

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 2/1/2010		Item Number: <u>A-1</u>	
AGENDA ITEM: Consideration of Initiation of Appeal of the Community Development Director's Decision Approving an Administrative Site Plan Review to Allow a Two Story Addition for Office Space and One Residential Unit to an Existing Building Located at 9355 Culver Boulevard, an Administrative Use Permit for tandem Parking, and an Administrative Modification to Reduce the Number of Required Parking Spaces by One Space.			
Contact Person/Dept.: Thomas Gorham		Phone Number: (310) 253-5702	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Meetings and Agendas – City Council (01/28/10); Applicant and property owner (1/27/10).			
Department Approval: Sol Blumenfeld (01/27/10)		City Attorney Approval: Carol Schwab (by H. Baker)(01/27/10)	
Chief Financial Officer Approval: Mark Scott (by N. Kimball) (01/27/10)		City Manager Approval: Mark Scott (01/27/10)	

RECOMMENDATION:

That the City Council consider the initiation of an appeal of the Community Development Director's decision approving an Administrative Site Plan Review to allow a two story addition for office space and one residential unit to an existing building located at 9355 Culver Boulevard, an Administrative Use Permit for tandem parking, and an Administrative Modification to reduce the number of required parking spaces by one space.

BACKGROUND/DISCUSSION:

On January 19, 2010 an Administrative Site Plan Review to allow a two story addition for office space and one residential unit to an existing building located at 9355 Culver Boulevard, an Administrative Use Permit for tandem parking, and an Administrative Modification to reduce the number of required parking spaces by one space was approved. The approval is subject to a 15 day appeal period, which ends on February 3, 2010. The subject Decision Letter is attached.

On January 25, 2010, 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*

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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]

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

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

If a majority of the City 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 project) at least 21 days prior to the hearing.

FISCAL IMPACT:

There is a staff cost associated with processing an appeal, which varies with the complexity of the appeal. Typically, a portion of this staff cost is recovered through an appeal fee, which is currently “1/2 the current application fee or \$1,500, whichever is less” as adopted in the 2009-10 fee schedule. Since the City would be appealing party in this particular instance, there would be no appeal fee, but there would still be the associated staff cost to process the appeal.

ATTACHMENTS:

1. January 19, 2010 Decision Letter

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MOTION:

That the City Council:

1A. Initiate an appeal of a decision approving an Administrative Site Plan Review to allow a two story addition for office space and one residential unit to an existing building Located at 9355 Culver Boulevard, an Administrative Use Permit for tandem parking, and an Administrative Modification to reduce the number of required parking spaces by one space.;

OR

1B. Take no action.