

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 08/13/2008		Item Number: <u>A-1</u>	
AGENDA ITEM: Consideration of a Request by Appellant for the Postponement of the Appeal Hearing Relating to 4043 Irving Place from August 18, 2008 to a Date in September 2008.			
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: Appellant and Applicant notified via telephone on August 12, 2008.			
Department Approval: Sol Blumenfeld (8/12/08)		City Attorney Approval: Heather Baker (08/12/08)	
Fiscal Impact Review: Jeff Muir (by N. Kimball) (08/12/08)		City Manager Approval: Jerry B. Fulwood (08/13/08)	

RECOMMENDATION:

Staff recommends the City Council consider the request by the appellants to continue this item to September. If the Council determines that a continuance is appropriate, staff recommends the hearing be scheduled for a Joint Council/Agency meeting on September 15, 2008.

BACKGROUND

On April 9, 2008, the Planning Commission approved an application by Sal Gonzales (the "Applicant") to allow the construction of a 3 and 4 story mixed-use project ranging in height from 37 to 46 feet with 26 residential condominium units, 3,380 square feet of office space and subterranean parking.

On April 24, 2008, Culver City residents Michael and Judith Miller and Jim and Michelle Benke (the "Appellants"), submitted an appeal of the Planning Commission's decision.

The following outlines the timeline related to the appeal of the Planning Commission's approval of the mixed use project:

March 12, 2008: Planning Commission Public Hearing continued at the request of the applicant.

April 9, 2008: Project approved by Planning Commission at continued public hearing.

April 24, 2008: Timely appeal of Planning Commission approval filed by Judith and Michael Miller and Jim and Michelle Benke.

April 28, 2008: Revised appeal document filed by Judith Miller.

City of Culver City, California
City Council Agenda Item Report

May 8, 2008: Staff meets with Judith Miller to discuss the neighbor's issues and informs her of tentative June 23rd appeal hearing date.

May 11, 2008: E-mail from Judith Miller requesting tentative June 23rd appeal hearing date be postponed due to the Benke's being out of town from June 20th -July 24th and the Miller's being out of town until July 29th and request a slight delay in the appeal hearing until after July 29th.

May 12, 2008: E-mail from staff to Judith Miller asking if appellants would be available for a June 16th hearing date. E-mail response from Judith Miller indicating that June 16th would not work, but July 14th would.

May 19, 2008: Staff sets tentative appeal date for July 21st.

May 20, 2008: Second revised appeal document filed by Judith Miller.

May 28, 2008: E-mail from Judith Miller requesting postponement of appeal hearing until September because a number of people in the neighborhood association will be out of town for the summer and their attorney will be out of town during the months of July and August. Staff meets with applicant to discuss potential revisions to project to address neighbors concerns and applicant notes they will explore design changes to address neighbor's issues and submit to staff to present to the neighbors.

June 26, 2008: Staff meets with neighborhood representatives to discuss project revisions proposed by applicant.

July 7, 2008: Staff informs applicant that July 21st hearing date will be postponed due to noticing issues. Applicant notified that new hearing date will be August 18th.

July 10, 2008: Staff informs Grace Ressler representing the appellants of the August 18th hearing date.

July 28, 2008: Public Notice of August 18th hearing date mailed.

July 30, 2008: Letter sent to Judith Miller and Grace Ressler outlining the timeline related to the appeal and informing them that the August 18th date has been set.

DISCUSSION

As outlined above, the project approval and appeal both occurred in April. Both the Appellants and the Applicant are entitled to a timely appeal hearing and as such the initial hearing was set for June 23rd. Staff then met with the Appellants to ascertain the issues they were primarily concerned with and noted that they would work with the Applicant to see if design changes could be made. The Appellants requested a delay of the appeal hearing to July and staff accommodated this request by moving the hearing date to July 21st. In the interim staff worked with the Applicant to consider potential design changes. Staff met with the neighbors on June 26th to present the design changes proposed by the Applicant. The July 21st hearing date was subsequently changed to August 18th due to a delay in the required public noticing resulting from the on-going meetings between staff, the Appellants and the Applicant. The Appellants continued to request a September hearing date. The

City of Culver City, California
City Council Agenda Item Report

August 18th date was chosen as a result of the Applicant's request to move forward with the hearing after two postponements resulting from an attempt by staff and the Applicant to address the neighbors concerns.

Staff recommends the Council consider the Appellants' request for postponement and direct staff as deemed appropriate.

ATTACHMENTS:

None.

FISCAL IMPACT:

In the event the Council grants the Appellants' request for postponement, staff will need to re-notice the new public hearing date at a cost of approximately \$1,200.

MOTION:

That The Council:

1. Continue the Public Hearing for the 4043 Irving Place appeal to September 15, 2008.

OR

2. Take no action