

RESOLUTION NO. 2022-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA DETERMINING THE MAIN STREET CLOSURE PROJECT (INTERMITTENT CLOSURE OF MAIN STREET BETWEEN CULVER BOULEVARD AND THE CITY LIMIT EVERY TUESDAY FOR FARMERS' MARKET AND EVERY WEEKEND) IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, On March 28, 2022, the City Council directed Public Works staff to reopen Main Street between Culver Boulevard and the City Limit ("Main Street"), with the exception of continued closure of Main Street on Tuesdays for the Farmers' Market. Main Street had been previously closed seven days a week due to the pandemic. The City Council provided additional direction to allow for the intermittent closure of Main Street on the weekends, in addition to Tuesdays, once permanent retractable bollards were installed (the "Project"), and the Project was evaluated under the California Environmental Quality Act (CEQA); and

WHEREAS, the City's environmental consultant, Terry A. Hays Associates reviewed the scope of the Project and issued a Letter of Applicability determining the Project qualifies for Class 1 and Class 4 categorical exemptions from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations of Land) (see Exhibit A to Attachment 1). The Letter of Applicability is attached to this Resolution as Exhibit A and incorporated herein as though fully set forth.

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.

1 **SECTION 2.** Based on the foregoing recitals, the City Council hereby determines
2 the Project is exempt from CEQA under Class 1 and Class 4 categorical exemptions pursuant
3 to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations
4 of Land), as further detailed in the Letter of Applicability, attached to this Resolution as Exhibit
5 A and incorporated herein as though fully set forth.
6

7 **SECTION 3.** The City Council hereby authorizes the Public Works Director/City
8 Engineer, or designee, to prepare a Notice of Exemption consistent with this Resolution, and
9 file it with the Los Angeles County Clerk's Office.
10

11
12 APPROVED and ADOPTED this ____ day of May, 2022
13
14

15 _____
16 DR. DANIEL LEE, Mayor
17 City of Culver City, California

18 ATTEST:

19 _____
20 JEREMY BOCCHINO, City Clerk
21
22

23 APPROVED AS TO FORM:

24 _____
25 HEATHER BAKER, City Attorney
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A22-00063

EXHIBIT A



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: May 17, 2022

SUBJECT: **Letter of Applicability for the CEQA Categorical Exemption of the Main Street Closure Project**

1. INTRODUCTION AND PROJECT DESCRIPTION

The City of Culver City (City) is proposing to close Main Street to vehicle traffic each Tuesday afternoon for the Main Street Farmers Market and on weekends (Friday night to Sunday night) (proposed project). The proposed intermittent closure would take place on Main Street between Culver Boulevard and the City Limit. **Figure 1** depicts the extent of the proposed street closure. To accomplish the closure, the City is proposing to install permanent bollards that would be removable/retractable to allow vehicle traffic on Mondays, Tuesday mornings, Wednesdays, Thursdays, and Fridays. In addition, to allow for the continued closure of Main Street in the near term before the permanent bollards are installed, the City is proposing to implement a temporary closure condition using parked City trucks or buses to prohibit vehicle access through Main Street on closure days.

In June of 2020, the City closed Main Street to help support local businesses with outdoor dining space during the Coronavirus-19 (COVID-19) pandemic. The street closure consisted of movable traffic control devices and signage shown in **Figure 2**. Main Street was reopened to vehicle traffic on May 6, 2022, per the City Council direction at its March 28, 2022 meeting.

2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21084(a) of the Public Resources Code (PRC) identifies a list of classes of projects that would not have a significant effect on the environment and, therefore, would be exempt from the provisions of the California Environmental Quality Act (CEQA). Article 19 of the CEQA Guidelines identifies thirty-three classes of projects that ordinarily do not have a significant impact on the environment and could be categorically exempted from CEQA Sections 15301–15333. The proposed project falls under Class 1 “*Existing Facilities*” and Class 4 “*Minor Alterations of Land*”, of Categorical Exemptions.



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

Figure 1: Main Street Closure Map

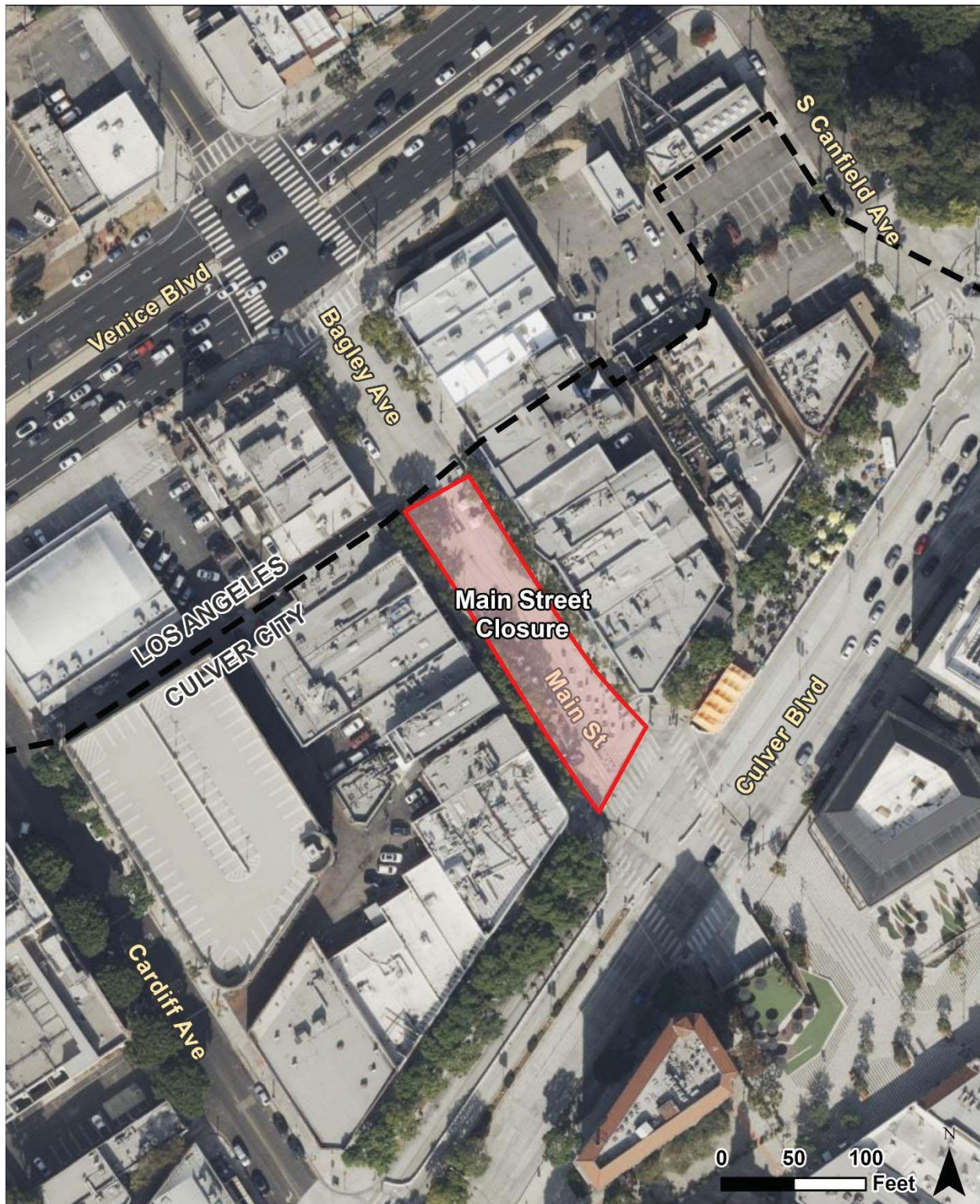


Figure 2: Main Street Closure During Pandemic



Section 15301 of the CEQA Guidelines states that a Class 1 project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. One of the types of “existing facilities” listed as an example includes “Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes)” (Section 15301[c]). The proposed project consists of a minor alteration to an existing street. The proposed intermittent closure would result in no expansion or change in use as Main Street is already used for the purposes of pedestrian crossings, outdoor dining, public gathering, and the Main Street Farmers Market.

Section 15304 of the CEQA Guidelines states that a Class 4 project consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. One example project listed for this class includes “Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.” (Section 15304[e]). The proposed project constitutes a minor alteration of land as the bollards are common traffic control devices that result in a negligible effect on the environment. The proposed improvement would be installed entirely within the street right-of-way, and no trees or other vegetation would be removed. The purpose of the proposed closure is to allow for the intermittent use of the Main Street right-of-way for pedestrian use, outdoor dining, public gathering, and weekly farmers market uses.

CEQA Guidelines Section 15300.2 identifies the following six exceptions for categorical exemptions:

- (a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

3. CEQA DETERMINATION

The proposed project constitutes a project, as defined by CEQA (California PRC Section 21000 *et seq.*). The City of Culver City is the lead agency responsible for the proposed project under the 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.” As discussed, the proposed project involves the minor alteration of an existing street through the installation of traffic control bollards, resulting in no expansion of use of the facility and no removal of healthy, mature, or scenic trees. The purpose of the project is to enable the continued use of Main Street for outdoor dining, public gathering, and weekly farmers markets, an intermittent use of Main Street with negligible effect on the environment. Accordingly, the project is categorically exempt from the CEQA pursuant to Section 15301 (Existing Facilities), and Section 15304 (Minor Alterations of Land) of the State CEQA Guidelines.

The proposed project also does not meet the exceptions outlined in Section 15300.2 of the State CEQA Guidelines, as described in this memorandum, and summarized as follows:

- (a) **Location:** The proposed project is located in an urbanized environment within an existing street right-of-way where there is no sensitive habitat or uses present. The location of the proposed project is ideal for the proposed street closure due to its proximity to local businesses and downtown Culver City. The proposed project is not within or adjacent to a particularly sensitive environment, nor would the project impact an environmental resource of hazardous or critical concern.
- (b) **Cumulative Impact:** The proposed project would comply with all applicable rules and regulations related to traffic and street design. No significant impacts to any environmental resource are anticipated as the proposed improvement would simply continue a temporary closure that is already in place with no known environmental effects. Other past, present, and reasonably foreseeable future projects would be expected to comply with all local, state, and federal rules and regulations, as well as develop avoidance, minimization, and mitigation measures to reduce potential impacts. Therefore, cumulative impacts would not be significant.

- (c) **Significant Effect:** The proposed project would not result in a significant effect on the environment. As discussed, the proposed project involves the temporary closure of Main Street using movable traffic controls including parked City buses in the short term and permanent movable/retractable bollards in the long term. The proposed project would continue the intermittent closure of Main Street. There are no sensitive land uses, habitat, or natural resources along Main Street and no hazardous materials are known to be present. The Main Street closure would encourage pedestrian activity in downtown Culver City thus discouraging personal automobile use and resulting in some reduction in air pollutants and greenhouse gas emissions. The existing street has been closed since June 2020, and no significant effects on the environment have occurred during this time as a result of the closure nor have any unusual circumstances arisen. Thus, there is no reasonable possibility that the proposed project would have a significant effect on the environment.
- (d) **Scenic Highways:** The project is not located within or visible from a state scenic highway. The nearest designated scenic highway is the Topanga Canyon State Scenic Highway located approximately 11 miles to the northwest.
- (e) **Hazardous Waste Sites:** Neither Main Street nor any surrounding uses are included on the Cortese List compiled pursuant to Section 65962.5 of the Government Code.
- (f) **Historical Resources:** The proposed project would not affect any historical resources as improvements associated with the project would be installed within the existing street right-of-way with no changes to surrounding land uses. The project site is a built-up urban setting that is already heavily disturbed and as such, archaeological and historical discoveries are unlikely. Therefore, the proposed project would not result in an adverse change in the significance of a historical resource.

4. REFERENCES

Thomas Reuters Westlaw, 2022. California Code of Regulations. Title 14, Div. 6, Ch. 3, Article 19, Categorical Exemptions. 28, 2020.
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDF19E2F0D48811DEBC02831C6D6C108E&transitionType=Default&contextData=%28sc.Default%29>. Accessed May 2022.