

MEETING DATE: 06.08.2009

AGENDA ITEM: PUBLIC HEARING ON THE APPEAL OF AN
ADMINISTRATIVE USE PERMIT FOR THE OFF-SALE OF BEER AND WINE
INCIDENTAL TO A PROPOSED 7-ELEVEN CONVENIENCE STORE
LOCATED AT 5900-5902 WASHINGTON BOULEVARD.

ATTACHMENTS

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1. April 3, 2009 AUP Decision Letter	1-5
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4. Draft Resolution No. 2009-R __ Denying Appeal	17-20
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6. CCMC Section 17.500.010 Table 5-1 Review Authority	23



THOMAS GORHAM
DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR



PLANNING DIVISION

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

ATTACHMENT 1

(310) 253-5710

FAX (310) 253-5721

April 3, 2009

Anil Ali
2637 33rd Street
Santa Monica, CA 90405

NOTICE OF DECISION: ADMINISTRATIVE USE PERMIT, AUP P-2009009

5900-5902 Washington Boulevard in the East Washington Overlay (EWO) zone and the Industrial General (IG) zone.

Dear Mr. Anil:

This letter is to inform you that we have approved your Administrative Use Permit, AUP P-2009009, subject to conditions of approval for the off-sales of beer and wine incidental to a proposed new 7-Eleven convenience store located at 5900-5902 Washington Boulevard within a retail center.

Request and Background

Culver City Municipal Code (CCMC) Title 17 - Zoning, Section 17.400.015 requires an Administrative Use Permit (AUP) to sell alcoholic beverages incidental to a convenience store that is located in the Industrial General Zoning District and within 300 feet of residentially zoned property. The underlying EWO and IG zone standards and general regulation standards apply.

On February 26, 2009, notification of the administrative pending decision of this application for beer and wine sales incidental to a 7-Eleven convenience store, and invitation to submit comments was sent to property owners and occupants within 500-feet of the proposed convenience store.

Several comments were received expressing concern regarding the number of existing businesses that sale alcohol in the area. Business license and Alcoholic Beverage Control records show that there are currently four convenience/liquor stores on Washington Boulevard between National Boulevard and Fairfax Avenue that sell alcohol. This does not include restaurants or bars. Other comments received were related to potential crime and loitering in the proposed convenience store parking lot. The Culver City Police Department reviewed the application and had no objections or comments. In addition, there have not been verified nuisances related to alcohol sales at the two existing 7-Eleven convenience

stores in the city and conditions have been placed on the proposed operation to address loitering in the parking lot of the retail center and noise impacts to the neighbors.

Alcoholic beverages (beer and wine) are typical products sold at 7-Eleven convenience stores along with packaged groceries, prepared food, and essential products used for daily living. Conditions of Approval contained herein will ensure that the applicant conducts the use with due regard to the character of the neighborhood. In addition, the conditions contain provisions for revocation or modification of the permit if unexpected problems linked to the proposed use occur.

The administrative decision herein was reached after closure of the comment period.

Findings

The following necessary findings for an AUP have been made pursuant to Zoning Code Section 17.530.020:

1. **The proposed use is allowed within the subject zoning district with the approval of an Administrative Use Permit and complies with all other applicable provisions of this Title and the CCMC.**

The primary convenience store use is a permitted use in the EWO and IG zone. The proposed use, off-sales of beer and wine incidental to a convenience store, is allowed within the subject zoning district with the approval of an Administrative Use Permit (AUP) subject to required findings. The required findings to approve the AUP have been made herein. The proposed use as conditioned will comply with all other applicable Provisions of Title 17- Culver City Zoning Code and the Municipal Code.

2. **The proposed use is consistent with the General Plan and any applicable Specific Plan.**

The proposed use, off-sales of beer and wine incidental to a convenience store, is consistent with the General Corridor General Plan designation which promotes small commercial establishment that serve the community. The proposed use will provide basic shopping opportunities for the nearby commercial tenants, commuters and the nearby residential neighborhood. There is no Specific Plan for this area.

3. **The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity of the subject site.**

There is a variety of commercial uses surrounding the project site and within the retail center that the project is located. The subject site does not immediately abut any residential properties and does not have direct access to any residential neighborhoods. The closest residential uses are over 300 feet away to the west across Ballona Creek. The project has been conditioned to ensure compatibility with the neighborhood and future land uses in the vicinity of the subject site. Should unexpected negative impacts arise from the conduct of the proposed use, this Administrative Use Permit may be subject to revocation or modification as deemed necessary. Improvements to the site including landscaping,

parking, and façade were previously approved through a building permit. The interior improvements for the convenience store will be reviewed through a building permit and will meet all current building, zoning, and fire codes.

- 4. The subject site is physically suitable for the type and intensity of use being proposed, including access, compatibility with adjoining land uses, shape, size, provision of utilities, and the absence of physical constraints.**

The 7-Eleven convenience store will be located in a small retail center that includes Pizza Hut, an optometry office, and a salon which are uses commonly found in a small retail center. The proposed convenience store will occupy approximately 2,500 square feet of tenant space and tenant improvements for the space will be reviewed separately. The retail center requires 20 on-site parking spaces pursuant to the Zoning Code and 28 on-site parking spaces are being provided. The project site is compatible with surrounding commercial uses and is found to be physically suitable for the proposed use subject to compliance with the conditions of approval contained herein.

- 5. The 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 zoning district in which the property is located.**

The applicant is requesting to sale alcohol (beer and wine) incidental to a convenience store that would serve those who live and work nearby and permit them to patronize a neighborhood establishment rather than driving elsewhere. The convenience store will also offer packaged groceries, prepared food, and essential products used for daily living.

The proposed use will serve the public convenience and welfare and as cited is compatible with the character of the surrounding uses. The conditions of approval will ensure that the operation of the convenience store including off-sales of beer and wine will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Conditions of Approval

Planning

Based upon the above findings, and on authority found in Zoning Code Section 17.530.025, Administrative Use Permit, AUP P2009009, is hereby approved, subject to the following conditions:

1. The proposed use shall comply with all applicable provisions of the Culver City Zoning Ordinance and the Culver City Municipal Code (CCMC).
2. This Administrative Use Permit shall be valid for beer and wine sales only incidental to the convenience store. There shall be no sale of hard liquor.

ATTACHMENT 1

3. The convenience store shall operate with regard for the character of the surrounding neighborhood, and the right is reserved to the Deputy Community Development Director to impose additional corrective conditions, if, in the Deputy Community Development Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent properties.
4. All graffiti on site shall be removed or painted within over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. Consumption of alcohol on the premises shall be strictly prohibited. Signage shall be posted at the project site prohibiting alcohol consumption on the premises and shall be visible to the public.
6. There shall be no exterior advertising or sign of any kind, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
7. Beer and wine may only be sold daily between the hours of 6:00 a.m. and 2:00 a.m.
8. The applicant shall be responsible for discouraging loitering on the subject property.
9. Any new sign(s) shall comply with the provisions of Zoning Code Section 17.330 and shall be approved by the Planning Division.
10. All windows shall be maintained reasonably free of signs and other material which would inhibit views into the facility.
11. The subject facility, including the parking lot, shall be maintained in an attractive condition and be kept free of trash and debris at all times.
12. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate vicinity so as to render objects or persons clearly visible. Said lighting shall be directed in such a manner so as to not illuminate any nearby properties.
13. Electronic age verification device(s) shall be installed on the premises which are used to determine the age of any individual attempting to purchase alcohol. These devices shall be maintained in an operational condition and all employees shall be instructed in their use.
14. At any time during the period of validity of this permit, should documented evidence be submitted showing continued violation of any condition of this permit, resulting in an unreasonable level of disruption or nuisance to the neighboring properties, the Deputy Community Development Director reserves the right to revoke or modify the Administrative Use Permit as outlined in the Culver City Municipal Code Section 17.660.015 A.

ATTACHMENT 1

15. A Covenant and Agreement shall be signed and notarized prior to the business tax certificate issuance certifying the property owner acknowledges and agrees the covenant and agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns.
16. The project shall comply with all applicable CCMC noise regulations.
17. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Planning Division, Police Department, Code Enforcement Division, Building Safety Division or any other enforcement agency.
18. This Administrative Use Permit will expire if not used within one year after the date it becomes effective, unless the applicant submits an extension request in writing, and is granted the said extension by the Deputy Community Development Director. If the sale of alcohol ceases for one year or more after this Administrative Use Permit becomes effective, then this AUP will become null and void.
19. The applicant and property owner shall indemnify, defend and hold harmless the City, and the City's elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all claims, demands, lawsuits, judgments, liability, injury or damage which may result from or arise in connection with third party challenges to the City's approval of the project. Said indemnification shall be set forth in a written instrument acceptable to the City Attorney.

Appeal

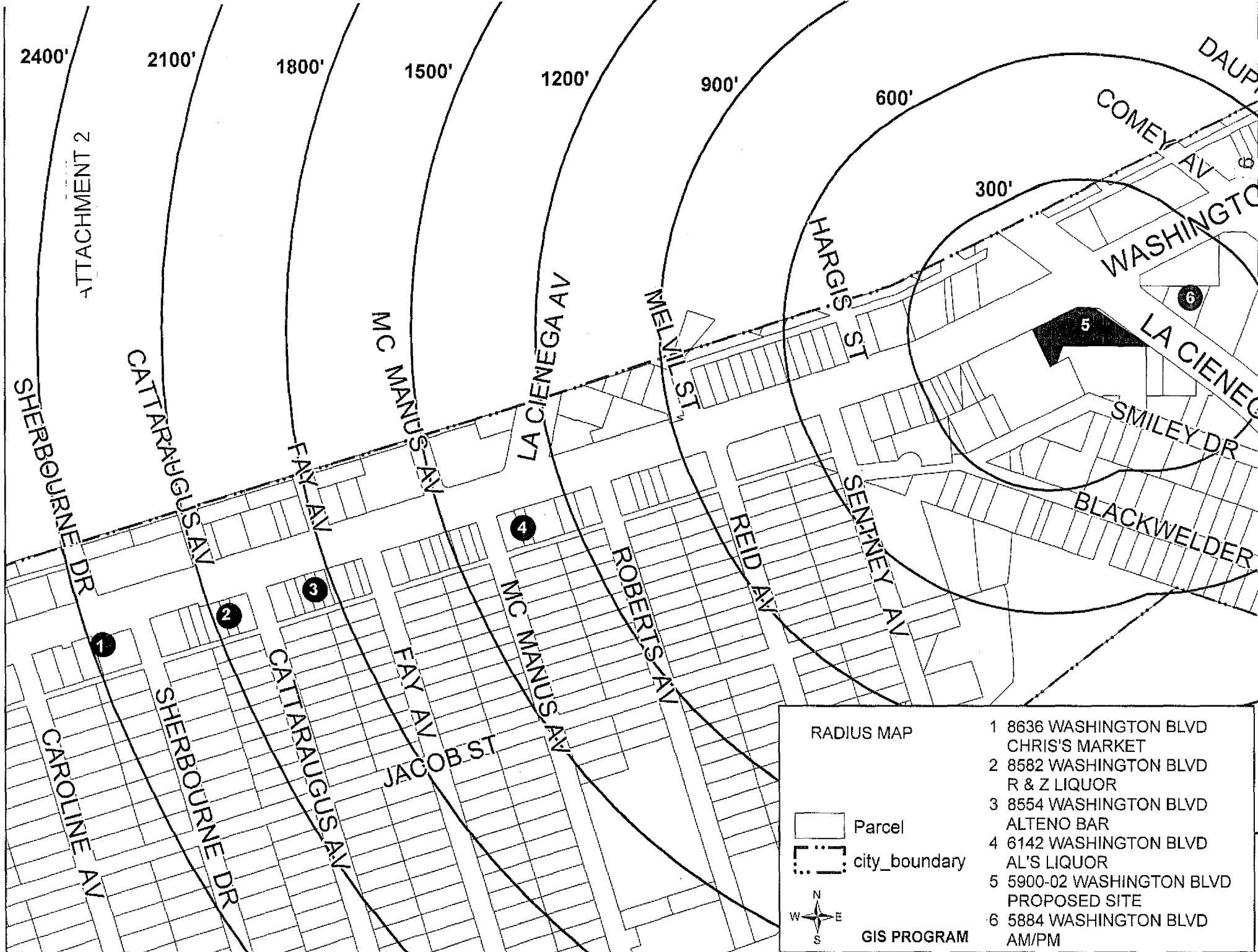
This administrative decision may be appealed in accordance with Title 17, Article 17.640, Appeals, by any interested person, within 15 calendar days of approval, or by 5:30 P.M., on April 20, 2009. If no appeal is filed by that date, the decision shall be final. If a timely appeal is filed, we will notify you. If you have any questions, please contact Christina Rios, Assistant Planner, at (310) 253-5756.

Sincerely,



Thomas Gorham
Deputy Community Development Director/Planning Manager

Copy: Decision Letter Binder
Case File





SPEAKER CARD

CITY OF CULVER CITY
CITY COUNCIL

Please Print

Meeting Date: 4/20/19 Agenda Item No.: A 1Name: Marta Beragoza Phone Number: _____

(Optional)

Organization Represented: _____

(Only complete this line if you are the official representative of this organization.)

If you would like to receive future notification on the topic you are addressing, please check a box and complete the following:

- ☐ Address: _____
- ☐ E-mail Address: _____

Please check one of the following for comment:

- ☐ I would like to speak on this agenda item.
- ☒ I would like my written comments read into the record.

The issue of a tax generating business, like a 7-11 convenience store has not been ~~not been~~ brought before the community; it would immediately impact. Mayor Councilman

(Continue on other side)

I agree to the Rules of Decorum on the reverse side of this card.

**Please observe these rules
when addressing the City Council**

When addressing the City Council, speakers will abide by the Rules of Decorum as set forth in the Municipal Code [3.01.145(A)(2)], as well as rulings of the Mayor in support of respectful conduct and language. All speakers must avoid disruptive activity. Any speaker, whose manner of presentation disregards these basic standards of propriety and accepted public speech, will be directed by the Mayor to cease.

Written Comments (continued):

Armenta has a more personal reason for initiating an appeal to an Administrative Use Permit already granted by our Director!

I support the Permit already granted for a 7-11 to come into our neighborhood.

If Armenta is concerned with liquor sold in the area, there are 4 restaurants/cafe's who have been granted liquor licenses he could have opposed in the last 3 yrs but he didn't.

TO: Christina Rios, Assistant Planner
Culver City Planning Division
P.O. Box 507
Culver City, CA 90232

RECEIVED

MAR 04 2009

FROM: Mark Amparan, President
Artex Mfg. Co. dba Nova Color
5894 Blackwelder St.
Culver City, CA 90232-7304

Culver City
Planning Division

Cell: 310-612-3719
Email: markamparan@earthlink.net

03-03-09 RE: AUP P-2009009 (7-Eleven; Anil Ali)

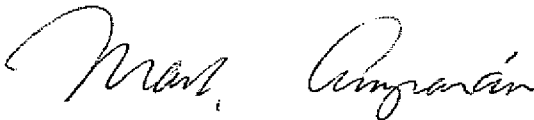
Dear Ms. Rios;

Please accept this as a follow-up to our email of 02-02-09.

We wish to renew our objection to the permit for alcohol sales at 5900 and 5902 Washington Blvd. The applicant is Anil Ali of Santa Monica.

We do not see any benefit to our community in having more alcoholic beverages made available in our area. There are already too many alcohol-related incidents of car accidents, domestic troubles, and addiction in our cities. We think that adding to the availability of alcohol does not help in solving these alcohol-related problems.

Thank you for your consideration of our comments.



Mark Amparan
Artex Mfg. Co.

RECEIVED

February 2, 2009

FEB 16 2009

Mrs. Rios,

Culver City
Planning Division

We, the concerned business owners of East Culver City, would like to address the authorization of a liquor/convenience store located at:

5900 and 5902
Washington Blvd.
Culver City, California
90232

The approval of an Alcoholic Beverage License in East Culver City would be a nuisance and great **detriment** to the area for several reasons. We strongly believe that the city must look in the best interest of our surrounding environment and take necessary precautions to ascertain that East Culver City develops in positive ways.

East Culver City has an ample amount of Alcoholic Beverage Licenses. As concerned business owners, we do not agree with the approval of an Alcoholic Beverage License in our area. With the increase in alcohol sales and distribution, come problems of public drinking and crime, especially in this proposed location. Customers can drink in the parking lot behind the Pizza-Hut, creating a nuisance. An increase in the crime rate would mean that the city must invest more time and funding in the police force, to help correct such problems in the area.

As the concerned business owners of Culver City, we are very pro-business and growth. We strongly agree with, and are extremely proud of the vitalization that has taken place in East Culver City; however, we are very much **against** the approval of any Alcoholic Beverage Licenses in the area. We believe that the location should be used for a purpose that can benefit our neighborhood in a much better way.

The type of development that takes place in East Culver City, will greatly impact the direction our community is headed in. We must take the necessary steps to continue to beautify East Culver City. The businesses in our area will shape our progress and growth. We must ensure that the businesses that enter our community help us head in the right direction.

Thank you for your cooperation.

Best Regards,
Concerned East Culver City Business Owners

Name (Print):

Joaquín de los Angeles

Business:

2626 S Borwick Ave

Address:

Colver City

Signature:

Joaquín

Name (Print):

Ismael Diego

Business:

Tacomien & Colver City

Address:

41453 W 25th St

Signature:

Ismael Diego

Name (Print):

J. ROMERO

Business:

DUGGAN & ASSO

Address:

5804 W ADAMS Alvar City

Signature:

J. Romero

Name (Print):

LYNNE BLAKES

Business:

Address:

2021 Sentry Ave

Signature:

Lynne Blakes

Name (Print):

Jan Phur

Business:

6119 Washington Blvd

Address:

Culver City

Signature:

Jane Root

Name (Print): Luis E Fraustos

Business: _____

Address: 3544 schaefer St. culver city CA 90232

Signature: Luis E Fraustos

Name (Print): Dan Rice

Business: Motherland Music

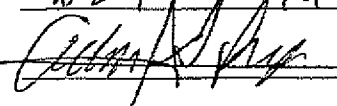
Address: 2921 La Cienega Blvd.

Signature: 

Name (Print): Adan G. Pugs

Business: Handy man

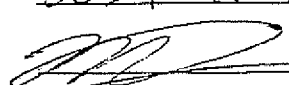
Address: 2649 La Cienega

Signature: 

Name (Print): Million Tedesco

Business: Industry Jaz

Address: 6039 Washington Blvd

Signature: 

Name (Print): Mehdi Behrman

Business: BEHMAN Associate

Address: 6300 Slauson Ave

Signature: Culver City CA



Name (Print):

Business:

Address:

Signature:

Name (Print):

Business:

Address:

Signature:

Name (Print):

Business:

Address:

Signature:

Name (Print):

Business:

Address:

Signature:

Name (Print):

Business:

Address:

Signature:

ATTACHMENT 3

Name (Print): JESU MOYA
Business: LOS ANGELES CUSTOM FURNITURE AND REP INC
Address: 2651 S. FAIRFAX DR. COLTON CITY 90232
Signature: [Signature]

Name (Print): BEN NIKFARJAM
Business: HRC
Address: 5834 WASHINGTON BLV CULVER CITY
Signature: [Signature]

Name (Print): _____
Business: _____
Address: _____
Signature: _____

Name (Print): _____
Business: _____
Address: _____
Signature: _____

Name (Print): _____
Business: _____
Address: _____
Signature: _____

RECEIVED ATTACHMENT 3

FEB - 3 2009

Culver City
Planning Division

To Whom It May Concern:

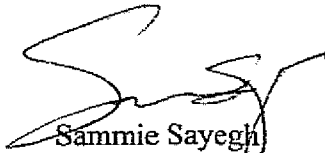
My name is Sammie Sayegh, and I own the property located at 5879 Washington Blvd, in Culver City.

I strongly oppose the approval of an Alcoholic Beverage License for 5890-5892 Washington Blvd, Culver City.

Washington Blvd. is rapidly improving. Adding another Alcoholic Beverage License will be a step backwards for our community, increasing crime in the neighborhood, and promoting and condoning the use of alcoholic beverages.

East Culver City is so saturated with such licenses that the city should take measures to reduce alcoholic beverage sales, not promote them. I strongly feel that another Alcoholic Beverage License would not be healthy for my community.

Regards,



Sammie Sayegh
(310) 895-4838

ATTACHMENT 3

Rios, Christina

From: Mark Amparan [markamparan@earthlink.net]
Sent: Monday, February 02, 2009 3:44 PM
To: Rios, Christina
Subject: AUP for alcohol sales; Anil Ali

Hello, Ms. Rios.

Please note our objection to the permit for alcohol sales at 5900 and 5902 Washington Blvd. The applicant is Anil Ali of Santa Monica,

There is no positive benefit to our community in having more alcoholic beverages made available in our area. There are already too many alcohol-related incidents of car accidents, domestic troubles, and addiction. Why add to the supply of alcohol presently allowed?

Thank you for your consideration of our comments.

Mark Amparan
Artex Mfg. Co.
5894 Blackwelder St., Culver City 90232
markamparan@earthlink.net

RESOLUTION NO. 2009-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA DENYING AN APPEAL AND UPHOLDING THE DIRECTORS APPROVAL OF AN APPLICATION FOR AN ADMINISTRATIVE USE PERMIT FOR THE OFF-SALE OF BEER AND WINE INCIDENTAL TO A PROPOSED 7-ELEVEN CONVENIENCE STORE LOCATED AT 5900-5902 WASHINGTON BOULEVARD.

(Administrative Use Permit, AUP P-2009009)

WHEREAS, on January 21, 2009, Anil Ali, as the applicant, filed an Administrative Use Permit (AUP) application for the off sale of beer and wine incidental to a proposed 7-Eleven convenience store located at 5900-5902 Washington Boulevard in the East Washington Overlay (EWO) zone and the Industrial General zone; and

WHEREAS, on February 26, 2009 notification of the pending administrative decision of the AUP application for beer and wine sales incidental to a 7-Eleven convenience store, and invitation to submit comments was sent to property owners and occupants within 500-feet of the proposed convenience store; and

WHEREAS, on April 3, 2009 following close of the required comment period, the Administrative Use Permit, AUP P-2009009 was approved by the Director; and

WHEREAS, at the April 20, 2009 City Council meeting, after thorough discussion, the Council determined by a vote of 3 to 2 to initiate an appeal pursuant to Zoning Code Section 17.640.015 of the AUP approval; and

WHEREAS, on June 8, 2009, the City Council conducted a duly noticed public hearing on the appeal of the Administrative Use Permit approval, fully considered the application, plans, staff report, and all testimony presented and the City Council by a vote of ___ to ___ denied the appeal upholding the approval of Administrative Use Permit, AUP P-2009009.

1 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
2 CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

3 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the
4 Culver City Municipal Code (CCMC) Section 17.530.020 required findings for an
5 Administrative Use Permit, subject to all conditions of approval contained the Notice of
6 Decision dated April 3, 2009, the following findings are hereby made:
7

8
9 **A. The proposed use is allowed within the subject zoning district with the approval
10 of an Administrative Use Permit and complies with all other applicable
11 provisions of this Title and the CCMC.**

12 The primary convenience store use is a permitted use in the EWO and IG zone. The
13 proposed use, off-sales of beer and wine incidental to a convenience store, is allowed
14 within the subject zoning district with the approval of an Administrative Use Permit
(AUP) subject to required findings. The required findings to approve the AUP have
been made herein. The proposed use as conditioned will comply with all other
applicable Provisions of Title 17- Culver City Zoning Code and the Municipal Code.

15 **B. The proposed use is consistent with the General Plan and any applicable
16 Specific Plan.**

17 The proposed use, off-sales of beer and wine incidental to a convenience store, is
18 consistent with the General Corridor General Plan designation which promotes small
19 commercial establishment that serve the community. The proposed use will provide
basic shopping opportunities for the nearby commercial tenants, commuters and the
nearby residential neighborhood. There is no Specific Plan for this area.

20 **C. The design, location, size, and operating characteristics of the proposed use are
21 compatible with the existing and future land uses in the vicinity of the subject
22 site.**

23 There is a variety of commercial uses surrounding the project site and within the retail
24 center that the project is located. The subject site does not immediately abut any
25 residential properties and does not have direct access to any residential
26 neighborhoods. The closest residential uses are over 300 feet away to the west
27 across Ballona Creek. The project has been conditioned to ensure compatibility with
28 the neighborhood and future land uses in the vicinity of the subject site. Should
29 unexpected negative impacts arise from the conduct of the proposed use, this
Administrative Use Permit may be subject to revocation or modification as deemed
necessary. Improvements to the site including landscaping, parking, and façade were
previously approved through a building permit. The interior improvements for the
convenience store will be reviewed through a building permit and will meet all current
building, zoning, and fire codes.

- 1 **D. The subject site is physically suitable for the type and intensity of use being**
2 **proposed, including access, compatibility with adjoining land uses, shape, size,**
3 **provision of utilities, and the absence of physical constraints.**

4 The 7-Eleven convenience store will be located in a small retail center that includes
5 Pizza Hut, an optometry office, and a salon which are uses commonly found in a small
6 retail center. The proposed convenience store will occupy approximately 2,500 square
7 feet of tenant space and tenant improvements for the space will be reviewed
8 separately. The retail center requires 20 on-site parking spaces pursuant to the Zoning
Code and 28 on-site parking spaces are being provided. The project site is compatible
with surrounding commercial uses and is found to be physically suitable for the
proposed use subject to compliance with the conditions of approval contained herein.

- 9 **E. The establishment, maintenance or operation of the proposed use will not be**
10 **detrimental to the public interest, health, safety, or general welfare, or injurious**
11 **to persons, property, or improvements in the vicinity and zoning district in**
12 **which the property is located.**

13 The applicant is requesting to sale alcohol (beer and wine) incidental to a convenience
14 store that would serve those who live and work nearby and permit them to patronize a
neighborhood establishment rather than driving elsewhere. The convenience store will
also offer packaged groceries, prepared food, and essential products used for daily
living.

15 The proposed use will serve the public convenience and welfare and as cited is
16 compatible with the character of the surrounding uses. The conditions of approval will
17 ensure that the operation of the convenience store including off-sales of beer and wine
18 will not be detrimental to the public interest, health, safety, or general welfare, or
injurious to persons, property, or improvements in the vicinity and zoning district in
which the property is located.

19
20 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council
21 of the City of Culver City, California, hereby approves Administrative Use Permit, AUP P-
22 2009009112, subject to all conditions of approval contained in the Notice of Decision dated
23 April 3, 2009.
24
25
26
27
28
29

ATTACHMENT 4

APPROVED and ADOPTED this 8th day of June, 2009.

ANDREW WEISSMAN, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED TO AS FORM:

ELLA VALLADARES, City Clerk

CAROL SCHWAB, City Attorney

RESOLUTION NO. 2009-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA GRANTING AN APPEAL AND OVERTURNING THE DIRECTORS APPROVAL OF AN APPLICATION FOR AN ADMINISTRATIVE USE PERMIT FOR THE OFF-SALE OF BEER AND WINE INCIDENTAL TO A PROPOSED 7-ELEVEN CONVENIENCE STORE LOCATED AT 5900-5902 WASHINGTON BOULEVARD..

(Administrative Use Permit, AUP P-2009009)

WHEREAS, on January 21, 2009, Anil Ali, as the applicant, filed an Administrative Use Permit (AUP) application for the off sale of beer and wine incidental to a proposed 7-Eleven convenience store located at 5900-5902 Washington Boulevard in the East Washington Overlay (EWO) zone and the Industrial General zone; and

WHEREAS, on February 26, 2009 notification of the pending administrative decision of the AUP application for beer and wine sales incidental to a 7-Eleven convenience store, and invitation to submit comments was sent to property owners and occupants within 500-feet of the proposed convenience store; and

WHEREAS, on April 3, 2009 following close of the required comment period, the Administrative Use Permit, AUP P-2009009 was approved by the Director; and

WHEREAS, at the April 20, 2009 City Council meeting, after thorough discussion, the Council determined by a vote of 3 to 2 to initiate an appeal pursuant to Zoning Code Section 17.640.015 of the AUP approval; and

WHEREAS, on June 8, 2009, the City Council conducted a duly noticed public hearing on the appeal of the Administrative Use Permit approval, fully considered the application, plans, staff report, and all testimony presented and the City Council by a vote of ___to ___ grant the appeal and deny the approval of Administrative Use Permit, AUP P-2009009.

ATTACHMENT 5

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the foregoing recitations and the provisions of the
Culver City Municipal Code (CCMC) Section 17.530.020, the following required finding can
not be met to approve the Administrative Use Permit:

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council
of the City of Culver City, California, hereby approves Administrative Use Permit, AUP P-
2009009112, subject to all conditions of approval contained in the Notice of Decision dated
April 3, 2009.

APPROVED and ADOPTED this 8th day of June, 2009.

ANDREW WEISSMAN, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED TO AS FORM:

ELLA VALLADARES, City Clerk

CAROL SCHWAB, City Attorney

**Table 5-1
Review Authority**

Type of Permit or Decision	Procedure is in Section	Role of Review Authority (1)			
		Director	Board of Zoning Adjustment	Planning Commission	City Council

Administrative and Amendments

General Plan Amendments	17.620			Recommend	Decision
Interpretations	17.120	Decision	Appeal	Appeal	Appeal
Time Extensions	17.595	Decision		Appeal	Appeal
Zoning Map Amendments	17.620			Recommend	Decision
Zoning Text Amendments	17.620			Recommend	Decision

Land Use Permits/Development Approvals

Administrative Use Permits	17.530	Decision		Appeal	Appeal
Administrative Site Plan Review	17.540	Decision		Appeal	Appeal
Administrative Modifications	17.550	Decision		Appeal	Appeal
Comprehensive Plans	17.560			Recommend	Decision
Conditional Use Permits	17.530			Decision	Appeal
Development Agreements	17.590			Recommend	Decision
Height Exemptions	17.300			Recommend	Decision
Master Sign Program	17.330	Decision		Appeal	Appeal
Site Plan Review	17.540			Decision	Appeal
Specific Plans	17.570			Recommend	Decision
Special Event/Temporary Event Permits	17.520	Decision (2)		Appeal	Appeal
Temporary Use Permits	17.520	Decision		Appeal	Appeal
Tentative Parcel Map	15.10			Decision	
Tentative Tract Map	15.10			Recommend	Decision
Variances	17.550			Decision	Appeal
Zoning Clearances	17.510	Decision		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.640 (Appeals).
- (2) Decisions on Special Events permits may be referred to the Committee on permits and licenses for review and approval per CCMC Chapter 11.01. (General Licensing).