III.A-47 and A-48. Final EIR Volume IV, Responses to Comments, Response to Individual Comment 032-3.
2.14	The EIR inadequately analyzes the aesthetics of the Project in terms of mass, scale, articulation, and incorrectly assesses the overall aesthetics of the Project.	The Final EIR provides a detailed presentation of the visual character of the Project, including elevations of the Proposed Project (Final EIR, Figure II-6); building simulations that show the context of Project in the existing setting (Final EIR, Figures III.A-2 through III.A-10); and discusses the visual character of the building with respect to existing land uses (Final EIR, pages III.A-12 through III.A-20). In addition, the Final EIR provides a Height Comparison Figure (Figure III.A-1) that depicts the relationship of the project with existing high rise buildings in the area and the Westchester Bluff.	Final EIR, Volume I, Section II, Project Description and Section III.A, Aesthetics.

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3.	The EIR inadequately addresses and fails to identify the significant and unavoidable Land Use impacts relevant under CEQA. The EIR evaluates land use impacts with respect to land use compatibility and compliance with applicable plans and policies. As discussed in the EIR, the Project would not conflict with the existing, adjoining commercial, industrial, and freeway uses. In addition, the EIR concluded the Project would be consistent with the type of land use allowed in the existing Commercial-Regional designation and substantially consistent with the General Plan Land Use, Circulation, Open Space, and Public Safety Elements. The analysis also determined that, to the extent that the Project would be inconsistent with the specific height limitation of 56 feet, such inconsistency would be resolved by approval of the height exception. With respect to inconsistency with Circulation Policy 1 to improve traffic flows, the EIR further determined that, with the implementation of traffic mitigation measures, the Circulation Element policy inconsistency would be reduced to less than significant. The EIR also determined that the Proposed Project office tower would not generate any interface impacts associated with building height, since the immediately adjoining area is entirely commercial or industrial in character and, therefore, concluded that inconsistency with the designated height would be less than significant. Allowable building height is further described in Topical Response TR-2, which discusses the building height exception provision. The effect on views from residences located on the Westchester Bluff is analyzed in detail in the Aesthetics section of the Final EIR and in Topical Response TR-4. Final EIR, Volume I, Section III.E, Land Use, pages, III.E-14 through 17 (Land Use Compatibility), III.E-24, and III.E-18 through III.E-41 (Consistency with Applicable Plans and Policies); and Volume IV, Responses to Comments, Topical Responses TR-2 and TR-4.
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3.1	The Project is incompatible with and degrades the character of the nearby residential neighborhood.	Land use compatibility is discussed in Section III.E of the Final EIR and, based on the nature of adjoining commercial, industrial, and freeway land uses, and the nearby Regional Commercial use (Hughes Center), land use compatibility impacts are determined to be less than significant. The effect of views from residences located on the Westchester Bluff is analyzed in detail in the Aesthetics section of the Final EIR and in Topical Response TR-4.	Final EIR, Volume I, Section III.E, Land Use, pages III.E-14 through E-17; and Final EIR, Volume IV, Responses to Comments, Topical Response TR-4.
3.2	The EIR incorrectly states that the Project does not directly interface with the nearby residential neighborhood.	As the Project is separated from the nearest residential neighborhood by Centinela Avenue (a major highway), the Arizona Avenue/Arizona Circle/Arizona Place industrial park, existing surface parking lots, and vacant land in a PV industrial zone, it does not directly interface the nearest residential neighborhood. The Project Site is located a minimum distance of 550 feet from the nearest residential property line (Kentwood Court) and a distance ranging from 800 feet to more than 1,320 feet from residential properties along Riggs Place. The effect of views from residences located on the Westchester Bluff is analyzed in detail in the Aesthetics section of the Final EIR and in Topical Response TR-4.	Final EIR, Volume I, Section III.E, Land Use, pages III.E-14 through III.E-17; and Final EIR, Volume IV, Responses to Comments, Topical Response TR-4.
3.3	The EIR is incomplete in its discussion of applicable land use policies.	Over 73 land use policies are evaluated in the Land Use section of the Final EIR. The Final EIR specifically evaluated all applicable Redevelopment Plan; General Plan Land Use, Noise, Circulation, Open Space, and Public Safety Elements; Municipal Code requirements; and SCAG Policies. Updated SCAG policies were added to the Final EIR. These policies support the development of the project in the SCAG Opportunity Area and do not present any new policies that would present inconsistencies with adopted plans. No applicable land use policies have been omitted from the Land Use evaluation.	Final EIR, Volume I, Section III.E, Land Use, pages III.E-18 through III.E-41.
3.4	The EIR relies on land use policies that are not applicable.	The Final EIR addresses only applicable policies.	Final EIR, Volume I, Section III.E, Land Use, pages III.E-18 through III.E-38.
3.5	The EIR inaccurately analyzes the Project's consistency with applicable Culver City and Westchester/Playa del Rely [sic] land use policies.	The Final EIR evaluates the Project's consistency with the Culver City General Plan's land use policies. Although not applicable to the Project Site, the intention of the	Final EIR, Volume I, Section III.E, Land Use, pages III.E-18 through III.E-21; and Volume IV, Responses to

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		Westchester/Playa del Rey Community Plan regarding view protection was addressed by the inclusion of the Westchester bluff residential area in the view analysis presented in the EIR. Please refer to Response #2.6 above.	Comments, Topical Responses TR-2 and TR-4, Responses to Individual Comments 032-18 and 032-39.
4.	The Final EIR does not adequately address the traffic impacts of the Project.	Refer to Response #4.1 through #4.6, below.	
4.1	The EIR's baseline traffic counts are unreliable because conducted on the Tuesday after a three-day weekend.	Please see Response to Individual Comment 032-50 in Volume IV of the Final EIR regarding the use of traffic counts during the week of President's Day. In addition, this matter was discussed during the Culver City Planning Commission Hearing of February 27, 2008. During this hearing, both the EIR traffic consultant and Cit consulting traffic engineer agreed that counts performed on a typical weekday (Tuesday through Thursday) during the week of President's Day are acceptable, due to the fact that schools are in session on such Tuesday, and President's Day is not a major holiday that would significantly affect traffic on such Tuesday. Approximately 50 percent of the traffic counts were conducted on Tuesday. Furthermore, the traffic counts conducted on the days other than Tuesday validated the Tuesday counts as reasonable.	Final EIR, Volume IV, Response to Comments, Response to Individual Comment 032-50.
4.2	The EIR does not disclose the significant and unavoidable impact of the Project on traffic at the closest major intersection at Sepulveda/Centinela, as identified by LADOT.	Please see Response to Individual Comment 032-49 in Volume IV of the Final EIR regarding the Project's traffic impact at the intersection of Centinela Avenue and Sepulveda Boulevard. This intersection is entirely under the jurisdiction of the City of Culver City and was evaluated according to its criteria. A significant Project traffic impact was identified and mitigated to insignificance at this intersection.	Final EIR, Volume IV, Response to Comments, Response to Individual Comment 032-49.
4.3	The EIR does not analyze the traffic impacts of the Project on the mainline of the 405 and 90 freeways, as required and twice requested by the State of California Department of Transportation ("Caltrans").	Please see Response to Individual Comment 004-1 in Volume IV of the Final EIR regarding the analysis of freeway mainline sections. The traffic study was prepared for the City of Culver City, the lead agency under CEQA for the Project. As lead agency, the City has the legal authority to use rational and reasonable methods in order to determine the scope and methodology of the analysis, and thresholds of significance. The City has adopted the Congestion Management Program (CMP) for Los Angeles County methodology, which was used	Final EIR, Volume 1, Section III.H, Transportation and Circulation, pages III.H-29 and H-30; Final EIR, Volume IV, Responses to Comments, Response to Individual Comment 004-1.

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		to analyze freeway impacts. Based on the Project's trip generation shown in Table III.H-7 and the Project's trip distribution percentages in Final EIR, Volume I, Figure III.H-4 (pages III.H-29 and H-30, respectively), no freeway mainline locations would experience 150 or more Project trips in one direction, including I-405 and State Route (SR) 90. Prior to TDM, the I-405 is expected to experience a maximum of 111 Project trips, and SR-90 is expected to experience a maximum of 13 Project trips. As these freeway mainline volumes are below the CMP's 150-trip threshold, no further analysis is required.	
4.4	The EIR does not adequately analyze or respond to the public concern that the Project's additional traffic generation will impair access to Westport Heights and Westchester of police, fire and ambulance services that must travel along Sepulveda Boulevard.	Emergency response was fully evaluated in Sections III.G.1, Fire Protection and IIIG.2 Police Protection of the Draft and Final EIR and also in Response to Individual Comment 156-14. As stated in these sources, a direct correlation between intersection levels of service and emergency response times, due to congestion, cannot be accurately quantified due to multiple influencing factors. While the Final EIR acknowledges that response times could be affected to some degree, it states that continued use of emergency vehicle sirens, motorcycle units, alternate response routes, and multiple station/jurisdiction responses when necessary, are expected to support adequate emergency access and response, as occurs under existing deficient roadway conditions in many areas of the affected jurisdictions. Also, the California Vehicle Code (Section 21806, Authorized Emergency Vehicles), requires that motorists must yield the right-of-way to emergency vehicles. If required, drivers of emergency vehicles are trained to utilize the center turn lanes, or travel in opposing through lanes to pass through crowded intersections. Thus, the respect entitled to emergency vehicles and driver training allow emergency vehicles to negotiate street conditions in congested urban areas. The California Vehicle Code also exempts emergency vehicles (when using a siren in an emergency) from the general rules of the road, such as right-of-way and speed limits (California Vehicle Code, Section 21055).	Draft and Final EIR, Volume I, Sections III.G.1, Fire Protection and III.G.2 Police Protection and Final EIR, Volume IV, Responses to Comments, Responses to Individual Comment 156-14.

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4.5	The EIR does not analyze the length of Sepulveda and Lincoln Boulevards required by the Department of World Airports.	A full response to this issue was provided to the Department of World Airports (now known as Los Angeles World Airports or LAWA) in the Final EIR. LAWA requested that the Traffic Study for the Proposed Project include an analysis of all signalized intersections along Sepulveda Boulevard between Venice Boulevard and El Segundo Avenue. The study area for the traffic impact analysis was determined by the City of Culver City in consultation with the City of Los Angeles (of which LAWA is a part) and the County of Los Angeles. As concluded in the Traffic Study, traffic impacts from the Proposed Project at the intersection of Sepulveda Boulevard/Jefferson Boulevard would be less than significant and impacts at Sepulveda Boulevard/Manchester Avenue would be less than significant with implementation of the recommended mitigation measures. Intersections along Sepulveda Boulevard that are north of Jefferson Boulevard and south of Manchester Avenue are outside of the study area for traffic impacts from the Proposed Project due to the distance of these intersections from the Project Site. An analysis of intersections along the length of Lincoln Boulevard was not brought up as an issue of concern by LAWA.	Final EIR Volume I, Section III.H, Transportation and Circulation; and Final EIR, Volume IV, Responses to Comments, Topical Response TR-5 and Responses to Individual Comments 012-1.
4.6	The EIR does not analyze the neighborhood traffic impacts to Ladera Heights, Westchester, Westport Heights and areas of Culver City.	The traffic study area was defined by Culver City traffic engineering staff in consultation with the City of Los Angeles and the County of Los Angeles, and is consistent with a Memorandum of Understanding (MOU) between traffic engineering staffs in the City of Los Angeles Department of Transportation, and County of Los Angeles, Department of Public Works, as discussed in Topical Response TR-5. Streets and areas in which these agencies determined the Project would not significantly contribute traffic, are not incorporated into the traffic study.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-5.
5.	The EIR's conclusion that the Project's net contribution to Global Greenhouse Gas Emissions ("GHGs") will be "insignificant" is inaccurate. The EIR is incomplete for failing to identify feasible mitigations that could reduce GHGs.	This issue was addressed in the Final EIR. The EIR does not conclude that the Project's net contribution to GHG emissions is insignificant but rather states that no finding has been made regarding Project or cumulative impacts on global climate change, since there are no recognized standards, established significance thresholds, accepted methodology, or State agency guidance. However, Section III.J, Global Climate	Final EIR Volume I, Section III.J, Global Climate Change; and Final EIR Volume IV, Responses to Comments, Responses to Individual Comments 032-45, 032-46, 032-48, and 156-94.

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		Change, of the Final EIR included relevant mitigation measures from EIR Sections III.B, Air Quality; III.H Transportation and Circulation; III.I.1, Water Supply that would reduce GHG emissions. The Global Climate Change section of the EIR also lists Project objectives and a number of Project features that would mitigate GHG emissions.	
6.	The EIR's analysis of Operational Air Quality is inaccurate based on the EIR's failure to clarify a haul route and staging plans that will bear on air quality.	Hauling and staging are construction (short term), not operational (long term) activities. Off-site staging locations for trucks and off-site replacement parking locations are not currently known. Therefore, Mitigation Measure H-2, which appeared in the Draft EIR, was expanded in the Final EIR to require a Construction Management Plan (CMP) to address routes to off-site staging areas. The CMP would have a performance objective to take all reasonable measures to reduce or avoid temporary congestion, potential hazards, and inconvenience. This analysis would be prepared and submitted to the Culver City's Public Works Department for review and approval prior to the issuance of any demolition, grading or excavation permits. The evaluation of construction emissions in the Air Quality section also includes an estimate of construction vehicle trip emissions.	Final EIR, Volume I, III.H, Transportation and Circulation, page III.H-53.
7.	The "finding" that the "alternatives analyzed in the Final EIR do not sufficiently meet the Project objectives" is factually incorrect and misstates the concept of feasibility, as recognized under CEQA.	As discussed in Topical Response TR-3, CEQA allows an agency to reject alternatives evaluated in the EIR as infeasible as long as the agency weighs the advantages and disadvantages of the project against the advantages and disadvantages of the alternatives and considers whether the alternative accomplish the underlying goals. In rejecting an alternative, it is sufficient for the agency to show that the alternative would not satisfy project objectives, or would not promote the underlying goals of the project. In the Final EIR's comparison of each alternative to the Project's objectives, it is clearly shown that, although alternatives could reduce some of the Project's potential impacts and meet some of the Project's objectives, no alternative would substantially meet the Project objectives to the same extent as the Project.	Final EIR, Volume I, Section IV, Alternatives, Conclusion and Relationship to Project Objectives, and Final EIR, Volume IV, Responses to Comments, Topical Response TR-3.

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8.	At least eleven (11) of the seventeen (17) Project Objectives identified in the EIR, as revised in the "Findings" of Resolution No. 2008-P003, are invalid. References to Project Objective numbers are from Pages 59 and 60 of Resolution No. 2008-P003.	The Project objectives comply with CEQA Guidelines, Section 15124(b), pertinent to project objectives, which provides: "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."	CEQA Guidelines Section 15124(b); Final EIR, Volume I, page II-5.
8.1	Project Objective (a)(i) is invalid because each articulated "redevelopment goal" is actually a sub-goal of the elimination of blight. Blight does not exist at the Project site.	The Project site is located within Component Area 1, an area deemed blighted, pursuant to Health & Safety Code, Section 33367, subdivision (d)(1) when Culver City adopted Component Area 1 of its Redevelopment Plan. Remaining conditions of significant blight were updated in 1998 in connection with the merger and amendment of the Redevelopment Plan, and again in connection with the 2005 - 2009 five year implementation plan adopted by the Redevelopment Agency. Furthermore, Project Objective (a)(i) does not refer to maximizing economic potential and the "highest and best use" of the Project Site in the context of "blight," but as redevelopment goals in and of themselves. The objective is valid regardless of whether these are "sub goals" of blight-reduction or goals of redevelopment in their own right.	
8.2	Project Objectives (a)(i) through (a)(iv), (b)(i) and (c) (i) through (c)(vii) are unlawfully articulated and impermissibly narrow to the extent they can be "maximized" only by a structure that exceeds building heights permitted under the People's Initiative.	The Project's objectives were framed in accordance with CEQA in light of the regulatory framework including, but not limited to, policies on building height restrictions. See also Response #1, above.	Final EIR, Volume I, Section II, Project Description, page II-18, and Section III, Land Use, page III.E-11.
8.3	Project Objective No. (c)(iii) "to provide approximately 342,000 square feet of new office space" is unlawfully narrow because it can only be met by a like-sized office building.	Project Objective No. (c)(iii) reflects the goal of producing an office building that provides a considerable and substantial amount of office space in quantifiable, albeit, approximate terms.	

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8.4	Project Objective Nos. (a)(ii) to "complement" increasing residential density with increasing office density and (a)(iii) to create jobs near housing are invalid as the only evidence is that the Project will only further skew the severe jobs/housing imbalance in Culver City.	The objectives of planning for office uses and job creation in areas proximate to residential density relate to land use policy goals that are not necessarily to be equated with the jobs/housing balance in Culver City. These goals include land use planning policies discussed in the EIR such as Culver City General Plan Objective	Final EIR, Volume I, Section II, Project Description, page II-6.
8.5	Project Objectives articulated as the desire to facilitate or provide facilities for forecasted job growth in Culver City are invalid. Projected job growth through 2015 can be adequately housed just at the Symantec campus.	This comment misstates the Project Objectives. The Objectives are not articulated as a desire to facilitate or provide facilities for "forecasted job growth in Culver City." The Objectives can be met regardless of what is predicted in forecasts concerning job growth.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-3.
8.6	Project alternatives meet each Project objective with or without correction for the problems above.	This statement is inaccurate. Project alternatives have been rejected because they are not feasible, given one or more of the project's objectives. In the Draft EIR's comparison of each alternative to the Project's objectives, it is clearly shown that, although alternatives could reduce some of the Project's potential impacts and meet some of the Project's objectives, no alternative would substantially meet the Project objectives to the same extent as the Project.	Final EIR, Volume I, Section IV, Alternatives.
9.	The EIR does not identify a sufficient range of Project Alternatives including office-use Project Alternatives without subterranean parking.	The Final EIR evaluates five alternatives that represent a range of land uses and development intensities. CEQA requires the evaluation of a list of alternatives based on the "rule of reason." CEQA does not require that all possible alternatives be analyzed. Furthermore, in the selection of alternatives, it is necessary for any development at the Project Site to provide replacement parking for the existing Radisson Hotel. Under any of the alternatives, it would not be possible to provide adequate replacement parking, as well as code-required parking for the alternative use, and maintain the scale of development intended by the alternative, without the use of subterranean parking. Therefore, it was not reasonable to evaluate an alternative that would not provide subterranean parking.	

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10.	The record, EIR, and Statement of Overriding Considerations do not demonstrate that project alternatives are infeasible, as recognized by CEQA. "Infeasibility" cannot be self-created by Applicant's poor risk assessment. Reduced revenues to the City's General Fund and Redevelopment Agency from Project Alternatives do not render alternatives "infeasible."	All of the Project alternatives are infeasible given their inability to meet Project objectives including implementation of the City of Culver City's redevelopment goal. The EIR properly included among the Project Objectives, "Contribute to the expansion of the City's economic base through the development of underutilized property, thereby providing additional tax revenue to the City and Culver City Redevelopment Agency." The EIR analyzed the ability of each Alternative to meet the economic objectives in comparison to the Project. For example, the EIR referred to the increased tax revenue for the City and the Redevelopment Agency from the Project and compared the tax revenue expected from the Alternative. In each case, the EIR concluded that the Alternatives did not satisfy the economic objectives to the same extent as the Project.	Final EIR, Volume I, Section II, Project Description, pages II-5 and II-6; Section IV, Table IV-5, page IV-5, pages IV-56 through 58. (Also, see generally, FEIR, Section IV-D, pages IV-7 to IV-59.
11.	Certification Number 5 on page 6 of Resolution No. 2008-P002 ("EIR Certification Resolution") is contrary to law in as much as it suggests adoption of a Statement of Overriding Considerations is sufficient to render "acceptable" environmental harms that will result from the Project <i>as proposed</i>. All such harms first be mitigated by all feasible mitigations and feasible project alternatives. A Statement of Overriding Considerations can be issued ONLY where there is remaining unavoidable environmental harm after adoption of all feasible mitigations and feasible project alternatives.	The Final EIR and Mitigation Monitoring and Reporting Program clearly explain the reasons relied on for the Statement of Overriding Considerations to conclude all feasible mitigation measures have been imposed on the Project. The SOC then explains even with those mitigation measures a few significant environmental impacts will not be reduced to a level of insignificance. Finally, the Statement of Overriding Considerations describes in detail why and how, even with those unmitigated impacts, the benefits resulting from the Project will outweigh the remaining impacts. See also Response to 12, below.	
ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS			
	There is not substantial evidence to support the findings in the statement of overriding considerations. Most of the stated "benefits" of the Project are restatements of the Project Objectives, and are invalid for all the reasons stated above.	Refer to Responses 12 through 20.3, below.	

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12.	Such benefits would result, even if to a lesser extent, from Project alternatives, so they cannot "override" harms that would not result if such Project alternatives were adopted.	The Statement of Overriding Considerations weighs the benefits of the Project against the Project's significant, unavoidable environmental impacts, which include cumulative cultural impacts (archaeological impacts), operational air emissions (NOx), construction noise, and traffic impact at one intersection. It is noted that the Project's air quality, cultural resources, transportation, and construction noise mitigation measures would substantially reduce the project's significant, unavoidable impacts – but not entirely below threshold levels. As these impacts are not reduced to less than significance, CEQA requires the jurisdiction to provide a specific statement, represented in the Statement of Overriding Considerations, to support its action on the Final EIR. The determination of the decision-making body that the benefits of the Project outweigh the detriment associated with these significant impacts is consistent with CEQA. It is the City's prerogative to determine that benefits outweigh a project's significant environmental effects. The Statement of Overriding Considerations addresses only the Proposed Project. CEQA does not require the adoption of Project alternatives to mitigate a Project's impacts, nor does the Final EIR provide a CEQA-level evaluation for the Project alternatives.	Final EIR, Volume I, Sections III.B, Air Quality; III.C, Cultural Resources; III.H, Transportation; and III.F, Noise.
13.	Without the Project, the City would still obtain the same financial benefits and so-called regional growth benefits from "by right" development.	The "by right" alternative, as represented by the Low Rise Office Alternative, would not generate the same level of revenue to the City as the Proposed Project. Due to the smaller scale of development, represented in the approximately 70 percent reduction in floor area, less business tax and property tax would accrue to the City. The Project would also result in a greater benefit for the City's affordable housing program, which receives 20 percent of the Agency's tax increment revenues.	Final EIR, Volume 1, Section IV, Alternatives, page IV-23; and Final EIR, Volume IV, Responses to Comments, Topical Response TR-3.
14.	Project benefit 2(a) to "combat blight" is invalid as the site is not blighted.	The Project site is located within Component Area 1, an area deemed blighted, pursuant to Health & Safety Code, Section 33367, subdivision (d)(1) when Culver City adopted Component Area 1 of its Redevelopment Plan. Remaining conditions of significant blight were updated in 1998 in connection with the merger and amendment of the Redevelopment Plan, and again in connection with the 2005 – 2009 five year implementation plan adopted by the	

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

		Redevelopment Agency. Furthermore, the City's determination regarding the benefits of the Project takes into account all of the different benefits of the Project and does not depend on a single benefit.	
15.	Increasing office-space density in the Project area will not benefit the residents of Culver City or the area community.	As discussed under Response #13, above, the Project would generate tax revenues, including Redevelopment Agency revenues that would provide affordable housing. Revenues to the Culver City would benefit the residents by providing for the continuation or expansion of City Services.	
16.	Approving a high-rise structure will thwart the collective will of the Culver City people as expressed in 1990. That must be considered in the balance.	Please refer to Response #1, above.	
17.	There is inadequate evidence that the Project will not set precedent for future high-rise development in areas already saturated with development.	High rise development can predictably occur in any area that has the designated land use and zoning for such development, as does the Project Site. Individual discretionary land use decisions, do not set legal precedents. The issue of the Project creating a precedent for high rise development in Culver City is discussed in detail in Final EIR Topical Response TR-2. It is noted that properties in the adjacent, surrounding City of Los Angeles, including the adjoining shopping center site to the northwest, are designated and zoned for industrial purposes. Due to floor area constraints in this zoning designation, high-rise development would require a discretionary land use approval. There is no reason to believe that the Project would create a precedent for such discretionary land use decision with respect to other nearby properties.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-2.
18.	The paramount public concern is the preservation of the quality of life, as defined by congestion levels, air quality, and preservation of views and of open space, as expressed in height limit initiatives, view protection and open space policies and support of reasonable growth. That concern cannot be overridden by an "immediate gratification" approach to economic development.	Significant and unavoidable operational (long-term) environmental impacts identified in the EIR include a significant and unavoidable impact on regional air quality; a significant traffic impact at one intersection; and a cumulative impact on archaeological resources. Other impacts, such as open space and views would be less than significant. The Project's significant impacts on air and traffic are associated with high levels of existing and cumulative air emissions and traffic, associated primarily with traffic originating in areas	Final EIR, Volume I, Sections III.B, Air Quality; III.C. Cultural Resources; and III.H, Traffic.

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		outside Culver City. Also, although impacts on archaeological resources at the Project Site would be reduced to less than significant levels, the Project cannot address the potential cultural impacts of other Projects located in the surrounding area (City of Los Angeles). Consequently, the Project's significant impacts associated with growth occur in large part as a result of traffic and development approved or being planned in surrounding areas of the City of Los Angeles and unincorporated Los Angeles County. Accordingly, Culver City is not a primary generator of what are termed "quality of life" impacts. The City is within its rights to approve development according to the provisions of its existing land use plans and regulations, and to exercise its right under CEQA, to balance the benefits and detriments of a Project and to adopt a statement of overriding considerations.	
19.	For purposes of weighing the public benefits against the harms, the relevant "public" must include the residents of all impacted communities. The Statement of Overriding Considerations does not address any public benefits to the non-Culver City residents who will be impacted.	In weighing the benefits of the Project, Culver City has no obligation to account for benefits to residents of other cities. Culver City has the prerogative to determine the benefits that the City weighs against the environmental impacts of the Project. However, the Project would provide benefits to Los Angeles residents in the form of employment opportunities and economic benefits to local businesses associated with the occupants of the Project. This comment is inaccurate. The Statement of Overriding Considerations does not limit its benefits to Culver City residents. Many of the general benefits including job growth serving neighboring residential communities and environmental awareness through LEED certification benefit non-Culver City residents. Furthermore, the Statement of Overriding Considerations specifically refers to benefits for non-Culver City residents including benefits received by the "City of Los Angeles Regional Center" and the "region."	
20.	Exhibits to Statement of Overriding Considerations		

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

20.1	There is not substantial evidence for the "finding" that "as an infill development, population to support new jobs created by the Project is expected to be generated to a large degree from existing residents in [LA, Culver City, Playa Vista, and South Bay]" (Page 15 of Reso. 2008-P003)	One of the primary tenets of urban planning is that the location of employment opportunities within proximity of housing reduces commuting distances, as residents will seek employment, if consistent with their field of expertise, within a reasonable or short commuting distance from their homes. Therefore, it is reasonable to assume that, over time, the Project would draw on an employee force from the surrounding area. The concept of jobs/housing balance is also consistent with SCAG's Compass Growth Vision, Principle 1.	Final EIR, Volume I, Table III.E-2, Analysis of the Project Consistency with SCAG Policies.
20.2	The EIR does not address the public comment that the 10% TDM program is not aggressive at all and will not fully or substantially mitigate the traffic impacts as required.	As detailed in Appendix G in Volume II of the FEIR, the TDM Plan involves several components and is designed to be flexible in achieving the 10 percent reduction in Project AM and PM peak-hour trips. The TDM measures include preferential parking for carpools/vanpools, bicycle parking, direct and safe pedestrian access, centralized transportation information displays, an Employee Transportation Coordinator (ETC), carpool/vanpool matching, vanpool start-up assistance, start-up and empty seat subsidies, guaranteed ride program, and flexible arrival/departure times for rideshare participants. Annual trip monitoring will be conducted and reported documenting the effectiveness of the TDM Plan. If the City determines that the required trip reductions have not been achieved, the Project will be required to implement additional measures, operating improvements and/or modifications as well as paying a peak-hour trip fee for the amount of trips not reduced below the 10% required reduction. Therefore, the program is designed to become more aggressive, if necessary, in order to achieve the 10 percent peak-hour trip reduction. The Final EIR concluded that a 10 percent trip reduction would have the effect of mitigating the impacts to below significance at 11 of 12 impacted intersections. The Final EIR concluded that, even with the inclusion of TDM program, only the development of a fourth northbound through lane on Sepulveda Boulevard, could reduce impacts to less than significance at Howard Hughes Parkway & Sepulveda Boulevard. This is not considered feasible due to right-of-way constraints. In addition to TDM measures, the traffic signal	Final EIR, Volume I, Section III.H., Transportation and Circulation; Final EIR, Volume IV, Response to Comments, Topical Response TR-5; and Final EIR, Volume IV, Responses to Comments, Response to Individual Comment 032-68.

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

		system in the vicinity of this intersection would be upgraded with ATCS enhancements. These measures would mitigate the project impact in the PM peak hour to a level of insignificance, but the AM peak hour impact would remain. Additional physical improvements at this intersection are infeasible due to insufficient right-of-way.	
20.3	The EIR is incorrect that substantial and inmitigable noise impacts will occur only to residences to the west. The residences to the south, which are homes in Westchester, must be included. No benefits of the project inure to Westchester residents, so the harms to those residents have not been outweighed. (Page 17 of Reso. 2008-P003).	The EIR identifies noise-sensitive receptors located to the west and southwest of the Project Site as "single-family residential dwellings located on a bluff along Kentwood Court and Riggs Place, just west and southwest of the Project Site," and states that these residential uses are the nearest sensitive receptors to the Project Site. Additionally, the EIR maps the nearest and other noise receptor sites, Figure III.F-1, Noise Monitoring Locations and Sensitive Land Uses. As discussed in the EIR, Location R1 in the Westchester bluffs is the nearest receptor site (550 feet southwest of the Project Site), and would experience a significant construction noise impact. The map also indicates that a sensitive receptor site (R2) located 900 feet southeast of the Project Site would not experience significant noise levels. The degree of significance can be extrapolated between the nearest and the less than significant sites. The EIR does not state that only the nearest site would experience significant noise impacts, but that construction noise impacts would be greatest at the nearest residential locations west of the Project Site. As shown in Figure III.F.1, these sites are actually located to the southwest of the Project Site and could also be interpreted as being located to the south.	Final EIR, Volume I, Section III.F, Noise, pages III.F-4, F-5, and III.F-32 and F-33.

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

SITE PLAN REVIEW			
21.	The general layout of the Project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is NOT consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located and with all applicable development standards and design guidelines.	The Proposed Project is consistent with the requirements of the City's Zoning Code, as discussed in Section III.E., Table III.E-1 of the EIR and as stated in Section 1 of Planning Commission Resolution No. 2008-P004. As discussed in Topical Response TR-2, the CCMC (Section 17.300.025.C.1) allows a greater building height under conditions that are applicable to the Project Site. The issue of height compliance is also addressed in Topical Response TR-2.	Final EIR, Volume I, Table III.E-1 and Final EIR, Volume IV, Responses to Comments, Topical Response TR-2.
21.1	The Project height is inconsistent with the requirements of the zoning district in which the Project is located. It is proposed to be 190-220 feet in an area zoned for 56'.	Please refer to the response under # 21, above, regarding CCMC Section 17.300.025.C.1. Height allowances are also discussed in detail in Topical Response TR-2.	Final EIR, Volume IV, Responses to Comments, Topical Response TR-2.
21.2	The Project cannot be consistent with "applicable" design and development standards contained in a Design for Development that does not yet exist. Approval of the Site Plan Review was premature.	The Site Plan Review does not become effective unless and until the proposed Height Exception and DFD becomes effective. The project conforms to the proposed DFD to be considered by the Redevelopment Agency. Should the Redevelopment Agency approve a DFD with development standards which differ from the proposed project, then the project would have to be altered to conform to the adopted DFD.	
21.3	Open space will be lost. Circulation will be inadequate with the ingress/egress provided. The height, mass and articulation are not compatible with the Radisson, nor with Culver City's design guidelines. The materials and architectural design are not compatible with the Radisson. The proposed size of the structure is not compatible with any other building in Culver City.	The proposed site for the project is an existing paved parking lot and as such does not qualify as open space as defined in the General Plan. Three driveways are proposed to serve the project and the Radisson Hotel with one driveway being a primary signalized driveway providing access to both properties. The on-site circulation has been coordinated between the office and hotel site and has been approved by the appropriate City departments. As discussed in the EIR, the scale of the Proposed Project is compatible with office and commercial development in the surrounding area. The Proposed Project contemporary design responds to the location, site conditions and the context of the surrounding buildings in the area. The findings for approval of a Site Plan	

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

		Review require compatibility with the scale and character of surrounding development, not with all buildings in Culver City. Due to the site's unique location along the west side of the 405 Freeway and the scale of surrounding high-rise developments, it was determined that the scale of the Proposed Project was compatible with surrounding development.	
22.	The architectural design of the structure and the materials and colors are NOT compatible with the scale and character of surrounding development and other improvements on the site and are NOT consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located and with all applicable development standards and design guidelines	The architectural style of the Proposed Project is compatible with the contemporary architectural style of other existing high-rise buildings in the area, although not identical in the use of materials and colors. Also, refer to #21, above, regarding zoning and development consistency.	
22.1	The Project's architectural features, materials and colors cannot be consistent with "applicable" design and development standards contained in a Design for Development that does not yet exist. Approval of the Site Plan Review was premature.	The City will enforce its requirements for the DFD and the Proposed Project and ensure that the Project would be compatible with the approved DFD. Also, refer Response # 21.2, above. The DFD is scheduled to be considered and adopted by the Redevelopment Agency before the Council's consideration of the Site Plan Review. Following action by the Agency the Council can take action on the Site Plan Review.	

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

22.2	The Project could not be more different from the Radisson Hotel, the Radisson Conference Center, Playa Vista development, single story industrial areas that encircle the building Arizona Circle, the ITT building and the remaining structures in the area. The Project is not compatible with the architectural design and material/color choices at Howard Hughes Center. The tallest building is at least attractive, highly articulated and uses contrasting colors and materials. In any case, it could never be used by Los Angeles as precedent for "height exceptions" in this general area, as height restrictions have now been imposed all around the general vicinity of the Project site, including at Howard Hughes Center.	The Project is compatible with surrounding high rise uses in the in the nearby Howard Hughes Center and adjacent Radisson Hotel, in that these uses are contemporary and high-rise in character. The Project Site and Hughes Center share a spatial similarity in that both are located in a quadrant joining the Sepulveda/Centinela intersection (the Project Site to the northwest and Hughes Center to the southeast) and both locations are located within the I-405 corridor (adjacent to the freeway). The Project's contemporary design responds to the location, site conditions and context of the surrounding buildings. The architectural design, height and selection of materials are also complementary to the office development in the area to the south. In particular, the contemporary architecture, materials (primarily glass and steel) are consistent with that of the Howard Hughes Center buildings.	Final EIR, Volume IV, Responses to Comments, Responses to Individual Comments 083-3 and 083-5.
23.	The landscaping, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, and protection of landscape elements HAS NOT been designed to create visual relief, complement structures, and provide an attractive environment and <u>IS NOT</u> consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable standards and design guidelines.	Finding C in Section 1 of Planning Commission Resolution No. 2008-P004 describes the landscaping and finds that the landscaping will complement the proposed architectural elements, site layout and provide visual relief from the urban landscape. Final landscape plans with plant species will be reviewed by the City to ensure conformance with applicable requirements.	
24.	The design and layout of the proposed project WILL interfere with the use and enjoyment of neighboring existing or future development, WILL result in vehicular and pedestrian hazards, and WILL NOT be in the best interest of the public health, safety, and general welfare.	As further described in Finding D of Section 1 of Planning Commission Resolution No. 2008-P004, due to the proposed project location, site layout, and circulation improvements incorporating the existing Radisson Hotel and conference center, the design of the Proposed Project will not result in vehicular and pedestrian hazards or be harmful to the neighboring existing or future surrounding development.	

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24.1	For all the reasons listed above, the use and enjoyment of nearby neighborhoods will be compromised by the height, scale, shape and architectural features of this aesthetically unappealing building.	As discussed in the Draft EIR, several residential properties would view the proposed building as a prominent feature (see Response #2, above). However, the visibility of the Project from several residences would not compromise the use and enjoyment of nearby neighborhoods as the majority of homes within the Westchester neighborhood are remote from and do not view the Project site.	
24.2	The shade and shadow the Project will cast will interfere with the use and enjoyment of the Radisson. The Hotel pool will be plunged into darkness for much of the day, most of the year, according to the EIR. The shadow impacts to surrounding businesses were not adequately addressed in the EIR.	The Project's Initial Study (Appendix A of this EIR) determined that shade impacts would be less than significant and required no further evaluation in an EIR. As shown in Figures B-1 and B-2 of the Initial Study, the Radisson Hotel pool would be shaded only during a short period in the late afternoon in the summer months, since it is generally to the east/southeast of the Project. This impact would not meet the minimum threshold requirements for shade impact. No other adjacent businesses are considered sensitive to shading and shadows would generally be cast across the freeway (northerly) and away from sensitive uses in the area.	
24.3	The Project will result in vehicular and pedestrian hazards as more and more people attempt to run the red light at Centinela/Sepulveda and other impacted intersections.	There is an automated red light enforcement camera at the Centinela/Sepulveda intersection enforced by Culver City. All approaches to the intersection are posted. Red light cameras have proven to be a real deterrent to people attempting to run red lights. However, Project motorists will drive and behave fundamentally the same as other motorists, and will obey traffic laws to the same degree as the other motorists. Therefore, it is erroneous and misleading to suggest that the Project will be responsible for any abnormal vehicular and pedestrian hazards.	
24.4	The Project will compromise the health, safety and general welfare of the public in all the ways discussed above, including dangerous air quality conditions and levels of congestion that will impede access from emergency service providers.	As discussed in the Final EIR, the Proposed Project would generate 65 lbs/day of regional NOx emissions, thereby exceeding the SCAQMD threshold standard of 55 lbs/day, which would result in a significant air quality impact during operation. This condition would be incrementally reduced by approximately 5 pounds through the implementation of the Project's Transportation Demand Management (TDM) Plan to reduce trips by 10 percent and through the incorporation of LEED energy efficient construction. However, as these	Final EIR, Volume I, Section III.B, Air Quality, pages III.B-27 and III.B-37; and Final EIR, Volume IV, Responses to Comments, Response to Individual Comment 156-14. Also, refer to response 4.4, above, regarding emergency response.

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		measures are not specifically quantifiable, they are not subtracted from the Project's estimated NOx emissions. The conclusion regarding NOx emission is conservative, as actual emissions are expected to be lower than the estimated 65-pound total. No other emissions would exceed SCAQMD standards, during Project construction or operation. Therefore, the statement that the Project would result in "dangerous air quality" is not accurate. See also Response #4.4, above.	
25.	The existing or proposed public facilities necessary to accommodate the proposed project (e.g. fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) <u>WILL NOT</u> be available to serve the subject site.	Public facilities are available to the Project Site. In addition, the Project entails the installation of new signalization, sidewalks, , as well as the widening of Centinela Avenue. The EIR fully evaluated public facilities with input from Culver City departments and other appropriate jurisdictions, and determined that adequate facilities would be available to serve the Project. The basis for the statement that services would not be available is unclear.	
26.	The proposed project is NOT consistent with the General Plan and any applicable specific plan. It is not consistent with at least the Land Use, Circulation, Noise, Open Space, and Public Safety Elements. The Project is not proposed for a blighted area and is inconsistent with the Redevelopment Plan. The Project does not comport with the requirements of the Westchester/Playa del Rey Plan, applicable to affected residents.	The General Plan and applicable Redevelopment Plan contain provisions that would allow the Proposed Project. Please refer to the comparison of the Project with the applicable policies of the Land Use, Noise, Circulation, Open Space, and Public Safety Elements of the General Plan in the Final EIR and Planning Commission Resolution No 2008-P004. The intention of Westchester/Playa del Rey Community Plan is to require the consideration of views of and from residential areas located in the Westchester Bluff area (Policies 1.6-1 and 1.6-2) during the review of discretionary land use actions. The Final EIRs take into account views from the nearest and representative locations in the Westchester Bluffs. In addition, Figures III.A-9 and A-10 (View 7 from Kentwood Court), Figures III.A-11 and A-12 (View 8 from Arizona Avenue), and Figures III.A-13 and A-14 (View 9 from Riggs Place) are revised in the Final EIR in compliance with recommendations from the City's third party consultant (KTU+A). KTU+A confirmed the conclusions of the Draft EIR that view obstruction from the Westchester Bluff would be less than significant. As the Final EIR takes into consideration views from the Westchester Bluff, Culver City has comported with the policies of the Westchester/Playa del Rey Community	Final EIR, Volume I, Section III.E, Land Use, pages III.E-19 through E-24; and Section III.A, Aesthetics, pages III.A-19-20, III.A-31, III.A-34-35, III.A-37-38, III.A-40, and III.A-42-4 .

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		Plan, although this land use plan is not applicable to projects within Culver City.	
TENTATIVE PARCEL MAP			
27.	The proposed division <u>WILL</u> be detrimental to the public welfare <u>AND</u> injurious to the property or improvements in the immediate vicinity, and <u>WILL</u> be contrary to [an] official plan adopted by the Council of the City of Culver City, for all the reasons stated above.	The prior statements do not substantiate that the project would be detrimental to the public welfare or injurious of property in the immediate vicinity. The subdivision (with or without the proposed development) of the existing parcel into two lots that comply with Culver City's subdivision standards is not contrary to any Culver City adopted plan.	
HEIGHT EXCEPTION HTEX P-2007200			
28.	Each of the findings is wrong for the reasons stated above. City Council may not establish a maximum building height permitting high-rise structures in Redevelopment Area No. 1. The Project is not similar in scale to the existing 12-story Radisson. As to the Radisson and Howard Hughes Center, it is not appropriate to make scale comparisons or to use as precedent non-conforming structures. The findings cannot be made as to the size of the parapet wall. The Project will create significant view, shadow and glare impacts.	This statement is incorrect. The CCMC allows a building height exception in Redevelopment Component Area No. 1, under Section 17.300.025.C.1 of the Municipal Code.	

UNOW Appeal of Planning Commission Project Approvals and Certification of Final EIR (Continued)

N/A	For each of the foregoing reasons, Appellant respectfully requests that the City Council: (i) decertify the Environmental Impact Report for the Project and require the recirculation of a Revised EIR correcting each of the issues identified above; and (2) reverse each of the approvals granted and findings contained in Resolution Nos. 2000-P002, P003 and P004, including the Adoption of a Statement of Overriding Considerations and Mitigation Monitoring Program, approval of Site Plan Review (SPR P-2007196) and Tentative Parcel Map, and the each finding in HTEX P-2007200 recommending that a Height Exception be granted.	The prior statements are unsubstantiated.	
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DESIGN FOR DEVELOPMENT

An Area Within of Culver City Redevelopment Project Component Area No. 1
A Portion of 6161 Centinela Avenue, Culver City, California

I. Purpose and Intent

The Culver City Redevelopment Agency (the "Agency") has the authority to direct and guide the use and development of property in adopted project areas. Pursuant to Section 423 of the Redevelopment Plan for the Culver City Redevelopment Project Component Area No. 1, the Agency has the authority to establish specific design standards for a particular area within Component Area No. 1.

The Agency wishes to adopt a Design for Development (the "DFD") to direct the use and development of particular property within Component Area No. 1 in order to insure that the health, safety and welfare of the City's residents and business community are not adversely affected and to promote development that will benefit the City and the surrounding area.

This DFD addresses a portion of a parcel of land, which is currently owned by Centinela Development Partners (the "Owner"). The parcel of land (the "Existing Parcel") is more particularly described as Parcel 2 of Parcel Map No. 4031, in the City of Culver City, County of Los Angeles, State of California, as per map filed in Book 58, Page 100 of the Parcel Maps in the office of the County Recorder of the County of Los Angeles.

The Existing Parcel is approximately 5.6 acres and is located at 6161 Centinela Avenue in the City of Culver City (the "City"). The Existing Parcel currently includes the Radisson Hotel, its conference center and associated surface parking. Owner has submitted an application to the City, for, among other things, a parcel map to subdivide the Existing Parcel into two legal parcels. Pursuant to the proposed parcel map, Parcel 2 would consist of the existing Radisson Hotel and conference center (the "Hotel Site"). Parcel 1 would be the area that presently consists of a surface parking lot. On Parcel 1, the Owner is proposing to develop an approximately 342,409 square foot office tower and nine-story parking structure consisting of 1,240 parking spaces. As used in this DFD, the "Site" consists of that portion of the Existing Site shown as Parcel 1 on the proposed parcel map. The Agency acknowledges that only the Site would be subject to this DFD's restrictions and the Hotel Site is not subject to this DFD's restrictions.

The purpose of this DFD is to provide a guide to the potential development of the Site by describing the type of development that is acceptable to the Agency, considering the known site and planning constraints of the area.

This DFD supplements and focuses the various goals, policies and objectives of the various planning and redevelopment documents affecting the Site. However, these standards are in addition to and are not inclusive of all applicable City procedures, provisions, regulations and requirements that apply to the Site's development.

II. Uses Permitted

Uses permitted on the Site shall be compatible with the General Plan, the Redevelopment Plan and the City's Zoning Ordinance. The General Plan designates the Site as Commercial -

Regional Center. The Site is zoned Commercial Regional Business Park (CRB). Uses of the Site shall be restricted to those permitted by the General Plan designation for Commercial – Regional Center and the City’s zoning ordinance in the CRB zone. Notwithstanding the foregoing, uses of the Site shall be restricted to predominantly commercial office with ancillary supporting retail or service commercial.

III. Development Standards

Development of the Site shall conform to the Culver City Zoning Ordinance, except as expressly set forth herein.

A. Parking Requirements

The Site shall be developed in accordance with the City’s parking requirements. However, the Agency encourages the Owner to work with the owner of the Hotel Site to enter into shared parking agreements. At a minimum, the Site shall include a 1,240 space parking structure and the right to use eight surface parking space located on the Hotel Site.

B. Building Height

Building height shall not exceed 13 stories or 230 feet including mechanical and equipment areas. Building height shall be as measured per Zoning Chapter 37, of the City’s Municipal Code.

C. Building Setback

A minimum 25 foot setback shall be provided along Centinela Avenue.

D. Landscaping

The development shall be landscaped and irrigated in accordance with landscape plans approved by the City and the Agency. Such landscaped areas shall be maintained thereafter in a sightly and well kept condition.

All unpaved areas between property lines and the building shall be landscaped. All landscape areas shall be provided with automatic irrigation systems and hose bibs. Landscaping shall be installed prior to the issuance by the City of the final certificate of occupancy for the development.

E. Architectural Design

1. The architectural design must be generally consistent in quality and appearance with maintaining the visual character of a successful professional and financial office district.
2. The architectural design must not produce excessive reflective glare from the sun which would adversely affect the comfort or safety of pedestrians or drivers or adjacent property owners.

F. Lighting

1. Adequate lighting must be provided at the bases of buildings and adjacent to streets and other public spaces to preserve the amenity and safety of those spaces for night-time pedestrian use, and to reduce dangerous places of concealment and areas of deep shadow.
2. Luminaires for display, spot, and flood lighting of facades, or landscaping must not be visible from streets and other public spaces nor neighboring structures.
3. Light from display, spot, flood, or other lighting must not be allowed to spill or reflect on to adjacent properties and/or public rights-of-way.

G. Equipment Screening

Storage and loading facilities shall be screened from view from adjoining properties and rights-of-way by suitable combinations of primary architectural elements of the building, and/or dense landscaping (including vines and decorative masonry walls) as may be approved by the City.

Where possible, all mechanical or electrical support equipment including but not limited to motors, compressors and air conditioning or heating units, and all vents, shafts, duct work, skylights, pipes and similar equipment or devices on or projecting through the roof or exterior walls of a building shall be screened from view from adjoining properties and rights-of-way by the primary or integral architectural features or elements of the building.

H. Signage

All signage on the Site that is not in compliance with the City's signage regulations will be subject to approval by the City as part of a Master Sign Program.

I. Minimum Parcel Size

The Site shall be not less than 2.0 acres in area.

IV. **CITY ZONING, ARCHITECTURAL, AND OTHER REQUIREMENTS**

The City has adopted zoning, architectural and other requirements relating to the development of real property within its jurisdiction. These requirements shall be adhered to in the planning and implementation of all development.

V. **RESPONSIBILITY FOR SECURING PERMITS AND PAYING APPLICABLE FEES**

Nothing contained in this DFD or in subsequent agreements shall be construed in any way to exempt the developer (or his assignee, buyer, transferee, conveyee, or lessee) from securing all permits and paying all fees required of developers of private property within the City of Culver City.

ATTACHMENT NO. 14

RESOLUTION NO. 2008-A_____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CULVER CITY, CALIFORNIA, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS THAT WEIGHS PROJECT BENEFITS AGAINST THE PROJECT'S SIGNIFICANT UNAVOIDABLE IMPACTS FOR THE APPROVAL OF THE ENTRADA OFFICE TOWER PROJECT (STATE CLEARINGHOUSE NO. 2007051061).

(Final EIR, Entrada Office Tower, 6161 Centinela Avenue)

WHEREAS, Centinela Development Partners ("Applicant") proposes to develop a 13-story office tower with approximately 342,409 gross square feet of floor area, including a nine-level parking structure comprised of two subterranean levels and seven structured levels with parking on the roof ("Project"), on the site of a surface parking lot at 6161 Centinela Avenue, being Parcel 2 of Parcel Map No. 4031 (the "Project Site"); and

WHEREAS, the City's General Plan presently designates the Project Site as a Regional Center and the Project Site is presently zoned Commercial Regional Business Park. The Project Site is located within the City's Redevelopment Plan Component Area 1, which also designates the Project Site as a Regional Center; and

WHEREAS, the Applicant filed an application for the Project with the City of Culver City (the "City") on December 20, 2007 (the "Project Application"), and the City deemed the Project Application complete on January 3, 2008; and

WHEREAS, the following entitlements, permits and approvals will be necessary:

- Approval of Tentative Parcel Map No. 69726 by the City Council and Redevelopment Agency;
- Approval of a Site Plan Review by the City Council;

- 1 • Approval of Design for Development by the Redevelopment Agency;
- 2 • Approval of a Height Exception, including exceptions for mechanical equipment,
- 3 and parapets by the City Council;
- 4 • Issuance of any necessary permits which may include demolition, grading,
- 5 building, construction of utility improvement, public right-of-way construction
- 6 permits, operation permits, and other related permits by various City departments;
- 7 • Approval of plans and issuance of permits for construction of the proposed private
- 8 development; and
- 9 • Approval of any other actions incidental to implementation of the above actions or
- 10 required to implement the proposed Project as described.
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13 WHEREAS, on February 27, 2008, in accordance with the California Environmental
14 Quality Act (California Public Resources Code §21000, et seq.; and California Code of
15 Regulations, Title 14, Ch. 3 §15000, et seq.; collectively, "CEQA"), the Planning Commission,
16 by Resolution No. 2008-P002, certified the Final Environmental Impact Report SCH NO.
17 2007051061 ("Final EIR"); and
18

19 WHEREAS, on February 27, 2008, the Planning Commission held a duly noticed
20 public meeting to consider approval of the Project. During the course of the hearing, the
21 Planning Commission considered staff and consultant presentations, written comments
22 received from public agencies and the public, staff reports, Applicant presentations,
23 information presented to the Commission to assist its understanding of the Project, the
24 Project Final EIR, and public comments and testimony on the Project. In addition, the
25 Planning Commission considered the Final EIR prepared for the Project, including
26 information provided in staff reports, the amended text of the Final EIR, information
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1 presented from experts and in public testimony, including letters submitted to the Planning
2 Commission following the close of the Draft Environmental Impact Report ("Draft EIR") public
3 comment period and prior to the close of the public hearing before the Planning Commission,
4 and other matters in the public record prior to certification of the Final EIR and approval of
5 the Project; and
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7 WHEREAS, on February 27, 2008, following conclusion of the public discussion and
8 thorough deliberation of the subject matter, the Planning Commission, by a vote of 4 to 1,
9 adopted Resolution No. 2008-P003 adopting a Mitigation Monitoring and Reporting Program
10 and Statement of Overriding Considerations that weighed the Project's benefits against the
11 Project's significant unavoidable impacts for the approval of the Project; and
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13 WHEREAS, the United Neighbors of Westchester, submitted a timely appeal to the
14 City Clerk on March 13, 2008, appealing the Planning Commission's certification of the Final
15 EIR, adoption of the Mitigation Monitoring and Reporting Program and Statement of
16 Overriding Considerations, approval of the Site Plan Review and Tentative Parcel Map, and
17 requesting the City Council deny the requested Height Exception, HTEX P-2007200; and
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19 WHEREAS, on April 14, 2008, in accordance with CEQA, the City Council, by
20 Resolution No. 2008-R____, certified the Final EIR; and
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22 WHEREAS, on April 14, 2008, the Redevelopment Agency held a duly noticed public
23 meeting to consider approval of a Design for Development for the Project Site and a
24 Tentative Parcel Map, TPM P-2007199, and conformity of the Project with the
25 Redevelopment Plan. During the course of the hearing, the Redevelopment Agency
26 considered staff and consultant presentations, written comments received from public
27 agencies and the public, staff reports, Applicant presentations, information presented to the
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1 Planning Commission, City Council and Redevelopment Agency to assist in the
2 understanding of the Project, the Project Final EIR, and public comments and testimony on
3 the Project. In addition, the Redevelopment Agency considered the Final EIR prepared for
4 the Project, including information provided in staff reports, the amended text of the Final EIR,
5 information presented from experts and in public testimony, including letters submitted to the
6 Planning Commission following the close of the Draft Environmental Impact Report ("Draft
7 EIR") public comment period and prior to the close of the public hearing before the Planning
8 Commission, comments received following the Planning Commission hearing, and other
9 matters in the public record prior to certification of the Final EIR and approval of the Project;
10 and
11

12
13 WHEREAS, on April 14, 2008, following conclusion of the public discussion and
14 thorough deliberation of the subject matter, the Redevelopment Agency, by a vote of ___ to
15 _____, determined the following as set forth herein below.
16

17 NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF CULVER
18 CITY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

19 SECTION 1. CEQA FINDINGS. Pursuant to the foregoing recitations, the following
20 findings are hereby made:
21

- 22 1. CEQA provides that "public agencies should not approve Projects as proposed if there
23 are feasible alternatives or feasible mitigation measures available which would
24 substantially lessen the significant environmental effects of such Projects[.]"
25 (California Public Resources Code ("CPRC") §21002) The procedures required by
26 CEQA "are intended to assist public agencies in systematically identifying both the
27 significant effects of proposed Projects and the feasible alternatives or feasible
28 mitigation measures which will avoid or substantially lessen such significant effects."
29 (CPRC § 21002)
2. CEQA also provides that "in the event [that] specific economic, social, or other
conditions make infeasible such Project alternatives or such mitigation measures,

individual Projects may be approved in spite of one or more significant effects.” (CPRC §21002.) CEQA provides that a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. (CPRC §21081; CEQA Guidelines, 14 Cal. Code of Regs. (hereinafter “CEQA Guidelines”), §15021(d).) CEQA requires decision-makers to balance the benefits of a proposed Project against its significant unavoidable adverse environmental impacts, and, if the benefits of a proposed Project outweigh the significant unavoidable adverse environmental impacts, the unavoidable adverse environmental impacts may be considered “acceptable” by adopting a “Statement of Overriding Considerations.” (CEQA Guidelines §15093.) The Statement of Overriding Considerations must set forth the Project benefits or reasons why the lead agency is in favor of approving the Project and must weigh these benefits against the Project’s adverse environmental impacts identified in the Final EIR that cannot be mitigated to a less-than-significant level.

3. CEQA’s mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving Projects for which EIRs are required. For each significant environmental impact identified in an EIR for a proposed Project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:
 - a. “[c]hanges or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR,”
 - b. “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency or can and should be adopted by such other agency,” or
 - c. “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the final EIR.” (CEQA Guidelines §15091.) CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (CPRC §21061.1.) CEQA Guidelines §15364 considers another factor – “legal” considerations.
4. The concept of “feasibility” also encompasses the question of whether a particular alternative promotes the underlying goals and objectives of a Project. “Feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.
5. CEQA requires that the lead agency exercise its independent judgment in reviewing the adequacy of an EIR and that the decision of a lead agency in certifying a Final EIR and approving a Project not be predetermined. The Redevelopment Agency has conducted its own review and analysis, including review and consideration of the Final EIR, and is exercising its independent judgment when acting as herein provided.

- 1 6. CEQA requires decision-makers to adopt a mitigation monitoring and reporting
2 program for those mitigation measures identified in the Final EIR that would mitigate
3 or avoid each significant impact identified in the EIR and to incorporate the mitigation
4 monitoring and reporting program, including all mitigation measures, as conditions of
Project approval.
- 5 7. CEQA requires that the responses to comments in the Final EIR demonstrate good
6 faith and a well-reasoned analysis, and not be overly conclusory. In response to
7 several of the comments received, portions of the Draft EIR have been revised. The
revisions made to the Draft EIR and incorporated into the Final EIR do not require
recirculation of the Draft EIR based on the following:
- 8 a. No significant new information has been added that would deprive the public of
9 a meaningful opportunity to comment on a substantial adverse environmental
10 effect of the Project, a feasible way to mitigate or avoid such an impact that the
Applicant has declined to implement, or a feasible Project alternative;
 - 11 b. The new information, including certain factual corrections and minor changes,
provides clarification to points and information already included in the Draft EIR;
 - 12 c. There are no significant new environmental impacts resulting from the Project
or from a new mitigation measure proposed to be implemented;
 - 13 d. There is no substantial increase in the severity of an environmental impact that
14 has not been mitigated to a level of insignificance;
 - 15 e. The Applicant has not declined to adopt any feasible Project alternatives or
mitigation measures, considerably different from others previously analyzed,
16 that clearly would lessen the environmental impacts of the Project; and
 - 17 f. The Draft EIR is not so fundamentally and basically inadequate and conclusory
in nature that meaningful public review and comment are precluded.
- 18 8. CEQA Guidelines subsections 15003(c) and (i) note that state courts have held that
19 the purpose of an EIR is to inform other governmental agencies and the public
20 generally of the environmental impacts of a proposed Project. CEQA does not require
21 technical perfection or exhaustive treatment of issues in an EIR, but rather adequacy,
completeness, and a good-faith effort at full disclosure.
- 22 9. Comments received on the Draft EIR, both during and after the public review period,
23 show that there may be disagreements among experts, particularly with respect to, but
24 not limited to, the potential for the Project to substantially degrade the existing visual
quality of the site and the surrounding area, the potential for the Project to obstruct
25 existing views and the extent of impacts to traffic, transportation and circulation
caused by the Project. The Final EIR includes additional clarifying narrative and
26 clarifying exhibits for the purpose of fully disclosing the information sources and
reasoning by which levels of impact and mitigation measures were established in the
27 Draft EIR. Further, the clarifying narrative and clarifying exhibits in the Final EIR serve
the purpose of fully disclosing the information sources and reasoning used by various
28 Draft EIR commentators who arrived at different opinions. CEQA provides that
29 disagreement among experts regarding conclusions in the EIR is acceptable.

1 10. The documents and other materials that constitute the record of the proceedings upon
2 which the decisions of the Redevelopment Agency are based are contained in the
3 Project file located within and in the custody of the City's Planning Division.

4 11. For each significant environmental impact identified in the Final EIR for the Project,
5 the Redevelopment Agency makes the specific factual findings as set forth in Exhibit
6 "A" to this Resolution No. 2008-A_, attached hereto and incorporated herein by
7 reference.

8 SECTION 2. ENVIRONMENTAL IMPACT FINDINGS. Pursuant to the foregoing
9 recitations and CEQA findings, as well as the whole of the administrative record and the
10 evidence and testimony presented in this matter, the Redevelopment Agency does hereby
11 find that the Final EIR for the Project, including the Tentative Parcel Map 69726, Site Plan
12 Review, Height Exception and Design for Development, identifies and discloses Project-
13 specific impacts and cumulative Project impacts as follows:

- 14 1. The Final EIR identifies issue areas as "Unavoidable Significant Environmental
15 Impacts Which Cannot be Mitigated to a Level Less Than Significant," as set forth in
16 Section 1 of Exhibit "A." Changes or alterations have been required in, or
17 incorporated into, the Project that will avoid or lessen certain of the Project impacts,
18 but that will not avoid or reduce all of the potential impacts to a less-than-significant
19 level. These remaining significant impacts are balanced against Project benefits and
20 are found to be overridden by the Project benefits, as stated in the Statement of
21 Overriding Considerations in Section 5, below.
- 22 2. The Final EIR identifies issue areas as "Environmental Impacts Which Have Been
23 Mitigated to a Level Less Than Significant," as set forth in Section 2 of Exhibit "A."
24 Changes or alterations have been required in, or incorporated into, the Project that will
25 avoid or reduce these potential impacts to a less-than-significant level.
- 26 3. The Final EIR identifies issue areas as "Environmental Impacts Where No Significant
27 Impact Would Occur."
- 28 4. The Final EIR identifies issue areas as "Cumulative Impacts Which Cannot be
29 Mitigated to a Level Less Than Significant," as set forth in Section 3 of Exhibit "A."
Changes or alterations have been required in, or incorporated into, the Project that will
avoid or lessen certain of the cumulative impacts, but that will not avoid or reduce all
of the potential cumulative impacts to a less-than-significant level. These remaining
significant impacts are balanced against Project benefits and are found to be

1 overridden by the Project benefits, as stated in the Statement of Overriding
2 Considerations in Section 5, below.

- 3 5. The Final EIR identifies issue areas as "Cumulative Impacts Which Have Been
4 Mitigated to a Level Less Than Significant," as set forth in Section 4 of Exhibit "A."
5 Changes or alterations have been required in, or incorporated into, the Project that will
6 avoid or reduce these potential cumulative impacts to a less-than-significant level.
7
- 8 6. As issues that are noted in Section 2, Paragraph 3, above, have no significant
9 environmental impacts and require no mitigation, those issues also will have no
10 contribution to cumulative impacts.
- 11 7. The Mitigation Monitoring and Reporting Program (MMRP), attached to this Resolution
12 No. 2008-A_____ as Exhibit "B" and incorporated herein this reference, is required
13 to mitigate Project impacts.

14 SECTION 3. CONSIDERATION OF A REASONABLE RANGE OF ALTERNATIVES.

15 Pursuant to the foregoing recitations, CEQA findings and environmental impact
16 findings, as well as the whole of the administrative record and the evidence and testimony
17 presented in this matter, the Redevelopment Agency finds that the Final EIR analyzes a
18 reasonable range of Project alternatives that would feasibly attain most of the basic
19 objectives of the Project but would substantially lessen any of the significant impacts of the
20 Project, and adequately evaluates the comparative merits of each alternative. The
21 Redevelopment Agency's findings regarding the Final EIR's analysis of a reasonable range
22 of alternatives are set forth in Exhibit "C" attached to this Resolution No. 2008-A_____,
23 incorporated herein by reference.

24 SECTION 4. STATEMENT OF OVERRIDING CONSIDERATIONS. Pursuant to the
25 foregoing recitations, CEQA findings, environmental impact findings and consideration of a
26 reasonable range of alternatives, as well as the whole of the administrative record and the
27 evidence and testimony presented in this matter, the Redevelopment Agency does hereby
28 find that there is substantial evidence that supports the conclusion that the Project will result
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1 in community benefits, including specific environmental, economic, legal, social,
2 technological, and other benefits, that outweigh the significant effects of the Project on the
3 environment that cannot be mitigated to a level less than significant. The Redevelopment
4 Agency further finds as follows:

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6 1. Significant unavoidable impacts include the following, as further described in Exhibit
7 "A."

- 8 a) Air Quality: It is not feasible to fully mitigate significant and unavoidable Project
9 and cumulative impact from regional NOx emissions resulting from the
10 exceedance of the SCAQMD's NOx threshold.
11 b) Cultural Resources/Archaeological Resources: It is not feasible to fully mitigate
12 significant and unavoidable cumulative impacts to archaeological resources.
13 c) Noise: It is not feasible to fully mitigate significant and unavoidable Project and
14 cumulative noise impacts from Project construction. Estimated noise levels
15 from construction activities would exceed significance thresholds at the noise-
16 sensitive receptors (the nearest residential uses west of the Project Site, at the
17 existing Radisson Hotel, and at a nearby school).
18 d) Transportation: It is not feasible to fully mitigate certain significant and
19 unavoidable (a) cumulative traffic impacts during construction (including haul
20 truck traffic, concrete and delivery truck traffic, and construction worker trips),
21 and (b) Project operational and cumulative operational traffic impacts that will
22 occur at the intersection of Howard Hughes Parkway and Sepulveda Boulevard.

23 2. The benefits of the Project outweigh its significant unavoidable impacts that cannot be
24 mitigated to a level less than significant. These benefits include the following (see
25 also Exhibit "A" hereto):

- 26 a) The Project will further the implementation of the City's Redevelopment Plan
27 and, in doing so, contribute to an effort to combat blight and encourage further
28 investment. The Project will contribute to fulfilling the Redevelopment Agency's
29 mission statement, which reads "Redevelopment stimulates appropriate private
reinvestment and acts as a catalyst to revitalize the community by creating
opportunities for business growth, jobs, and housing that achieve a balanced
and prosperous community." The Project will involve significant tax-increment
benefits associated with business growth, high-quality employment
opportunities, and the alleviation of blight for a more prosperous community.
b) The Project will increase the vitality and diversity of both the City of Culver City
Regional Center and the adjacent City of Los Angeles Regional Center by
providing additional office space to complement the increase in residential
densities and retail growth occurring in the area. The Project is expected to
contribute to the expansion of the City's economic base through the
development of underutilized property, thereby providing additional tax revenue
to the City and the Culver City Redevelopment Agency (CCRA). The Project
will also provide an approximately 342,000 square foot building to meet the