



File No. 65309.00006

January 16, 2026

VIA E-MAIL

City Council
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Re: Response to UNITE HERE Local 11 City Council Appeal Justification

Dear Honorable City Council:

On behalf of Verdant Culver City LLC (“Applicant”), Best Best & Krieger LLP respectfully submits this response to the appeal (the “Appeal”) filed by UNITE HERE Local 11 (“Appellant”) on December 1, 2025, challenging the Planning Commission’s approval of the Modified Project Approvals for the Silicon Beach Hotel Project (“Project”) located at 11469 Jefferson Boulevard. The Appellant seeks to impose a Project-specific Condition of Approval (“COA”) that would establish a firm 12-month deadline for securing construction and building permits, after which all Project approvals, including the underlying Conditional Use Permit (“CUP”), would expire without further extensions.

We urge the City Council to deny the Appeal and uphold the Planning Commission’s decision to approve the Project with the standard COA regarding time limits and extensions, as set forth in the Culver City Municipal Code (“CCMC”) § 17.595.030. The Planning Commission exercised sound and well-reasoned judgement in approving the Project and applying customary permit timelines. In the Appeal, Appellant failed to raise any cognizable legal error. Instead, the Appeal consists primarily of policy arguments and improperly asks the City Council to second-guess the Planning Commission’s discretionary decision to apply standard permit timelines.

The Planning Commission is tasked with the exercise of control over zoning, land subdivisions and building, as granted by this City Council. CCMC 3.03.400. It acts as the link between policy set by the City Council and on the ground implementation. As further explained below, the Planning Commission properly exercised this power by imposing a COA for this Project that complies with standard code requirements and long-standing City practice. This COA provides necessary and reasonable flexibility in the applicable timelines, allowing the Applicant to efficiently advance the Project without cutting corners and complying with all regulatory and

safety requirements. The Appeal presents no factual or legal basis requiring the City to depart from its standard practice. Appellant's proposed modification is unnecessary and unreasonable, overly restrictive and fails to account for practical realities beyond the Applicant's or City's control. Below, this response addresses the key issues raised in the Appeal and explains why the Planning Commission acted reasonably within its discretion when imposing the standard COA.

I. The Applicant Intends to Advance the Project Expeditiously

The Applicant is fully committed to moving the Project forward as expeditiously as practicable, without the Appellant's proposed condition. Since City submission in 2024, the Applicant has invested significant resources to refine the Project design, reducing it from the originally approved 175-room hotel to a more modest 147-room development. This reduction decreases potential impacts on traffic, density, and community resources, demonstrating the Applicant's good-faith efforts to align the Project with current City priorities and minimize any perceived burdens from the prior approvals. The Applicant submitted their application for Modified Project Approvals just before the City's new Zoning Update took effect in October 2024, and the Applicant has been proactive in addressing feedback from City staff, the Planning Commission, and members of the public.

The Applicant's goal is to commence construction as soon as feasible, and the Applicant has already begun preparatory work, including engineering and consultant engagements. The Appellant's characterization of the Project as "stale" ignores the fact that the Applicant is a separate entity from the prior recipient of approvals for the Jeff hotel and is subject to its own entitlement process, as well as the Applicant's substantial modifications and proactive steps. However, as detailed below, the timeline for obtaining necessary permits involves factors outside the Applicant's direct control, making the Appellant's rigid 12-month deadline unreasonable and unnecessary.

II. Uncertainty Associated with Third-Party Approvals Supports the Use of Standard Timelines

The Appellant's proposed COA would impose an unreasonably shortened timeline that fails to account for mandatory third-party approvals required to secure grading and building permits, approvals that are beyond the control of both the Applicant and the City. Notably, the Project requires clearance from the State Water Resources Control Board ("SWRCB") for stormwater management and environmental compliance, among other potential state or regional agency reviews. These processes can involve additional review periods, revisions, and approvals that are not predictable or expeditable by the Applicant or City Staff.

The Appeal itself acknowledges a "best case scenario" timeline based on the Applicant's statements during the Planning Commission hearing, estimating 12 to 17 months for permit readiness under ideal conditions. In reality, even if the Applicant team remains "laser focused" on submittals and resubmittals, the City must also provide timely responses and plan checks. More critically, delays from third-party agencies could extend this timeline, regardless of the Applicant's efforts or the City's efficiency. Imposing a strict 12-month cutoff would penalize the Applicant

for these uncontrollable external factors, potentially derailing a viable project that aligns with the City's development goals. The Applicant has demonstrated a clear commitment to delivering a high-quality project that serves the surrounding community, however a punitive COA would hinder the Applicant's ability to complete the Project thoughtfully and responsibly. The Appellant's proposed COA fails to account for these realities and would undermine the City's discretion under CCMC § 17.595.030 to grant reasonable extensions.

III. The Project's Modified Approvals Represent a New and Distinct Entitlement Process

The City has rightfully processed this Project as a new project in terms of the entitlement process, recognizing that the Applicant is not the original owner from the 2021 Jeff hotel approvals. The Appellant incorrectly asserts that the current Applicant "stands in the shoes" of the original applicant for all purposes, including time limits. While CUPs and COAs generally run with the land, the Modified Project Approvals constitute a distinct entitlement process with substantive changes that reasonably justify resetting the administrative clock under the standard COA. The Modified Project Approvals include the issuance of new entitlements for the property such as a new Site Plan Review and Administrative Use Permit, which effectuated a new entitlement process. The Applicant has undertaken significant efforts to modify and improve the prior project, reducing its scale and impacts while complying with current standards. Treating the Modified Project Approvals as a mere extension of the original timeline overlooks these changes and unfairly burdens the current Applicant with delays attributed to prior ownership.

Further, it is directly contradictory to the language of the Initial Project Approval Extension COA No. 1, which states "[t]he approval of Conditional Use Permit P2019-0194-CUP, Site Plan Review P2019-0194-SPR, and Administrative Site Plan Review P2019-0194-AUP, including all Conditions of Approval outlined in Exhibit A dated April 28, 2021, enclosed as Attachment 3, shall be extended and remain in effect through July 3, 2026, *unless and until a new entitlement for the property is approved by the Planning Commission and/or City Council.*" [emphasis added] The current Project seeks a new Site Plan Review and Administrative Use Permit (P2024-0246-SPR/AUP) which are new entitlements subject to a new set of COAs. By approving these entitlements, the Planning Commission initiated an entirely new entitlement process, proceeding on a distinct timeline separate from the original owner's approvals.

IV. The Requested Condition of Approval Is Not an Environmental Issue

The Appellant's request for unreasonable time constraints on this Project is not rooted in any environmental issue, but is purely an administrative or policy matter. Contrary to the Applicant's suggestions in its standing arguments and references to "stale entitlements," the Project's environmental review was properly addressed through the original Mitigated Negative Declaration ("MND") adopted in 2021 and the addendum approved by the Planning Commission in 2025. The California Environmental Quality Act ("CEQA") authorizes new applicants to rely on previously adopted environmental documents. CEQA includes streamlining provisions not to circumvent CEQA requirements, but to avoid unnecessary documentation, prevent redundancy, and incentivize projects that are consistent with prior environmental documents, as is the case here. The Appellant raises no specific challenges to the addendum or CEQA compliance in the Appeal,

instead focusing on zoning and timing concerns. The Appellant's vague allusions to "outdated" environmental reviews lack any kind of substantial evidence sufficient to warrant an environmental challenge to the Project. Rather, the use of an addendum to the previously adopted MND here is exactly the type of review intended by CEQA's subsequent review provisions.

Specifically, State CEQA Guidelines § 15062 provides that "*no* subsequent EIR shall be prepared" unless certain findings are made. The use of an addendum is appropriate where some changes to the prior MND are needed, but none of the findings in State CEQA Guidelines § 15162 can be made. The detailed addendum demonstrates that no further environmental review is necessary. The use of an addendum also does not tie the Applicant to the prior entitlements. New applicants can rely on a previously adopted MND so long as the City can make the findings in State CEQA Guidelines § 15162 that the project would not result in new or more severe significant effects and would not involve a change in circumstances under which the project is undertaken.

The Modified Project does not result in new or more significant environmental impacts compared to the Jeff hotel project, allowing for streamlined subsequent environmental review under CEQA. It therefore properly relies upon an Addendum to the previously adopted MND for the Jeff Hotel. However, for City entitlement processing, it is a separate project, with a separate procedure, as discussed above.

V. Appellant Fails to Establish a Legal and Factual Basis for their Claims

The Appeal is based on unsubstantiated claims of error in fact, dispute of findings, and inadequacy of conditions. Instead, the arguments presented in the Appeal undermine the integrity of the planning process and competence of City decision makers. Appellant does not suggest bad faith; but insinuates that the Planning Commission was compromised by flawed reasoning and that the Council should, in effect, second-guess the Planning Commission's judgement on the very issues the Planning Commission is entrusted to decide.

Appellant's primary strategy is to repackage a legitimate planning discussion as evidence of confusion and incompetence. The Council should reject this distortion entirely. For example, the Planning Commission's decision to apply the standard COA, rather than Appellant's proposed alternative, was not an exercise of discretion unsupported by the record. Instead, the standard COA is amply supported by the Project's record including staff recommendations and the Applicant's demonstrated progress. Disagreement with that exercise does not result in legal error.

Further, Appellant mischaracterizes City staff statements summarizing the Code and applicable law. Staff correctly advised that CCMC § 17.595.030 establishes a two-year default time limit, subject to extensions, and that the Planning Commission had discretion to impose project specific conditions, if warranted. These statements are accurate descriptions of the Code and applicable law. The Planning Commission's approval is reviewed under the substantial evidence standard, which requires only facts, reasonable assumptions, or expert opinion, not speculation. The Appellant's proposed COA lacks substantial evidence of necessity, it is based solely on unsupported fears of indefinite delays.

The Appellant's reliance on precedent, such as the Pointe Warner parking structure, is also misplaced. That case involved unique and distinct factual circumstances where extraordinary project delays caused the Planning Commission to impose limited extensions and status updates. The Project here does not mandate similar restrictions, as the modified Project is progressing and aligns with the City's development goals. Here, the Planning Commission's decision to apply the standard COA is supported by substantial evidence because the Project is compliant with local zoning and the Applicant has demonstrated a strong commitment to efficiently completing this Project without delay. In short, Appellant's factual and legal arguments inaccurately characterize prior planning discussions and misrepresent the City's prior dealings with other project applicants.

VI. Applicant Requests the City's Standard Entitlement Process Time Frame to Account for Unforeseen Delays

The Applicant respectfully requests the City apply its normal time frames for permit extensions, as outlined in the standard COA and CCMC §17.595.030. This approach accounts for unforeseen delays in third-party approvals and the building permitting process, where any number of technical, design, or compliance issues may arise that require collaborative resolution with City staff. The Code's provisions for a two-year initial expiration, automatic two-year extensions upon request, and discretionary one-year extensions strike a balanced approach, ensuring progress while avoiding undue hardship.

Appellant's proposed COA, which would void all approvals after 12 months without permits, ignores the practicalities of development. Upholding this standard COA will allow the Project to proceed responsibly, benefitting the community with new economic opportunities without the risk of premature expiration due to external delays.

VII. Conclusion

The Planning Commission's approval of the Project with standard Conditions of Approval is lawful, well-supported by substantial evidence, and consistent with City policy. Appellant's proposed 12-month forfeiture deadline contains no basis in law or fact. Instead, Appellant wishes to substitute its policy preference for that of the City. Appellant's argument rests on speculation about hypothetical future delays rather than any demonstrated pattern of non-performance. Further, Appellant's request is administratively inappropriate, as some required approvals are beyond the Applicant and City's control, which the City has already accounted for in establishing the time limits in CCMC § 17.595.030. Appellant's accelerated timeline will create an undue burden on City staff, demanding the City to pay special attention to this Project even though the Building and Safety Department, Planning Division has standard plan-check cycles, staffing limitations, and competing priorities. Granting Appellant's demand would weaponize the appeal process and potentially set dangerous precedent for the City, inviting frivolous, bad faith conditions utilizing similar forfeiture threats to halt beneficial projects.

The Planning Commission's approval was well-supported and consistent with the City Code. The Applicant respectfully requests the City Council deny the Appeal, affirm the Modified Project Approvals as granted, and maintain the standard COA to facilitate timely but realistic

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development. Should you require additional information or clarification, please contact us at your earliest convenience.

Sincerely,



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