



1 4236-020-030 and a 15-foot-wide alley to be vacated to the Applicant by the City of Los  
2 Angeles; and,

3 **WHEREAS**, while both portions of the Project are designed as one  
4 development with integrated vehicular, pedestrian, and residential amenities access, the  
5 Project is subject to separate Zoning review and entitlement processing required by the two  
6 jurisdictions, City of Culver City and City of Los Angeles, and Culver City is processing the  
7 above noted entitlements only for the Project's Culver City portion; and,

8 **WHEREAS**, to implement the proposed Project, approval of the following  
9 applications is required:  
10

11 1. Site Plan Review P2021-0103-SPR: To ensure the Project is in compliance  
12 with the required standards, design guidelines, and ordinances of the City; minimize potential  
13 adverse effects on surrounding properties and the environment; and protect the integrity and  
14 character of the residential, commercial, and public areas of the City;

15  
16 2. Administrative Use Permit: For residential tandem parking, to ensure that the  
17 alternative parking provided for some of the Project's required parking complies with all  
18 required standards and City ordinances and to establish conditions of approval to ensure the  
19 uses are compatible with the Project site and surrounding area; and,

20 3. Density and Other Bonus Incentives P2021-0103-DOBI: To ensure  
21 implementation of State law requirements for density bonuses and other bonus incentives  
22 comply with the goals and policies of the Housing Element of the City's General Plan; and,  
23

24 **WHEREAS**, the Project qualifies for a Sustainable Communities Project  
25 Exemption (SCPE) pursuant to California Environmental Quality Act (CEQA) Guidelines as  
26 analyzed in the SCPE Report dated August 10, 2022 (Attachment No. 7 to the Staff Report).  
27 The SCPE report describes in detail the Project's eligibility for said exemption pursuant to  
28

1 SB 375 streamlined CEQA review, and there are no potentially significant adverse impacts  
2 upon the environment, based on the CEQA SCPE, as further described below:

- 3 I. The Proposed Project qualifies as a transit priority project pursuant to Public  
4 Resources Code Section 21155(b) because the Proposed Project is consistent with  
5 the general use designations, density, building intensity, and applicable policies  
6 specified for the project area in the Regional Transportation Plan/Sustainable  
7 Communities Strategy (RTP/SCS) prepared by the Southern California Association of  
8 Governments (SCAG) pursuant to Public Resources Code Section 21155(a); and  
9 contains more than 50% residential use; provides a minimum net density greater than  
10 20 units an acre; and is within one-half mile of a major transit stop or high-quality  
11 transit corridor included in the SCAG RTP/SCS per PRC Section 21155(b) and, as  
12 described below, all criteria in 21155.1(a) and (b) are met by the Proposed Project,  
13 including environmental criteria, land use criteria, and at least one criterion (affordable  
14 housing) in PRC Section 21155.1(c).; and
- 15 II. The Proposed Project meets all eight requirements of State Public Resources Code  
16 Section 21155.1(a) that stipulates projects seeking an SB375 exemption meet the  
17 eight criteria and as described in the SCPE Report that was prepared for the Project;  
18 and,
- 19 III. The Proposed Project meets all seven land use criteria of State Public Resources  
20 Code Section 21155.1(b) that stipulates projects seeking an SB375 exemption meet  
21 the seven land use criteria as described in the SCPE Report; and,
- 22 IV. State Public Resources Code Section 21155.1(c) further requires the Project to meet  
23 one of three additional criteria to be eligible for the SB375 exemption. The Project will  
24 provide 8 Low Income or lower units resulting in more than 5% of the 144-overall  
25 number of dwelling units provided to Very Low Income or lower households. All  
26 restricted affordable units within the Project, both in Culver City and Los Angeles, are  
27 covenanted for 55 years.; and,

28 **WHEREAS**, Pursuant to CEQA statutes 21155 through 21155.4, the SCPE  
was adopted by the Planning Commission on August 24, 2022, determining the Project will  
not have significant adverse impacts on the environment; and,

**WHEREAS**, on August 24, 2022, after conducting a duly noticed public hearing  
on the subject application, including full consideration of the application, plans, staff report,  
environmental information and all testimony presented, the Planning Commission (i) by a  
vote of 4 to 1, adopted Sustainable Communities Project Exemption, in accordance with

1 CEQA, finding the Project will not result in significant adverse environmental impacts; (ii) by  
2 a vote of 4 to 1, conditionally approved Site Plan Review and Administrative Use Permit,  
3 P2021-0103—SPR/AUP; (iii) by a vote of 4 to 1, recommended to the City Council approval  
4 of Density and Other Bonus Incentives, P2021-0103- DOBI; and (iv) by a vote of 4 to 1, as  
5 part of the DOBI recommendation, recommended the City Council approve the following  
6 Concessions in return for 5 very low income and 11 workforce units:

- 7
- 8 I. Relief from the 56 FT height limit to allow a height of 67 FT and an additional 5 FT of  
9 parapet wall.
  - 10 II. Relief from setbacks to:
    - 11 a. Allow a 0-setback on portions of the street facing levels above the ground floor  
12 that normally require a 5-foot setback above the street facing ground level.
    - 13 b. Allow a 0-setback for the rear portion of the Project abutting the Los Angeles  
14 portion of the Project that has a residential Zone and that would normally  
15 require a 10-foot setback for the first 15 feet of height followed by a 60-degree  
16 clear zone above the 15 feet.; and,

17 **WHEREAS**, on September 8, 2022, Lozeau Drury LLP on behalf of Supporters  
18 Alliance for Environmental Responsibility (“Appellant”) filed a timely appeal of the Planning  
19 Commission’s CEQA SCPE, pursuant to Culver City Municipal Code (CCMC) Section  
20 17.640.030, claiming that the City cannot rely on a SCPE and should instead prepare the  
21 necessary environmental review documents under CEQA and that the City should not  
22 approve the Project until the appropriate level of environmental review is completed; and,

23 **WHEREAS**, the appeal does not include documentation or exhibits that could  
24 potentially prove the inadequacy of the Planning Commission CEQA determination; and,

25 **WHEREAS**, Staff’s response to the appeal is that the Planning Commission  
26 adopted SCPE provides sufficient environmental review pursuant to CEQA statutes and  
27 guidelines and no further analysis is required; and,

28 **WHEREAS**, DLA Piper, LLP submitted a response to the appeal on behalf of  
the Applicant on September 27, 2022, and the response restated the adequacy of the SCPE

1 Report and noted: there was substantial evidence to support SCPE; the appeal failed to  
2 demonstrate any error on the part of the Planning Commission in adopting the SCPE; the  
3 appeal only asserts as a concluding statement that the Project does not qualify for a SCPE;  
4 there is no argument or evidence in support of the appeal concluding statement and there is  
5 no attempt to discuss the substantial evidence in support of the SCPE nor does the appeal  
6 lay out evidence proving the SCPE is lacking; and there is no contrary substantial evidence;  
7 and,  
8

9           **WHEREAS**, on October 10, 2022, the City Council conducted a duly noticed  
10 public hearing on the Appeal of the Planning Commission’s CEQA SCPE adoption, fully  
11 considering the whole administrative record, including, but not limited to, the Planning  
12 Commission’s decision, application materials, plans, staff report, Applicant response,  
13 environmental information and all testimony presented, and the City Council by a vote of \_\_  
14 to \_\_ denied the appeal filed by the Appellant and affirmed the Planning Commission’s  
15 adoption of a Sustainable Communities Project Exemption, in accordance with CEQA, for  
16 Site Plan Review, Administrative Use Permit, and Density and Other Bonus Incentives,  
17 P2021-0103—SPR, -AUP, -DOBI.  
18

19           NOW, THEREFORE, the City Council of the City of Culver City, DOES  
20 HEREBY RESOLVE as follows:  
21

22           **Section 1.** Since Planning Commission adoption of the CEQA SCPE for the  
23 Project, the circumstances under which the SCPE was prepared have not significantly  
24 changed, and no new significant information has been found that would impact the SCPE;  
25 therefore, no additional environmental analysis is required.

26           **Section 2.** The Appellant has not demonstrated, nor provided, substantial  
27 evidence in light of the whole record that the City cannot rely on a SCPE and should instead  
28

1 prepare the necessary environmental review documents under CEQA and that the City  
2 should not approve the Project until the appropriate level of environmental review is  
3 completed.

4 **Section 3.** Pursuant to all of the foregoing, the City Council of the City of  
5 Culver City, California, hereby denies the appeal filed by the Appellant and affirms the  
6 Planning Commission's adoption of a CEQA SCPE for a mixed-use development, Case Nos.  
7 Site Plan Review, Administrative Use Permit, and Density and Other Bonus Incentives,  
8 P2021-0103-SPR, -AUP, -DOBI.  
9

10 APPROVED and ADOPTED this 10<sup>th</sup> day of October 2022.

11  
12  
13 \_\_\_\_\_  
DR. DANIEL LEE, Mayor  
City of Culver City, California

14  
15 ATTESTED BY:

APPROVED AS TO FORM:

16  
17 \_\_\_\_\_  
JEREMY BOCCHINO, City Clerk

18 \_\_\_\_\_  
HEATHER BAKER, City Attorney