

1 RESOLUTION NO. 2025-R____

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, DENYING AN APPEAL FILED BY
5 SOL Y LUNA MONTESSORI SCHOOL, AND AFFIRMING THE
6 PLANNING COMMISSION'S ADOPTION OF RESOLUTION NO.
7 2024-P007, APPROVING CONDITIONAL USE PERMIT
8 MODIFICATION, P2021-0135-CUP/M, AND A CLASS 32
9 CATEGORICAL EXEMPTION FROM THE CALIFORNIA
10 ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE
11 RELOCATION AND EXPANSION OF AN EXISTING FUELING
12 STATION AT 13431-13463 WASHINGTON BOULEVARD

13 (P2024-0191-Appeal of Conditional Use Permit Modification P2021-0135-CUP/M)

14 WHEREAS, on May 17, 2021, Costco Wholesale (the "Applicant") filed an
15 application for a Conditional Use Permit Modification (CUP/M), to allow demolition of existing
16 (eight dispenser) fueling station and two commercial structures ($\pm 8,480$ square feet); and the
17 construction of a new expanded (15-dispenser) and relocated fueling station and associated
18 project design feature and site improvements (the "Project"). The Project Site is more
19 specifically described as a ± 3.2 -acre portion of land within the parcels identified by Los Angeles
20 County Assessor's Parcel Numbers 4236-029-003, 4236-029-008, and 4236-029-009, in the
21 City of Culver City, County of Los Angeles, State of California; and

22 WHEREAS, in order to implement the proposed Project, approval of the following
23 application is required:

24 1. Conditional Use Permit Modification, P2021-0135-CUP/M, for the
25 relocation and expansion of a fueling station, to ensure the Project complies with all required
26 standards, design guidelines, and City ordinances; establish all onsite and offsite conditions of
27 approval necessary to address the site features; minimize potential adverse effects on
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1 surrounding properties and the environment; and ensure compatibility of the proposed Project
2 with the development on adjoining properties and in the surrounding neighborhood; and

3 WHEREAS, the Project qualifies for a Class 32 Categorical Exemption pursuant
4 to California Environmental Quality Act (CEQA) Guidelines as analyzed in the Class 32 CEQA
5 Report dated June 28, 2024 (summarized in Exhibit A). The Class 32 CEQA Report describes
6 in detail the Project's eligibility for said exemption pursuant to California Code of Regulations
7 Section 15332, including exceptions under Section 15300.2, demonstrating there are no
8 potentially significant impacts and no exception that would disqualify the Project from a
9 Categorical Exemption; and
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11 WHEREAS, on July 24, 2024, after conducting a duly noticed public hearing on
12 the subject application, including full consideration of the applications, plans, staff report,
13 environmental information and all testimony presented, the Planning Commission, by a vote of
14 3 to 2, adopted Resolution No. 2024-P007, which adopted a Class 32 Categorical Exemption,
15 in accordance with CEQA, finding the Project will not result in significant adverse environmental
16 impacts, and made required findings and conditionally approved Conditional Use Permit
17 Modification, P2021-0135-CUP/M; and
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19 WHEREAS, on August 8, 2024, Frank P. Angel of Angel Law on behalf of Sol y
20 Luna Montessori School ("Appellant") filed a timely appeal of the Planning Commission's
21 adoption of Resolution No. 2024-P007, pursuant to Culver City Municipal Code (CCMC)
22 Section 17.640.030, claiming that the City cannot rely on a Class 32 Categorical Exemption
23 and that the required findings for a CUP/M are not adequately made, and that the City should
24 instead conduct further environmental study under CEQA and that the City should not approve
25 the Project until the appropriate level of environmental review is completed; and
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1 WHEREAS, the appeal does not include substantial evidence that demonstrates
2 the inadequacy of the Planning Commission's decision and CEQA determination; and

3 WHEREAS, Staff's response to the appeal is that the Planning Commission
4 adopted Resolution No. 2024-P007, including adoption of required findings and the Class 32
5 Categorical Exemption was made on the basis of substantial evidence and in accordance with
6 established procedures and methodologies, and the Class 32 Categorical Exemption provides
7 sufficient environmental review pursuant to CEQA statutes and guidelines and no further
8 analysis is required; and
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10 WHEREAS, Barghausen Consulting Engineers, Inc submitted a point-by-point
11 response to the appeal on behalf of the Applicant on September 26, 2024, and the response
12 demonstrates the appellant's claims have no merit nor are supported by credible evidence,
13 provides subsequent memorandums to further clarify the relevant points, restates the
14 adequacy of the Class 32 CEQA Report, and confirms the Planning Commission did not err in
15 approving the Project; and
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18 WHEREAS, Staff sought the additional expertise of an additional qualified
19 environmental consultant to evaluate the points presented, as well as the Applicant's
20 responses to those points, resulting in Peer Review Memorandum prepared by ESA, dated
21 May 14, 2025, which further concludes that none of the Appeal issues raised have merit or are
22 supported by credible evidence of a potential significant impact; therefore, the Planning
23 Commission did not make an error in approving the Project or its CEQA documentation; and
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25 WHEREAS, on August 11, 2025, after a duly noticed public hearing on the Appeal
26 of the Planning Commission's adoption of Resolution No. 2024-P007, approving Conditional
27 Use Permit Modification, P2021-0135-CUP/M, and a Class 32 Categorical Exemption for the
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1 relocation and expansion of a fueling station, fully considering the whole administrative record,
2 including, but no limited to, the Planning Commission's decision, application materials, plans,
3 staff report, Appellant Appeal letter, Applicant response, Peer Review Memorandum,
4 environmental information and all testimony presented, the City Council by a vote of ____ to
5 ____, denied the appeal filed by the Appellant and affirmed the Planning Commission's adoption
6 of Resolution No. 2024-P007, including the Class 32 Categorical Exemption, in accordance
7 with CEQA, for Conditional Use Permit Modification, P2021-0135-CUP/M.
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9 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES
10 HEREBY RESOLVE as follows:
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12 SECTION 1. Since the Planning Commission adoption of Resolution No. 2024-
13 P007, which approved the Project and Class 32 Categorical Exemption for the Project, the
14 circumstances under which the Class 32 CEQA Report have not significantly changed, and no
15 new significant information has been found that would impact the Class 32 Categorical
16 Exemption; therefore, no additional environmental analysis is required.
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18 SECTION 2. There is substantial evidence, in light of the whole record,
19 demonstrating that the Class 32 Categorical Exemption applies to the Project and no exception
20 applies.
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1 SECTION 3. Pursuant to all of the foregoing, the City Council of the City of Culver
2 City, California, hereby denies the appeal filed by the Appellant and affirms the Planning
3 Commission's adoption of Resolution No. 2024-P007, approving Conditional Use Permit
4 Modification, P2021-0135-CUP/M, and a Class 32 Categorical Exemption from the California
5 Environmental Quality Act (CEQA) for the relocation and expansion of an existing fueling
6 station at 13431-13463 Washington Boulevard.
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8 APPROVED and ADOPTED this 11th day of August, 2025.
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12 _____
13 DAN O'BRIEN, Mayor
14 City of Culver City, California

15 ATTEST:

16 APPROVED AS TO FORM:

17 _____
18 Heather Baker

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20 JEREMY BOCCHINO, City Clerk

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22 HEATHER BAKER, City Attorney
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