October 8, 2025

VIA HAND DELIVERY AND EMAIL

City of Culver City Council
c/o City of Culver City – City Clerk

City of Culver City – City Hall
9770 Culver Blvd.
Culver City, CA 90232
city.clerk@culvercity.org

Re: Appeal of Planning Commission's Approval of Conditional Use Permit P2025-0174CUP, -CE and CEQA Determination In Connection Therewith

Property Address: 10150–10200 Jefferson Boulevard

To the City Clerk and Honorable Members of the Culver City Council:

Pursuant to Culver City Municipal Code 17.640, *et seq.*, Appellant and Culver City homeowner, Lauren Fishelman ("Appellant"),[1] hereby appeals the September 24, 2025 decision of the Culver City Planning Commission (the "Planning Commission") improperly approving the issuance of a Conditional Use Permit to Cadillac of Beverly Hills ("Applicant") to establish a vehicle service, maintenance, and repair facility, which is set to include 39 service bays and 67 surface parking spaces, at 10150–10200 Jefferson Boulevard, mere feet from the Raintree Condominium and Townhome community ("Raintree")—a community that is home to more than 1,500 of your constituents, who depend upon your sound judgment to keep them safe. The CUP passed narrowly, with a 3-2 vote.

Specifically, Appellant, a Raintree homeowner, requests that the City Council reverse the Planning Commission's September 24, 2025 approval of Conditional Use Permit P2025-0174CUP, -CE (the "CUP"). The Planning Commission's approval of the CUP was improper and unsupported by substantial evidence and should, therefore, be vacated and overturned by the City Council because, contrary to the Planning Commission's determination, the findings necessary to grant the CUP cannot properly be made. Two Planning Commissioners

[1] Appellant attended the September 24, 2025 Planning Commission public hearing and made public comment thereat.

appropriately recognized as much in voting against the CUP's issuance and expressing serious concerns about it.

The basis of this appeal is threefold. **First**, contrary to the unsupported and conclusory findings of the Planning Commission, the CUP *will* be detrimental to the public interest, health, safety, and general welfare, and injurious to persons, property, and improvements in the vicinity—in particular, the many young children, including Appellant's own, who live and play feet from the site of the proposed CUP's activities, who will now be subject to an unreasonably high fire risk, pollution burden, and noise disturbance, as well as the elderly (and, in many cases, immobile) residents of Raintree. Indeed, the area surrounding the site of the CUP, which has been designated by the Culver City Fire Department to reflect to highest possible fire risk to the city, and which contains the nation's largest urban oil fields, is not physically suitable for the services intended by the CUP. **Second**, contrary to the unsupported and conclusory findings of the Planning Commission, the CUP is antithetical to Culver City's General Plan. **Third**, contrary to the unsupported and conclusory findings of the Planning Commission, the project is not subject to a categorical Class 1 exemption from the California Environmental Quality Act ("CEQA").

For the reasons discussed more fully herein, and for any other grounds that may be presented to the City Council in connection with the matter (or, upon any other basis contained within the pertinent administrative record), Appellant respectfully submits this petition requesting that the City Council vacate and overturn the Planning Commission's erroneous decision to approve the CUP.[2]

I. FACTUAL BACKGROUND

A. The Property At Issue

The CUP pertains to an office building located at 10150–10200 Jefferson Boulevard. The office building sits directly next to (and, indeed, is feet away from) an active oil field and active oil derricks, including those off of College Boulevard, in an area which has been

[2] Appellant notes the very visible presence that the automotive industry (and its lobbyists) appear to have established in the Culver City community, as is evidenced by the repeated instances of the Planning Commission's improper approval of automotive-related projects without an appropriate and mandatory review pursuant to CEQA—an anomaly for a community that has, historically, been at the forefront of environmental progress. *See, e.g.,* Appeal of the Planning Commission's decision to adopt Resolution No. 2024-P007 approving Conditional Use Permit Modification, P2021-0135-CUP/M, and a Class 32 Categorical Exemption from CEQA, for the relocation and expansion of an existing Costco fueling station, set for public hearing on October 13, 2025 at 7:00 p.m.

designated as the highest level of fire risk in maps adopted by the Culver City Fire Department. *See* Culver City Fire Department map of "Very High Fire Hazard Severity Zones."[3]

Immediately adjacent to the subject site sits the residential Raintree community. It is home to over 1,500 residents, including many children and elderly individuals, among other vulnerable populations, making it one of the densest areas in all of Culver City. Two other condominium/townhome communities, Tara Hill and Lakeside, of comparable sizes and demographics to Raintree, are immediately westward of Raintree. Immediately southwest of the subject site is the West Los Angeles College, home to many young students studying to better themselves, their lives, and their communities.[4] And, immediately northeastward of the subject site, mere feet away, sits the largest urban oil field in the United States. While the Planning Commission's resolution (Resolution No. 2025-P011) claimed that only "plugged" wells sit nearby (*see* Resolution at p. 6),[5] that is plainly and verifiably erroneous—there remain active oil derricks in the area, including immediately along College Boulevard.

Prior to Applicant's tenancy, according to online records, the subject building served as the business location for Social Studies School Service, an educational materials supplier offering books, maps, and posters for classrooms. It was also home to The Center for Learning, a publishing and educational services business. It additionally served as the location of The Writing Company, a gift and greeting card business. Notably, not one of these uses was heavily industrial in nature. Instead, Raintree sat next to an office space.

Despite this, Applicant requests that this City allow it to build—without ***any*** CEQA review—39 service bays and provide for 67 surface parking spaces so that it can conduct vehicle service, maintenance, and repairs feet from a dense residential community, brushy landscape, and massive urban oil field. While Applicant would have this Council believe that the facility predominantly intends to service electric vehicles, make no mistake that the facility is equally intended to serve "internal combustion" vehicles, too, as the Planning Commission's adopted resolution confirms. *See* Resolution at p. 7. While both such uses create issues that should nullify the issuance of the CUP, of critical note, each of the electric vehicles, which Applicant has so greatly emphasized, contains a lithium battery, and Applicant intends to additionally store

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[3] Accessible at https://experience.arcgis.com/experience/986aeb7b1a5649a18a7d6eff49776e35); *see also* Culver City General Plan (in effect as of October 9, 2024) at p. 266 (accessible at https://www.culvercity.gov/Services/Building-Development/General-Plan).

[4] Of note, the establishment of a vehicle service facility, like the one contemplated by the CUP, would certainly limit the development opportunities of other currently unoccupied land, including for the benefit of, for example, **affordable student housing opportunities** for West Los Angeles College.

[5] Accessible at https://culver-city.legistar.com/gateway.aspx?M=F&ID=bac6581f-c3f0-46a4-9d69-a09d7e91584a.pdf

lithium batteries onsite—a grave fire risk, as discussed in greater detail below, as to which Applicant has failed to provide appropriate mitigating strategies.

Applicant outlandishly contends that its buildout and operations will have a null or negligible effect on the surrounding community, that its project is exempt from CEQA review, and that the community's concerns are overblown. Applicant is wrong. On the contrary, Applicant's assertions and the Planning Commission's issuance of the CUP are wholly unsupported by substantial evidence and violate applicable laws and regulations. The decision of the Planning Commission must be reversed.

II. THE CITY COUNCIL MUST REVERSE THE PLANNING COMMISSION'S DECISION AND REJECT THE CUP

For the Planning Commission to issue the CUP, its findings and the decision must both be supported by substantial evidence, or the decision should be reversed. *See Topanga Ass'n for the Scenic Community v. Cnty. of L.A.*, 11 Cal. 3d 506, 514 (1974); *McMillan v. Am. Gen. Fin. Corp.*, 60 Cal. App. 3d 175, 177 (1976); Code Civ. Proc., § 1094.5. Further, to support issuance, an agency "must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order." *Topanga, supra*, 11 Cal. 3d at 515. If, based on the evidence before the agency, a reasonable person could not reach the conclusion the agency reached, the decision should be reversed. Here, the findings made by the Planning Commission to approve the CUP are unsupported by substantial evidence. In fact, the evidence supports the opposite—rejection of the CUP.

A. The CUP Does Not Conform to the General Plan and Instead Undermines the Very Goals Thereof, And Is Detrimental to the Public Interest, Health, Safety, and General Welfare, Particularly for the Vulnerable Nearby Residential Populations

In order for the CUP to be approved, Culver City Municipal Code Section 17.530.020(E) requires the City to make the finding, among others, that "[t]he establishment, maintenance or operation of the proposed use will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and the zoning district in which the property is located." As discussed below, no such finding is supported by substantial evidence here.

1. The CUP Gravely Increases Fire Risk In An Area Primed for Fire

The proposed use of the subject site for vehicle service, maintenance, and repair, including of electric vehicles, and additionally providing for the storage of and work on *lithium ion* batteries, in a building that has historically been used for office purposes, and which abuts a community of over 1,500 people, will not contribute to the general well-being of the neighborhood and the community. On the contrary, the CUP endangers the safety of Culver City

residents in a County already devastated by fires and fire risk that is certain to increase in likelihood.

The CUP authorizes use of known combustibles, most prominently, lithium batteries, in an area surrounded by the highest designated fire risk per the fire officials in Culver City. News reports abound regarding the dangers of lithium ion battery fires.[6] Even without the threat of electric vehicles, service centers, themselves, are known fire risk hazards, with thousands such fires reported annually.[7]

Culver City and Applicant should undoubtedly consider themselves on notice of the potential liability associated with their endorsement of a facility that will increase fire risk to a neighboring residential community. Notably, in response to community concerns about the fire risk posed by the CUP, and as one of the Planning Commissioners identified, *not one* representative from the Culver City Fire Department attended the September 24, 2025 public hearing on the CUP. This further underscores the arbitrary and unsupported nature of the Planning Commission's approval of the CUP.

Applicant contended at the public hearing before the Planning Commission that it had an appropriate fire plan in place and it categorically dismissed *any* concerns about fire risk (let alone noise, traffic, or environmental impact). Applicant's cavalier attitude is untethered from reality, particularly given that the site of the project sits at the base of the brushy Baldwin Hills, feet from the nation's largest urban oil field, near the highest possible fire-risk zone in Culver City.

What is more, Applicant has not identified implementable fire-mitigation risk strategies. For example, at the September 24, 2025 public hearing, Applicant was asked about its current and ongoing use of diesel car-truck carriers to transport vehicles to the subject site. When asked about the presence of these trucks ("car carriers" and cars "arriving from the factory"), Applicant

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[6] *See, e.g.,* https://www.usatoday.com/story/news/2024/05/21/ev-battery-fires-burn-hot-officials-warn-of-dangers/73348135007/ (noting that "[f]ires in electric vehicles burn much hotter than those in conventional gas-powered cars and are more challenging to extinguish fully. The temperature of an electric vehicle fire can reach 5,000 degrees Fahrenheit, compared with 1,500 degrees in a gas-powered care fire"); https://www.nytimes.com/2025/09/27/world/asia/south-korea-fire-government-data-center.html; https://www.ocregister.com/2024/09/27/vincent-thomas-bridge-remains-closed-on-friday-as-firefighters-monitor-lithium-battery-fire/ ("Dousing a lithium-ion battery fire could take tens, if not hundreds of thousands of gallons of water…Even once the fire is extinguished, it can spontaneously reignite days or even weeks later due to the chemicals").

[7] *See, e.g.,* https://www.nfpa.org/education-and-research/research/nfpa-research/fire-statistical-reports/service-or-gas-station-fires (estimating **4,370** reported service station fires in 2018).

represented that it intended to wind down their presence as operations increased.[8] At that same hearing, though, when Applicant was rightly asked by one of the Planning Commissioners about how Applicant intended to *enforce* a 50-percent battery-charge threshold to purportedly reduce fire risk as mandated by the Culver City Fire Department, Applicant claimed that the "majority" of cars flowing through the facility would be "new vehicles" that are coming "from the factory[,]" which would supposedly be at a battery charge much lower than the fire department's 50-percent threshold.[9]

Applicant cannot have it both ways: either, as Applicant stated at the September 24, 2025 public hearing, truckloads of new cars will be arriving at the facility (increasing the pollution and traffic burden at the site), which will supposedly enable Applicant to ensure a 50-percent battery threshold is met, or individuals will be driving their electric vehicles to the site, with no verification process provided for by Applicant to ensure that 50-percent battery threshold is respected (as none was identified by Applicant at the public hearing). **Neither of Applicant's conflicting answers is satisfactory, nor has any viable enforcement mechanism been identified to ensure compliance with the Culver City Fire Department's requirements.** Applicant has not provided any satisfactory answer as to how it intends to regulate a 50-percent battery threshold for cars not arriving from the factory (that is, for cars being driven to the facility by individuals for service).

The presence of automotive service facility, storing cars containing lithium ion batteries, as well as additional lithium ion batteries onsite, in addition to other known combustible materials associated with a service center, that is to be located feet away from (1) active oil derricks and oil storage at the base of the brushy Baldwin Hills, (2) a zone designated to be the very highest possible fire risk, as confirmed by Culver City fire officials, and (3) a residential community home to over 1,500 people, including vulnerable children and elderly individuals is decidedly detrimental to public interest, health, safety, and general welfare.

2. Noise Issues, In Apparent Violation of the Culver City Municipal Code and Applicant's Temporary Use Permit, Already Abound And Will Only Worsen

The noise associated with the CUP is detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity.

As an initial matter, as Applicant conceded at the September 24, 2025 public hearing, Applicant currently receives cars by diesel truck car-carriers at the facility. Applicant already appears to be **in violation** of the noise ordinances provided for in Culver City Municipal Code Sections 9.07, *et seq.*, as well as the parameters provided for in Applicant's existing Temporary

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[8] *See* Video of September 24, 2025 hearing, accessible at https://culver-city.granicus.com/player/clip/3383?view_id=1&redirect=true, at **2:12:10-2:13:01**.

[9] *Id.* at **2:07:00-2:08:04**.

Use Permit. Specifically, video captured by Appellant's Raintree neighbor, taken from Raintree property, on October 1, 2025, at **11:42 p.m.**, show Applicant's diesel-truck car-carrier backing up, moving forward, beeping, and noisily unloading Cadillac vehicles on Jefferson directly in front of Raintree. A copy of this video is available at: https://www.dropbox.com/scl/fi/qvj4585nnyb3oyq4a5jh4/PXL_20251002_064056918.mp4?rlkey=1v67pq2tffps06nbx733ok8qx&st=kfcxxdvs&dl=0.

This *middle of the night* noise was so intrusive that Appellant's Raintree neighbor was forced to call the Culver City Police Department's non-emergency line to report the disturbance. Numerous other Raintree neighbors have been subjected to similar noise disturbances, including late at night and in the early morning hours. Applicant's actions further demonstrate that it does not intend to act in conformity with the restrictions implemented to enforce its activities.

And, while Applicant would have this City Council believe the entirety of its operations will occur indoors, that is simply untrue. Cars continue to be delivered at all hours of the day via diesel truck, creating noise disturbances. And, what is more, Applicant concedes that it specifically plans to utilize rolling doors which, by necessity, need to be opened and closed to allow for ingress and egress of vehicles receiving service onsite. Indeed, Applicant's entire business incentive is to attract as many cars as possible to its site, and to move them in and out as quickly as it can, to thereby generate as much revenue for itself as possible. At minimum, noise will travel with the repeated opening and closing of these doors.

Simply put, in light of the apparent noise ordinance violations, as well as Applicant's apparent non-conformity with the conditions of its Temporary Use Permit as it pertains to noise restrictions, the City Council cannot make findings necessary to warrant approval of the CUP. And, these noise issues are surely to worsen once operations of the actual service facility commence.

3. The CUP Creates A Pollution Burden that Jeopardizes Health and Safety, As Well As Traffic Concerns That Have Not Been Adequately Studied

The CUP increases health and environmental impacts by bringing a facility with heavy industrial uses certain to increase dust, debris, odor, particulate matter and other airborne particles. Applicant's requested operation will be detrimental to the health, safety, peace, and general welfare of those living and/or working in the vicinity, due to, at least: (1) the use of chemicals and pollutants used and stored onsite and which are the byproduct of automotive repair and service work (which, by necessity, will travel when, at minimum, doors open and close repeatedly throughout the day), and (2) the increased pollution associated with additional cars trafficking the area (which cannot be negated by roll-up doors which, again, by necessity, must open and close repeatedly throughout the day to move cars in and out of the facility). And, as discussed above, Applicant's operation includes the transportation of cars by diesel truck/car-carrier. The nearby community will undoubtedly be affected by the emissions of those diesel trucks and car-carriers.

What is more, Jefferson Boulevard, on which the subject site sits, is already one of the most trafficked thoroughfares in Culver City, connecting Playa Vista with Downtown Los Angeles. While Applicant's traffic study purports that the stretch of Jefferson near the subject site can appropriately handle the traffic generated by its activities, Applicant's car-carriers do not appear to be appropriately accounted for in the traffic impact study. Indeed, Appellant suspects that the traffic impacts of these car carriers are *precisely* why Applicant presently has car-carriers unloading in the middle of the night or in the early morning hours, as discussed above. And, the site lends itself to a potential backup of vehicles onto Jefferson Boulevard as cars are processed to be checked in or out for service, compounding an already horrendous traffic predicament. The increase of idling vehicles on Jefferson created by these traffic issues will additionally contribute to an increased pollution burden for the residential neighborhood.

4. The CUP is Antithetical to the General Plan

What is more, the granting of the CUP is incompatible with Culver City's vision for its future. Indeed, the CUP violates the fundamental tenets and mandates of Culver City's General Plan, a plan which was adopted to "serve[] as a roadmap for future decisions concerning a variety of issues, including land use[.]" *See* Culver City General Plan at p. 15.[10]

The General Plan envisions "addressing the multidimensional hazards of climate change[]" and "greenhouse gas reduction[,]" "mitigat[ing] the risk of climate change and natural hazards such as seismic and geologic activity, wildfires, and flooding[,]" and addressing "noise in the community from sources like…industrial plants[.]" *Id.* at p. 12. Indeed, the General Plan confirms the goal of "[a] community with a peaceful noise environment that **reduces or prohibits new sources of intrusive noise and effectively enforces noise standards**." *Id.* at 290 (emphasis added).

As the General Plan aptly recognizes, "[t]he number, frequency, and duration of wildfires are expected to increase significantly throughout California" and there is a "need to address the increased risk of fire hazards." *Id.* at p. 31. Indeed, the General Plan mandates, "**[i]f warranted, avoid approving new development in areas subject to wildfire hazard**." *Id.* at p. 275 (emphasis added).

As the General Plan additionally confirms, Culver City seeks to ensure that "[r]esidents and workers breathe clean air and are not exposed to hazardous materials[,]" and aims to "monitor and improve poor air quality related to stationary and mobile sources of pollution…[r]educe air pollution and vehicle-related emissions, **especially from diesel-based trucks**…[and s]upport all residents…in minimizing their exposure to harmful air pollutants." *Id.* at pp. 40, 47-48 (emphasis added). With respect to land use, the General Plan is clear: it prioritizes "[h]ealthy, safe, and complete residential neighborhoods" and "[a] sustainable and

[10] A copy of the Culver City General Plan, which came into effect as of October 9, 2024, is available electronically at https://www.culvercity.gov/Services/Building-Development/General-Plan.

resilient built environment that preserves urban land resources, enhances habitat quality, and improves community health outcomes." *Id.* at p. 98.

The subject site is part of a "mixed use corridor[,]" according to the General Plan, which likewise acknowledges Jefferson as one of "[t]he major boulevards and arterial streets that run[s] through Culver City[.]" *Id.* at pp. 105-106. As such, the General Plan mandates that uses should "encourage walking and biking, minimize auto travel, and support greenhouse gas reduction goals." *Id.* at p. 106.

Suffice it to say, for the many reasons discussed herein, the establishment of an automotive service, maintenance, and repair facility is antithetical to all of these mandates. In fact, the General Plan specifically acknowledges that "**the city's industrial areas[] have transitioned away from heavier industrial uses toward office and light manufacturing uses.**" *Id.* at p. 112 (emphasis added). The CUP undermines that transition.

While, at the September 24, 2025 Planning Commission hearing, one of the Planning Commissioners raised "NIMBY" ("not in my backyard") concerns, this is not an instance of hostility towards all business. Indeed, Raintree has peacefully coexisted next to many businesses. This is a matter of common-sense application of this City's guiding principles, and of local and state law. One would not place a fireworks factory next to a gas station, or a chemical plant next to a park, even if the use was conceivably permissible. The situation here is no different, particularly when the site sits no more than 20-feet from the Raintree community, including a large grassy lawn upon which children at Raintree play with regularity.

Finally, the purported tax benefits to Culver City, which Applicant attempted to tout at the September 24, 2025 public hearing, further belie the Planning Commission's decision. At the public hearing before the Planning Commission, Applicant could not even identify, with certainty, the types of events that would be taxable (*i.e.,* what, as between service charges and parts charges, would be taxable).[11] And, surely, those supposed benefits must be offset by the consideration of the City's liability due to any fire or other damage caused to neighbors, as well as the sacrifice of the community that will bear the increased pollution, traffic, noise, unsightliness, decreased property values (and associated decreased property tax revenue to the City), and, most importantly, fire risk.

Simply put, an automotive service center has never been a permitted use for the subject site. Applicant's service center will undoubtedly generate particulate matter, airborne particles, carbon emissions, noise pollution, increased fire risk, traffic, and visual impacts to the nearby properties, with Raintree, and its many children (Appellant's own, included), most immediately affected. The presence of diesel-car carriers further compounds the traffic and pollution effects

[11] And, the rough mathematical figures presented at the hearing appeared to be unreliable, upon Appellant's calculation, based upon the percentage of labor versus parts projected.

surely to be felt by the community, including through the narrowing of lanes and obstruction of traffic flow that creates recurring noise disturbances at all hours of the day and night.

Doing business in this city is a privilege, not a right. In light of the unsupported and erroneous findings made by the Planning Commission, issuance of the CUP should be reversed. At minimum, further study is warranted to appropriately assess these risks.

B. This Project Is Not Exempt From CEQA

The Planning Commission's issuance of the CUP is premised upon the erroneous conclusion that this project is exempt from CEQA. *See* Resolution at pp. 2, 8. This project is not exempt and the CUP was, therefore, improperly approved. The CEQA Guidelines (Cal. Code Regs., tit. 14 § 15000, *et seq.*), provide for "a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA." (*id.* at § 15300). These are called categorical exemptions. *However*, in order to take advantage of a categorical exemption from CEQA, a project must fit the exemption. *See Cal. Farm Bureau Fed. v. Cal. Wildlife Conservation Bd.*, 143 Cal. App. 4th 173, 185 (2006).

The Class 1 categorical exemption contains very specific criteria and "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**." Cal. Code Regs., tit. 14 § 15301 (emphasis added). The CUP fails this established criteria.

This is a building used, historically, for *office space*. It has never served as an automotive repair, maintenance, and service facility. To transform the building into an automotive service center that includes 39 service bays, and which has never been equipped for anywhere close to these purposes, requires a massive buildout. In no world can any reasonable person conclude that the project "involv[es] negligible or no expansion of use." And, even if the project did fit within the Class 1 exemption—though, it does not—there are exceptions to categorical exemptions. Cal. Code Regs., tit. 14 § 15300.2. If an exception applies, then the CEQA exemption is invalid.

Here, "[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." *Id.*, subd. (c). "A party invoking the exception may establish an unusual circumstance, without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or ***location***. **In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance**." *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal. 4th 1086, 1105 (2015) (emphasis added).

Here, it is unusual that an automotive service facility, storing cars containing lithium ion batteries as well as additional lithium ion batteries onsite, as well as other known combustible materials, would be located feet away from (1) active oil derricks and oil storage at the base of the brushy Baldwin Hills, (2) a zone designated to be the very highest possible fire risk, as confirmed by Culver City fire officials, and (3) a residential community home to over 1,500 people, including vulnerable children and elderly individuals. This circumstance certainly distinguishes the CUP from other, actual Class I projects.[12] And, the Planning Commission failed to adequately consider the increased traffic and diesel truck presence on the street in front Raintree that will inevitably result from a high-volume vehicle service center, let alone the effects on the natural environment: Raintree and the Baldwin Hills are home to numerous species of wildlife, all of which will be affected by the noise and pollution from the site.

Because no CEQA exemption applies, Applicant is required to conduct studies of various other potential environmental impacts, none of which have been analyzed to-date. For example, Applicant has not conducted any study whatsoever about the effects of the project upon Raintree's and the Baldwin Hills's vast wildlife and ecosystems, which include hawks, rabbits, and other potentially protected species. Without study of these potential impacts, issuance of the CUP is improper.

There are no details whatsoever in the CUP, or the Planning Commission's resolution approving the CUP, to support the Class 1 designation, or that undermine the fundamental reality that there is a reasonable possibility that the activity at issue will have a significant effect on the environment due to unusual circumstances. All of these circumstances bar the application of the categorial exemption here.

C. Other Procedural Improprieties Nullify the CUP's Issuance

A separate procedural impropriety warrants reconsideration of the CUP. Indeed, Planning Commissioners only disclosed that they had met with the Applicant **after** the public had been given an opportunity to be heard (and, by which point, no further questioning or comment about such meetings could be made by the public to the Planning Commissioners)—a disclosure that the Chief Planning Commissioner admitted violated the City Attorney's

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[12] Appellant disagrees with the Planning Commission's conclusion that this project qualifies for a Class 1 exemption. Accordingly, Appellant additionally contends that the project would be exempt from any other supposed CEQA categorical exemption on the grounds that the project is located in a sensitive environment, such that the project may impact an officially mapped and designated environmental resource of hazardous or critical concern, including, but not limited to, the Very High Fire Hazard Severity Zone as mapped by CalFire and adopted by the Culver City Fire Department. These features represent environmental resources of hazards or critical concern, which preclude reliance upon a categorical exemption. The site's immediate adjacency to oil field and mountains of dry brush reflect an unusual circumstance that requires analysis.

instruction to make such disclosures at the beginning of the meeting: "Commissioner Black has reminded me that I did **not** heed the City Attorney's advice to make sure that before the public hearing started, I asked every member of the Commission to say whether they met with the Applicant[.]"[13]

III. CONCLUSION

In sum, based upon the evidence before the Planning Commission, no reasonable person could reach the conclusion the Planning Commission reached. The CUP does not align with the goals of the General Plan, would be a gross deviation from the site's historic use, would violate CEQA, and risks the health, safety, and well-being of Culver City residents. The Planning Commission's findings of fact are wholly unsupported and fail to identify legitimate reasons to approve the CUP. The evidence supports denial of the CUP.

Very truly yours,

/s/ Lauren Fishelman

LAUREN FISHELMAN

[13] *See* video of September 24, 2025 hearing, accessible at https://culver-city.granicus.com/player/clip/3383?view_id=1&redirect=true, at **2:10:24-2:10:35**.