

RESOLUTION NO. 2022-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA: (1) CERTIFYING THE JACKSON GATE PROJECT (PROJECT) WILL BE COMPLETED BY A SKILLED AND TRAINED WORKFORCE; AND (2) DETERMINING THE PROJECT IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, the Jackson Gate Project ("Project") consists of the opening of the Ballona Creek access gate at the southern end of Jackson Avenue and related public improvements. The public and safety improvements, which are currently being designed by the City's consultant, KOA, include the installation of bollards to restrict vehicle access, removal of a portion of the existing curb and overgrown landscaping, installation of new curb aligned with the northern-most gate post, and modifications to the gate hinges to allow the gate to swing into the bike path (collectively, "Improvements"); and

WHEREAS, KOA's environmental subconsultant reviewed the scope of the Project, inclusive of the Improvements, and issued a Letter of Applicability determining the Project qualifies for a statutory exemption from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code (PRC) Section 21080.25(c), which provides an exemption for certain projects, including improvements of pedestrian and bicycle facilities, including new facilities as defined in Section 890.4 of the Streets and Highways Code. The Letter of Applicability is attached to this Resolution as Exhibit A and incorporated herein as though fully set forth herein; and

WHEREAS, Public Resources Code Section 21080.25(c) provides a statutory exemption for projects meeting all of the following criteria:

1. A public agency is carrying out the project and is the lead agency for the project.

2. The project is located in an urbanized area.
3. The project is located on or within an existing public right-of-way.
4. The project shall not add physical infrastructure that increases new automobile capacity on existing rights-of-way except for minor modifications needed for the efficient and safe movement of transit vehicles, such as extended merging lanes.
5. The project shall not include the addition of any auxiliary lanes.
6. The construction of the project shall not require the demolition of affordable housing units.

WHEREAS, the additional requirements for applying this statutory exemption for projects greater than \$100 million do not apply in this case because the Project does not exceed that threshold; and

WHEREAS, as set forth in Exhibit A, the opening of the Jackson Avenue access gate and related Improvements meet all applicable PRC Section 21080.25 criteria and meet the definition of a bicycle facility as it consists of a new access point to the Ballona Creek Bike Path; and

WHEREAS, in accordance with PRC Section 21080.25(d)(1), in order for the Project to qualify for this statutory exemption, the City must certify the Project will be completed by a skilled and trained workforce.

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

SECTION 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. In accordance with California Public Resources Code (PRC) Section 21080.25(d)(1), the City Council hereby certifies the Project will be completed by a skilled and trained workforce, as defined in PRC Section 21080.25(a)(6).

1 **SECTION 3.** Based on the foregoing recitals, and Section 2 of this Resolution,
2 the City Council hereby determines the Project is statutorily exempt from CEQA pursuant to
3 PRC Section 21080.25.

4 **SECTION 4.** The City Council hereby authorizes the Public Works Director/City
5 Engineer, or designee, to prepare a Notice of Exemption consistent with this Resolution, and
6 file it with the Los Angeles County Clerk's Office.
7

8
9 APPROVED and ADOPTED this ____ day of March, 2022
10

11
12 _____
13 DR. DANIEL LEE, Mayor
14 City of Culver City, California

15 ATTEST:

16 APPROVED AS TO FORM:

17 _____
18 JEREMY BOCCHINO, City Clerk

19 
20 _____
21 HEATHER BAKER, City Attorney

22
23
24
25
26
27
28
29
A22-00037



MEMORANDUM

TO: Yanni Demitri, PE
Director of Public Works / City Engineer
City of Culver City
9770 Culver Boulevard, 2nd Floor
Culver City, CA 90232

FROM: Terry A. Hayes Associates Inc.
3535 Hayden Avenue, Suite 350
Culver City, CA 90232

DATE: February 28, 2022

SUBJECT: **Letter of Applicability for the CEQA Statutory Exemption of the Jackson Avenue Gate Project**

1. INTRODUCTION AND PROJECT DESCRIPTION

The City of Culver City (City) is proposing to open an existing access gate at the southern end of Jackson Avenue to provide bicycle access to the Ballona Creek Bike Path (proposed project). The City intends to provide several safety improvements consisting of installation of a bollard to restrict vehicle access, removal of a portion of the existing curb and overgrown landscaping, installation of new curb aligned with the northern-most gate post, and modifications to the gate hinges to allow the gate to swing into the bike path.

The existing gate is located at the southern terminus of Jackson Avenue approximately 2,500 feet southeast of Culver Boulevard. The existing gate is closed to the public and currently only provides maintenance access to Culver City staff to the Ballona Creek Bike Path. The opening of the Jackson Avenue gate entrance to the Ballona Creek Bike Path was discussed and desired by the community and authorized by the City Council at the August 9, 2021 meeting. **Figure 1** depicts the existing gate and **Figure 2** depicts the proposed improvements.

2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

On September 28, 2020, Governor Newsom approved Senate Bill (SB) 288 which exempts from the requirements of the California Environmental Quality Act (CEQA) certain projects, including projects for the institution or increase of new bus rapid transit, bus, or light rail services on public rail or highway rights-of-way, as specified, whether or not the right-of-way is in use for public mass transit, as specified, and projects for the designation and conversion of general purpose lanes, high-occupancy toll lanes, high-occupancy vehicle lanes, or highway shoulders, as specified. The bill additionally exempts transit prioritization projects, projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians, projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses, projects carried out by a city or county to reduce minimum parking requirements, and projects for pedestrian and bicycle facilities.



Terry A. Hayes Associates Inc.
3535 Hayden Avenue, Suite 350
Culver City, California 90232
310.839.4200 fax 310.839.4201

Figure 1 – Jackson Avenue Gate

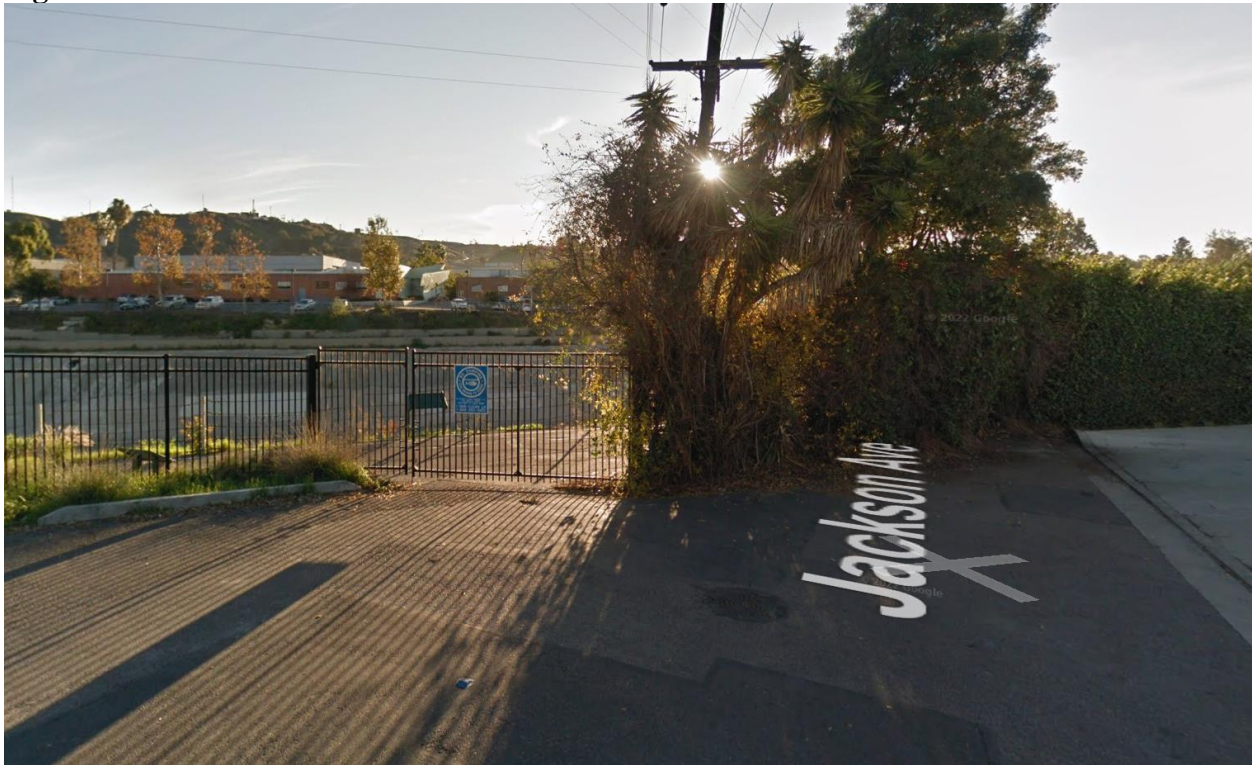
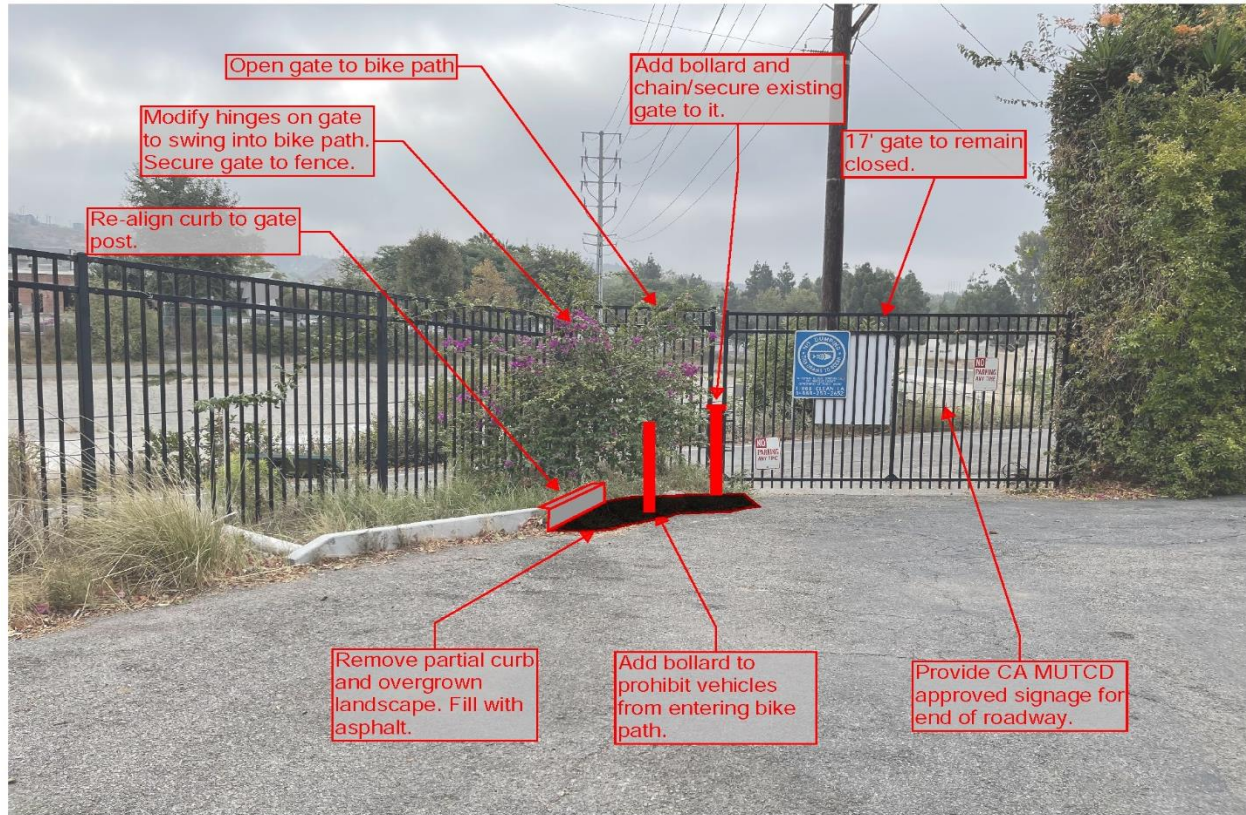


Figure 2 – Jackson Avenue Gate Improvements



With approval of SB 288, Section 21080.25 has been added to the Public Resources Code (PRC). Section 21080.25(b)(1) identifies the following type of projects as exempt from the requirements of CEQA: Pedestrian and bicycle facilities, including new facilities. For purposes of this paragraph, “bicycle facilities” include, but are not limited to, bicycle parking, bicycle sharing facilities, and bikeways as defined in Section 890.4 of the Streets and Highways Code. The proposed project meets the definition of a “bicycle facility” as it consists of a new access point to the Ballona Creek Bicycle Trail and associated safety improvements.

Section 21080.25(c) states that a project exempt from CEQA under PRC Section 21080.25 shall meet all of the following criteria:

1. A public agency is carrying out the project and is the lead agency for the project.
2. The project is located in an urbanized area.
3. The project is located on or within an existing public right-of-way.
4. The project shall not add physical infrastructure that increases new automobile capacity on existing rights-of-way except for minor modifications needed for the efficient and safe movement of transit vehicles, such as extended merging lanes. The project shall not include the addition of any auxiliary lanes.
5. The construction of the project shall not require the demolition of affordable housing units.
6. For a project exceeding one hundred million dollars (\$100,000,000) in 2020 United States dollars, a project exempt from this division under this section shall also meet all of the following:
 - A. The project is incorporated in a regional transportation plan, sustainable communities strategy, general plan, or other plan that has undergone a programmatic-level environmental review pursuant to this division within 10 years of the approval of the project.
 - B. The project’s construction impacts are fully mitigated consistent with applicable law.
 - C. (i) The lead agency shall complete and consider the results of a project business case and a racial equity analysis. The Office of Planning and Research may set standards for the project business case and the racial equity analysis or delegate that authority to metropolitan planning organizations.

(ii) The project business case required under this subparagraph shall set forth the rationale for why the project should be implemented to solve a problem or address an opportunity, outline strategic goals and objectives of the project, evaluate other options to achieve the project’s objectives, describe the economic costs and benefits of the project, describe the financial implications of the project, and establish what is required to deliver and operate the project.

(iii) The racial equity analysis required under this subparagraph shall identify the racial equity impacts of the project, identify who will benefit from and be burdened by the project, and, where significant or disproportionate impacts exist, suggest strategies, designs, or actions to mitigate those impacts.
 - D. The lead agency shall hold noticed public meetings.
 - E. The lead agency shall give public notice of the meetings in subparagraph (D) to the last known name and address of all the organizations and individuals that have previously requested notice and shall also give the general public notice.

In addition to the above requirements, before granting an exemption, the lead agency shall certify that the project will be completed by a skilled and trained workforce (PRC Section 21080.25[d][1]) and the lead agency shall not enter into a construction contract with any entity unless the entity provides an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code (PRC Section 21080.25[d][2]).

3. CEQA DETERMINATION

As discussed, the proposed project constitutes a bicycle facility as defined in Section 21080.25(b)(1). The City is the lead agency responsible for the proposed project under CEQA Guidelines Section 15367, which states that a “lead agency” is “the public agency that has the principal responsibility for carrying out or approving a project.” Based on the information in this memorandum, the proposed project would be statutorily exempt from the CEQA pursuant to PRC Section 21080.25(b)(1).

The proposed project meets the requirements outlined in PRC Section 21080.25(c) as follows:

1. *A public agency is carrying out the project and is the lead agency for the project.*

The City is a public agency carrying out the project and is the lead agency for the project.

2. *The project is located in an urbanized area.*

The project is located in Culver City in a fully built out urbanized environment. According to the 2010 United States Census Urbanized Area Reference Map, the entirety of Culver City is located within the Los Angeles – Long Beach – Anaheim Urban Cluster.¹

3. *The project is located on or within an existing public right-of-way.*

The proposed project is located entirely within public right-of-way including Jackson Avenue and the Ballona Creek Bicycle Path.

4. *The project shall not add physical infrastructure that increases new automobile capacity on existing rights-of-way except for minor modifications needed for the efficient and safe movement of transit vehicles, such as extended merging lanes. The project shall not include the addition of any auxiliary lanes.*

No changes to automobile capacity on Jackson Avenue, or any other public street are proposed as part of the project. The proposed project includes installation of a bollard to restrict automobile access to the Ballona Creek Bicycle Path.

5. *The construction of the project shall not require the demolition of affordable housing units.*

No demolition of housing would be required as part of the proposed project. The only demolition proposed is removal of a short portion of the existing curb along Jackson Avenue.

6. *For a project exceeding one hundred million dollars (\$100,000,000) in 2020 United States dollars, a project exempt from under Section 21080.25 shall meet requirements 21080.25(c)(6)(A,B,C,D, and E)*

The cost for the project will be less than \$100,000,000 in 2020 United States dollars; therefore, the project is not required to meet additional requirements under Section 21080.25(c)(6).

¹ https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua51445_los_angeles--long_beach--anaheim_ca/DC10UA51445.pdf

Finally, the City has certified that the project will be completed by a skilled and trained workforce in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. The City intends to include applicable requirements within all construction contracts issued for the proposed project.

4. REFERENCES

State of California Legislature, *Senate Bill 288 California Environmental Quality Act: exemptions: transportation-related projects*, Approved September 28, 2020.
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB288 Accessed October 20, 2021.

United States Census Bureau, *2010 Urbanized Area Reference Map - Los Angeles--Long Beach--Anaheim, CA*.
https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua51445_los_angeles--long_beach--anaheim_ca/DC10UA51445.pdf