



RELATED PRACTICES

California Public Law Litigation
Environmental, Land Use, and
Natural Resources
Litigation

RELATED PEOPLE

Caitlin R. Eliason
Stephen E. Velyvis

Burke Secures Full Defense Ruling for Culver City and MOVE Culver City Pilot Project in L.A. Superior Court

Los Angeles, CA – The Los Angeles County Superior Court issued a Statement of Decision on August 13, 2024 denying Petitioner Friends and Families for MOVE Culver City’s (“Friends and Families”) Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the City of Culver City and the City Council of the City of Culver City (LASC Case No. 23STCP03833), finding in favor of the City on all causes of action. The Court subsequently entered a formal Judgment on September 3, 2024, denying the Petition and ruling against Petitioner and in favor of the City. The defense team was led by [Burke Environmental, Land Use and Natural Resources](#) practice partner **Stephen E. Velyvis**, and included Burke Associate **Caitlin R. Eliason**.

In 2021, seizing on the unique opportunity created by significantly reduced vehicle traffic resulting from the COVID-19 pandemic, the City designed the original MOVE Culver City Pilot Project using reversible “quick build” methods to temporarily reconfigure travel and parking lanes to make space for bicycle and bus lanes within the existing public right of way, and to facilitate and study how to provide the most efficient mix of vehicles, buses, bikes, and pedestrians along the City’s downtown corridor. At its September 11th, 2023 meeting, the City Council ratified plans to modify the MOVE Culver City Pilot Project, which extended the corridor eastward to additional roadway segments and used the same temporary “quick build” methods to temporarily reconfigure existing vehicle, bus, and bike lanes in an effort to address congestion concerns and connect with bike lanes in neighboring Los Angeles. The City Council found the modified Pilot Project exempt from the California Environmental Quality Act pursuant to two CEQA exemptions. Friends and Families filed its lawsuit on October 17, 2023, challenging the City’s modifications to the MOVE Culver City Pilot Project and alleging violations of the California Environmental Quality Act (“CEQA”) and the Planning and Zoning Law.

In its Statement of Decision, the Court found that substantial evidence supported the City Council’s determination that the modified MOVE Pilot Project is exempt from CEQA under both the Class 1 existing facilities categorical exemption and the statutory exemption in Public Resources Code Section 21080.25. In addition, the Court found that substantial evidence supported the City Council’s findings that there

were no unusual circumstances leading to any potential significant environmental impacts and that the Project would not result in any significant impacts. Finally, the Court rejected the argument that the modified MOVE Pilot Project is inconsistent with the City's General Plan and Bicycle and Pedestrian Action Plan. Presiding Judge Richard L. Fruin, Jr. highlighted that "[t]he Court finds no basis in the administrative record... to overturn the City Council's approvals of the modifications of the Pilot Project." In an effort to avoid the added expense of responding to Petitioner's threat to seek a preliminary injunction and minimize the delay the lawsuit might have on the City's project, Velyvis and Eliason negotiated an expedited briefing and hearing schedule on the merits.

Velyvis summed, "The Court's denial of all causes of action pled by the Petitioner clears the path for the MOVE Culver City Pilot Project to progress forward as approved by the City Council."