

1 **RESOLUTION NO. 2021-**

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, DENYING AN APPEAL FILED
5 BY SUPPORTERS ALLIANCE FOR ENVIRONMENTAL
6 RESPONSIBILITY ("SAFER"), AND AFFIRMING THE
7 PLANNING COMMISSION APPROVAL OF A CONDITIONAL
8 USE PERMIT P2019-0194-CUP, SITE PLAN REVIEW P2019-
9 0194-SPR AND ADMINISTRATIVE USE PERMIT P2019-0194-
10 AUP, AND ADOPTION OF A RELATED MITIGATED
11 NEGATIVE DECLARATION (MND), FOR DEVELOPMENT OF
12 A NEW 111,000 SF, FIVE-STORY, 175-ROOM BOUTIQUE
13 HOTEL BUILDING WITH A RESTAURANT AND TWO-LEVEL,
14 BELOW-GRADE PARKING GARAGE LOCATED AT 11469
15 JEFFERSON BOULEVARD IN THE COMMERCIAL GENERAL
16 (CG) ZONE.

17
18 (Conditional Use Permit P2019-0194-CUP, Site Plan Review P2019-
19 0194-SPR, and Administrative Use Permit P2019-0194-AUP)

20
21 WHEREAS, on August 1, 2019, Sandstone Properties, LLC (the "Applicant"
22 and" Owner") filed an application for a Conditional Use Permit, Site Plan Review, and
23 Administrative Use Permit to construct a five-story boutique hotel, (the "Project"). The
24 Project site is legally described as Lots 30, 31, 32 of Tract No. 17531 in the City of Culver
25 City, County of Los Angeles, State of California; and,

26
27 WHEREAS, to implement the proposed Project, approval of the following
28 applications is required:

- 29 1. Conditional Use Permit No. P2019-0194-CUP: for the establishment of a hotel, to
30 ensure compatibility, configuration, design, location, and potential impacts of the
31 proposed use, and suitability of the use to the site and surrounding area; and
- 32 2. Site Plan Review No. P2019-0194-CUP: for a new 111,000 SF, five-story, 175-
33 room boutique hotel building with restaurant and two-level, below-grade parking
34 garage, to ensure the Project complies with all required standards and City
35 ordinances and to establish all onsite and offsite conditions of approval
36 necessary to address the site features and ensure compatibility of the proposed
37 Project with the development on adjoining properties and in the surrounding
38 neighborhood; and

- 1 3. Administrative Use Permit P2019-0194-AUP: for valet-assisted tandem parking,
2 alcoholic beverage sales for restaurant/bar, and outdoor dining to ensure
3 compatibility, configuration, design, location, and potential impacts of the
4 proposed use, and suitability of the use to the site and surrounding area; and

5 **WHEREAS**, pursuant to the California Environmental Quality Act (CEQA)
6 Guidelines, an Initial Study was prepared for the Project. The Initial Study determined that
7 the Project would not result in significant impacts on the environment provided certain
8 mitigation measures are required and a Mitigated Negative Declaration (MND) was
9 prepared as the required CEQA clearance documentation for the Project. The MND
10 determined that the Project will require mitigation measures to reduce “potentially
11 significant” impacts on the environment to a less than significant level. The mitigation
12 measures address items related to noise, traffic, air quality, land use, vehicle miles
13 traveled, greenhouse gas emissions, parking, housing impacts, and code required findings;
14 and,

15 **WHEREAS**, the MND was adopted by the Planning Commission on April 28,
16 2021, which determined that the Project will not have a significant adverse impact on the
17 environment. Pursuant to CEQA Guidelines Section 15162, the circumstances under
18 which the MND was prepared have not significantly changed, and no new significant
19 information has been found that would impact the MND; therefore, no additional
20 environmental analysis is required; and,

21 **WHEREAS**, on April 28, 2021, after conducting a duly noticed public hearing
22 on the subject applications, including full consideration of the application, plans, staff report,
23 environmental information and all testimony presented, the Planning Commission (i)
24 adopted an MND and Mitigation Monitoring Program in accordance with CEQA, finding the
25 Project, as mitigated, will not result in potentially significant adverse environmental impacts;
26 and,

1 and (ii) adopted Resolution No. 2021-P003 approving Conditional Use Permit P2019-0194-
2 CUP, Site Plan Review P-2019-0194-SPR and Administrative Use Permit P2019-0194-AUP
3 (collectively, "Project Approvals"); and,

4 WHEREAS, on May 11, 2021, Brian Flynn of Lozeau Drury, on behalf of
5 Supporters Alliance for Environmental Responsibility ("SAFER") filed a timely appeal of the
6 Project Approvals, pursuant to Culver City Municipal Code (CCMC) Section 17.640.030,
7 claiming that the Project may result in significant environmental impacts and that an
8 environmental impact report ("EIR") for the Project should be prepared, circulated, and
9 certified prior to approval of the Project; and,
10

11 WHEREAS, on May 13, 2021, Jordan Sisson of Gideon Kracov, on behalf of
12 Omar Lopez, Ramez Ethnasios, and UNITE HERE Local 11 ("UNITE"), filed a timely
13 appeal of the Project Approvals, pursuant to CCMC Section 17.640.030, claiming that the
14 Project may result in significant environmental impacts and that the MND should be revised
15 and recirculated or an Environmental Impact Report, should be prepared, circulated, and
16 certified prior to approval of the Project; and,
17

18 WHEREAS, appellant SAFER and appellant UNITE are collectively referred to
19 as "Appellants;" and the SAFER appeal and UNITE appeal are collectively referred to as
20 "Appeals;" and,
21

22 WHEREAS, the Applicant prepared Supplemental Final initial Study/Mitigated
23 Negative Declaration Environmental Responses ("Supplemental Responses") in response
24 to the Appeals (as set forth in Attachment 4 to the staff report for Agenda Item PH-1 on the
25 July 12, 2021 City Council Agenda and incorporated herein by reference as though fully set
26 forth). The Supplemental Responses address the following challenges to the Project
27 Approvals, as set forth in the Appeals: (1) the use of an MND was improper as there is a
28

1 fair argument that the Project may result in significant environmental impacts, and concerns
2 expressed on Traffic/GHG, Construction Noise, Reduced Parking, Land Use/Housing,
3 Other CEQA Issues and that the Municipal Code required findings cannot be adequately
4 supported; and,

5 WHEREAS, on July 12, 2021, the City Council conducted a duly noticed
6 public hearing on the Appeals of the Planning Commission's decision on the Project
7 Approvals, fully considering the whole administrative record, including, but not limited to,
8 the Planning Commission's decision, application, plans, staff report, Supplemental
9 Responses, environmental information and all testimony presented, and the City Council by
10 a vote of ____ to ____ denied the appeal filed by SAFER and affirmed the Planning
11 Commission's adoption of the Mitigated Negative Declaration and approval the Conditional
12 Use Permit P2019-0194-CUP, Site Plan Review P2019-0194-SPR, and Administrative Use
13 Permit P2019-0194-AUP for the Project.
14

15
16 NOW, THEREFORE, the City Council of the City of Culver City, DOES
17 HEREBY RESOLVE as follows:

18 SECTION 1. Pursuant to the foregoing recitations and the provisions of the
19 Culver City Municipal Code (CCMC) Sections 17.530.020, 17.540.020 and 17.530.020, the
20 required findings for Conditional Use Permit P2019-0194-CUP, Site Plan Review P2019-
21 0194-SPR, and Administrative Use Permit P2019-0194-AUP, as set forth in Planning
22 Commission Resolution No. 2021-P003 dated April 28, 2021, incorporated herein by
23 reference as though fully set forth, are hereby made.
24

25 SECTION 2. Since the Planning Commission's adoption of the MND, the
26 circumstances under which the MND was prepared have not significantly changed, and no
27
28

1 new significant information has been found that would impact the MND; therefore, no
2 additional environmental analysis is required.

3 SECTION 3. Appellant SAFER has not demonstrated substantial evidence in
4 light of the whole record that the Project may have a significant effect on the environment
5 and the Project does not warrant a more in-depth environmental analysis thereby requiring
6 preparation of an Environmental Impact Report.

7
8 SECTION 4. Pursuant to all of the foregoing, the City Council of the City of
9 Culver City, California, hereby denies the Appeal filed by SAFER and affirms the Planning
10 Commission's decision (1) adopting the Mitigated Negative Declaration and Mitigation and
11 Monitoring Program; and (2) approving Conditional Use Permit P2019-0194-CUP, Site Plan
12 Review P2019-0194-SPR, and Administrative Use Permit P2019-0194-AUP, subject to all
13 conditions of approval contained in the Planning Commission Resolution No. 2021-P003
14 dated April 28, 2021.

15
16 APPROVED and ADOPTED this _____ day of _____, 2021.


17
18
19 _____
20 ALEX FISCH, MAYOR
City of Culver City, California

21 ATTEST:

22 APPROVED AS TO FORM:

23
24 _____
JEREMY GREEN, City Clerk

25 A21-00108

26
27 
28 _____
CAROL A. SCHWAB, City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

(Conditional Use Permit P2019-0194-CUP, Site Plan Review P2019-0194-SPR, and Administrative Use Permit P2019-0194-AUP)

WHEREAS, to implement the proposed Project, approval of the following applications is required:

- 1-

- 1 3. Administrative Use Permit P2019-0194-AUP: for valet-assisted tandem parking,
2 alcoholic beverage sales for restaurant/bar, and outdoor dining to ensure
3 compatibility, configuration, design, location, and potential impacts of the
4 proposed use, and suitability of the use to the site and surrounding area; and

5 **WHEREAS**, pursuant to the California Environmental Quality Act (CEQA)
6 Guidelines, an Initial Study was prepared for the Project. The Initial Study determined that
7 the Project would not result in significant impacts on the environment provided certain
8 mitigation measures are required and a Mitigated Negative Declaration (MND) was
9 prepared as the required CEQA clearance documentation for the Project. The MND
10 determined that the Project will require mitigation measures to reduce “potentially
11 significant” impacts on the environment to a less than significant level. The mitigation
12 measures address items related to noise, traffic, air quality, land use, vehicle miles
13 traveled, greenhouse gas emissions, parking, housing impacts, and code required findings;
14 and,

15 **WHEREAS**, the MND was adopted by the Planning Commission on April 28,
16 2021, which determined that the Project will not have a significant adverse impact on the
17 environment. Pursuant to CEQA Guidelines Section 15162, the circumstances under
18 which the MND was prepared have not significantly changed, and no new significant
19 information has been found that would impact the MND; therefore, no additional
20 environmental analysis is required; and,

21 **WHEREAS**, on April 28, 2021, after conducting a duly noticed public hearing
22 on the subject applications, including full consideration of the application, plans, staff report,
23 environmental information and all testimony presented, the Planning Commission (i)
24 adopted an MND and Mitigation Monitoring Program in accordance with CEQA, finding the
25 Project, as mitigated, will not result in potentially significant adverse environmental impacts;
26 and,

1 and (ii) adopted Resolution No. 2021-P003 approving Conditional Use Permit P2019-0194-
2 CUP, Site Plan Review P-2019-0194-SPR and Administrative Use Permit P2019-0194-AUP
3 (collectively, "Project Approvals"); and,

4 WHEREAS, on May 11, 2021, Brian Flynn of Lozeau Drury, on behalf of
5 Supporters Alliance for Environmental Responsibility ("SAFER") filed a timely appeal of the
6 Project Approvals, pursuant to Culver City Municipal Code (CCMC) Section 17.640.030,
7 claiming that the Project may result in significant environmental impacts and that an
8 environmental impact report ("EIR") for the Project should be prepared, circulated, and
9 certified prior to approval of the Project; and,
10

11 WHEREAS, on May 13, 2021, Jordan Sisson of Gideon Kracov, on behalf of
12 Omar Lopez, Ramez Ethnasios, and UNITE HERE Local 11 (collectively, "UNITE"), filed a
13 timely appeal of the Project Approvals, pursuant to CCMC Section 17.640.030, claiming
14 that the Project may result in significant environmental impacts and that the MND should be
15 revised and recirculated or an Environmental Impact Report, should be prepared,
16 circulated, and certified prior to approval of the Project; and,
17

18 WHEREAS, appellant SAFER and appellant UNITE are collectively referred to
19 as "Appellants;" and the SAFER appeal and UNITE appeal are collectively referred to as
20 "Appeals;" and,
21

22 WHEREAS, the Applicant prepared Supplemental Final initial Study/Mitigated
23 Negative Declaration Environmental Responses ("Supplemental Responses") in response
24 to the Appeals (as set forth in Attachment 4 to the staff report for Agenda Item PH-1 on the
25 July 12, 2021 City Council Agenda and incorporated herein by reference as though fully set
26 forth). The Supplemental Responses address the following challenges to the Project
27 Approvals, as set forth in the Appeals: (1) the use of an MND was improper as there is a
28

1 fair argument that the Project may result in significant environmental impacts, and concerns
2 expressed on Traffic/GHG, Construction Noise, Reduced Parking, Land Use/Housing,
3 Other CEQA Issues and that the Municipal Code required findings cannot be adequately
4 supported; and,

5 WHEREAS, on July 12, 2021, the City Council conducted a duly noticed
6 public hearing on the Appeals of the Planning Commission's decision on the Project
7 Approvals, fully considering the whole administrative record, including, but not limited to,
8 the Planning Commission's decision, application, plans, staff report, Supplemental
9 Responses, environmental information and all testimony presented, and the City Council by
10 a vote of ____ to ____ denied the appeal filed by UNITE and affirmed the Planning
11 Commission's adoption of the Mitigated Negative Declaration and approval the Conditional
12 Use Permit P2019-0194-CUP, Site Plan Review P2019-0194-SPR, and Administrative Use
13 Permit P2019-0194-AUP for the Project.
14

15
16 NOW, THEREFORE, the City Council of the City of Culver City, DOES
17 HEREBY RESOLVE as follows:

18 SECTION 1. Pursuant to the foregoing recitations and the provisions of the
19 Culver City Municipal Code (CCMC) Sections 17.530.020, 17.540.020 and 17.530.020, the
20 required findings for Conditional Use Permit P2019-0194-CUP, Site Plan Review P2019-
21 0194-SPR, and Administrative Use Permit P2019-0194-AUP, as set forth in Planning
22 Commission Resolution No. 2021-P003 dated April 28, 2021, incorporated herein by
23 reference as though fully set forth, are hereby made.
24

25 SECTION 2. Since the Planning Commission's adoption of the MND, the
26 circumstances under which the MND was prepared have not significantly changed, and no
27
28

1 new significant information has been found that would impact the MND; therefore, no
2 additional environmental analysis is required.

3 SECTION 3. Appellant UNITE has not demonstrated substantial evidence in
4 light of the whole record that the Project may have a significant effect on the environment
5 and the Project does not warrant a more in-depth environmental analysis thereby requiring
6 preparation of an Environmental Impact Report.

7
8 SECTION 4. Pursuant to all of the foregoing, the City Council of the City of
9 Culver City, California, hereby denies the Appeal filed by UNITE and affirms the Planning
10 Commission's decision (1) adopting the Mitigated Negative Declaration and Mitigation and
11 Monitoring Program; and (2) approving Conditional Use Permit P2019-0194-CUP, Site Plan
12 Review P2019-0194-SPR, and Administrative Use Permit P2019-0194-AUP, subject to all
13 conditions of approval contained in the Planning Commission Resolution No. 2021-P003
14 dated April 28, 2021.

15
16 APPROVED and ADOPTED this _____ day of _____, 2021.


17
18
19 _____
20 ALEX FISCH, MAYOR
City of Culver City, California

21 ATTEST:

22 APPROVED AS TO FORM:

23
24 _____
JEREMY GREEN, City Clerk

25 A21-00108

26
27 
28 _____
CAROL A. SCHWAB, City Attorney