

RESOLUTION NO. 2023-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA DETERMINING THE MAIN STREET WEEKEND REOPENING PROJECT (REOPENING MAIN STREET BETWEEN CULVER BOULEVARD AND THE CITY LIMIT EVERY WEEKEND) IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, on March 13, 2023, the City Council directed Public Works staff to reopen Main Street between Culver Boulevard and the City Limit (“Main Street”), on weekends (the “Project”). Main Street had been previously on weekends and on Tuesdays for the Farmer’s Market.

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.

SECTION 2. Based on the foregoing recitals, the City Council hereby determines the Project is exempt from CEQA under Class 1 and Class 4 categorical exemptions pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations

1 of Land), as further detailed in the Letter of Applicability, attached to this Resolution as Exhibit
2 A and incorporated herein as though fully set forth.

3 **SECTION 3.** The City Council hereby authorizes the Public Works Director/City
4 Engineer, or designee, to prepare a Notice of Exemption consistent with this Resolution, and
5 file it with the Los Angeles County Clerk's Office.
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8 APPROVED and ADOPTED this 24th day of April, 2023
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11 _____
12 ALBERT VERA, Mayor
13 City of Culver City, California

14 ATTEST:

15 APPROVED AS TO FORM:

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17 JEREMY BOCCHINO, City Clerk

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19 _____
20 HEATHER BAKER, City Attorney
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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: April 18, 2023

SUBJECT: **Letter of Applicability for the California Environmental Quality Act (CEQA)
Categorical Exemption of the Main Street Reopening Project**

1. INTRODUCTION AND PROJECT DESCRIPTION

In June of 2020, the City of Culver City (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. Main Street was reopened to vehicle traffic on May 6, 2022, per the City Council direction at its March 28, 2022 meeting. In June 2022, the City closed Main Street to vehicle traffic on weekends (Friday night to Sunday night) and on Tuesday afternoons for the Main Street Farmers Market.

On March 13, 2023, the City Council directed Public Works staff to reopen Main Street to vehicle traffic on weekends (Friday night to Sunday night) while maintaining the Tuesday afternoon/evening closure for the Main Street Farmers Market . **Figure 1** depicts the extent of Main Street that would be opened to vehicle traffic during weekends.

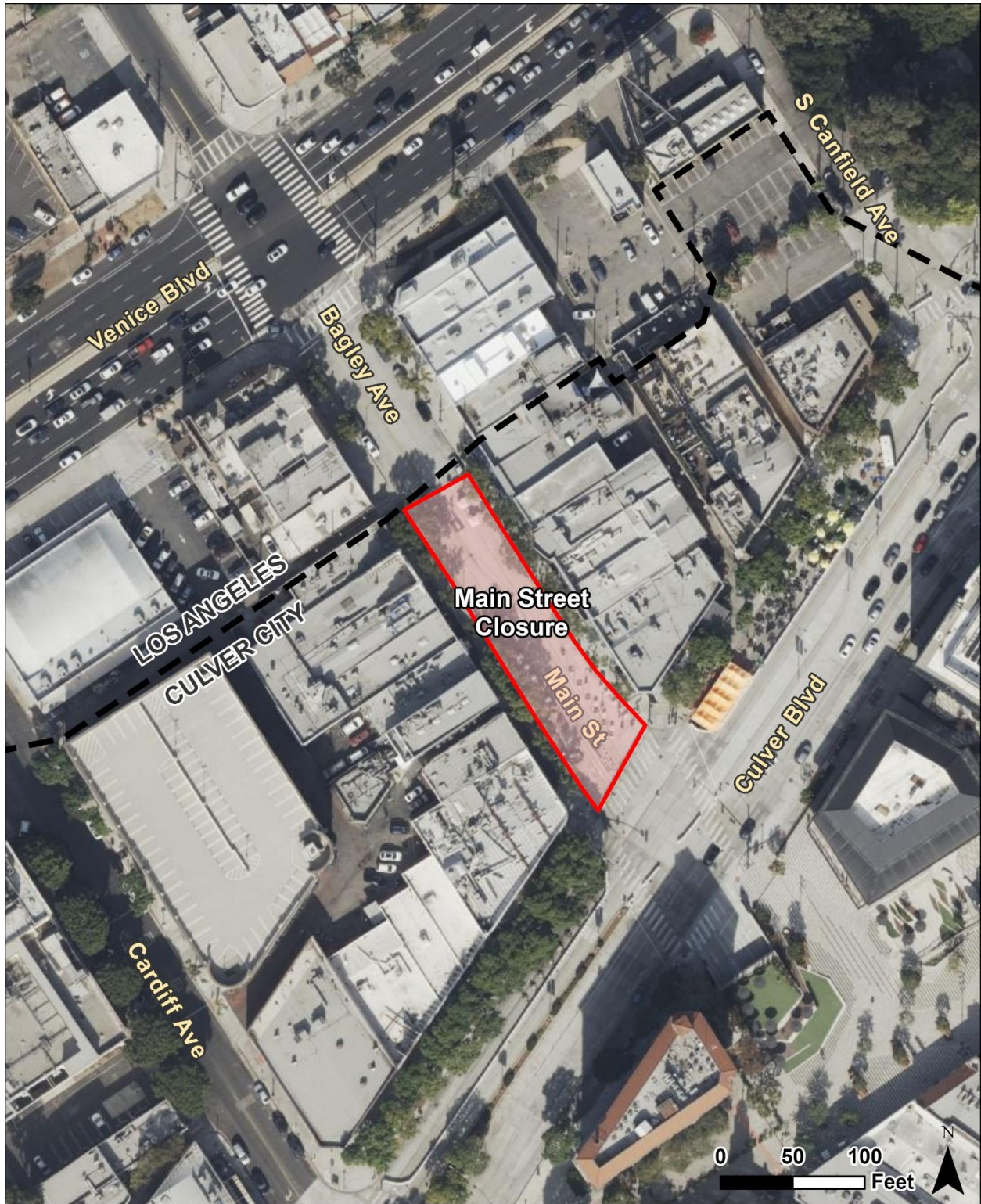
2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 project falls under Class 1 “*Existing Facilities*” and Class 4 “*Minor Alterations of Land*”, of Categorical Exemptions.



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Figure 1: Main Street Closure Map



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 project consists of a minor alteration to an existing street. The reopening would restore Main Street to its pre-pandemic condition by allowing vehicle traffic six days per week. This change would result in no expansion or change in use as Main Street is already used for vehicle circulation on Mondays, Wednesdays, Thursdays, and Fridays. Closure of Main Street for the Main Street Farmers Market on Tuesdays would continue consistent with existing operations.

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 project constitutes a minor alteration of land as no permanent features would be installed and the use of temporary traffic controls would be reduced to a single day per week. No trees or other vegetation would be removed. The purpose of the reopening is to allow for the regular use of the Main Street right-of-way for vehicle traffic.

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 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 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 project involves the minor alteration of an existing street through the reopening to vehicle traffic on weekends, 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 vehicle traffic while still maintaining closure of the street on Tuesdays for the weekly farmers market, 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 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 project is located in an urbanized environment within an existing street right-of-way where there is no sensitive habitat or uses present. The 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 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 improvement would simply change the days of 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 project would not result in a significant effect on the environment. As discussed, the project involves reopening Main Street to vehicle traffic on weekends. The use of movable traffic controls to close the street would continue on Tuesdays while other days the street would remain unaffected. There are no sensitive land uses, habitat, or natural resources along Main Street and no hazardous materials are known to be present. Thus, there is no reasonable possibility that the 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 project would not affect any historical resources as there are no physical improvements associated with the project that could potentially affect a historical resource. 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 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 March 2023.