

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 4/20/2009		Item Number: <u>A-1</u>	
AGENDA ITEM: Consideration of Initiation of Appeal of the Director's Decision Granting an Administrative Use Permit for the Off-Sales of Beer and Wine Incidental to a Proposed New 7-Eleven Convenience Store Located at 5900-5902 Washington Boulevard			
Contact Person/Dept.: Thomas Gorham, Planning Manager		Phone Number: (310) 253-5727	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (4/16/09); Applicant and property owner (4/15/09).			
Department Approval: Sol Blumenfeld (04/16/09)		City Attorney Approval: Carol Schwab (by H. Baker)(04/16/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/16/09)		City Manager Approval: Jerry B. Fulwood (04/16/09)	

RECOMMENDATION:

Staff recommends the City Council consider the initiation of an appeal of the Director's decision granting an Administrative Use Permit for the off-sales of beer and wine incidental to a proposed new 7-Eleven convenience store located at 5900-5902 Washington Boulevard.

BACKGROUND/DISCUSSION:

On April 3, 2009 an Administrative Use Permit was approved for the sale of alcoholic beverages incidental to a new 7-Eleven convenience store located at 5900-5902 Washington Boulevard. The approval is subject to a 15 day appeal period, which ends on April 20, 2009. The subject Decision Letter is attached.

On April 6, 2009, Councilmember Armenta requested an opportunity to discuss the decision. Zoning Code Section 17.640.015 states:

*"A member of the Council may request the opportunity to discuss any decision previously rendered by the Director [of Community Development] or [Planning] Commission; however, **a majority vote of the Council is required to initiate an appeal of the decision.** Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing. The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council." [emphasis added]*

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Pursuant to Councilmember Armenta's request, this item has been agendized tonight for the Council to consider initiation of an appeal.

In deciding whether to appeal the decision, the Council should be aware of Zoning Code Section 17.640.030 C. "Required Statement and Evidence" which outlines the basis for appeals:

1. Applications for appeals shall include a general statement specifying the basis for the appeal and the specific aspect of the decision being appealed.
2. Appeals shall be based upon an error in fact, dispute of findings or inadequacy of conditions to mitigate potential impacts.
3. Appeals shall be accompanied by supporting evidence substantiating the basis for the appeal.

Although the Council is not required to formally submit a written application setting forth the above, if an appeal were to be initiated, the Council would need to make the appropriate findings in making a decision on such appeal.

If a majority of the Council votes to initiate an appeal of the decision, then the matter will be scheduled for a public hearing before the City Council with proper notice provided to the applicant and all those previously noticed (property owners and occupants within 500-feet of the proposed convenience store) at least 21 days prior to the hearing.

FISCAL IMPACT:

There is no fiscal impact associated with this proposed action.

ATTACHMENTS:

1. April 3, 2008 AUP Decision Letter

MOTION:

That the City Council:

- 1A. Initiate an appeal of a decision granting an Administrative Use Permit for the off-sales of beer and wine incidental to a proposed new 7-Eleven convenience store located at 5900-5902 Washington Boulevard;

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OR

1B. Take no action.