



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 18-0747, **Version:** 1

Item #: A-8.

CC - (1) Request by Vice-Mayor Small to the City Council to Consider the Initiation of an Appeal of the Planning Commission's Decision to Grant a 12-Month Extension of the Permit for Site Plan Review, SPR P-2008047 for the Conjunctive Points Warner Development; and (2) Direction to the City Manager as Deemed Appropriate.

Meeting Date: January 22, 2018

Contact Person/Dept: Sol Blumenfeld/CDD

Phone Number: (310) 253-5700

Fiscal Impact: Yes ☐ No ☐

General Fund: Yes ☐ No ☐

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Commission Action Required: Yes ☒ No ☐ **Date:** 1/10/18

Public Notification: (E-Mail) Meetings and Agendas - City Council (01/17/18);

Department Approval: Sol Blumenfeld, Community Development Director, (01/17/18)

RECOMMENDATION

Staff recommends the City Council (1) consider Vice-Mayor Small's request that the City Council consider the initiation of an appeal of the Planning Commission's decision to grant a 12-month extension of the Permit for Site Plan Review, SPR P-2008047 for the Conjunctive Points Warner Development; and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND/DISCUSSION

The project applicant requested 12-month extension of a development permit for the Warner Parking Structure project located at 8511 Warner Avenue in the Hayden Tract. The applicant has received several permit extensions for an aggregate period of approximately seven years, which were approved administratively pursuant to Section 17.595.030.D of the Zoning Code. The project is a 775 car parking structure, 41,520 sq. ft. of retail and 10,000 sq. ft. of restaurant space and was approved on appeal in August 2009. (Please see Attachment No. 1 for project details in the January 10, 2018 Planning Commission staff report.).

Zoning Code Section 17.595.030.A provides that a permit shall expire one year from the date of approval, unless otherwise specified in the permit, if the permit has not been exercised (commencement of construction). When an applicant is unable to commence construction within that time period, they may request a one year development permit extension from the Director. The Director may grant the permit extension if there is evidence supplied by the applicant that there has been a good faith effort to execute the permit. The burden is on the applicant to supply the evidence.

The Zoning Code does not specify how many permit extensions may be granted and the permit for 8511 Warner Avenue has been extended for several years due to the economic downturn that ran approximately from 2009 - 2011, the recovery of the office/retail market for two years thereafter, issues related to parking demand in the Hayden Tract, and project modifications that required additional time for redesign.

Section 17.540.015 D of the Zoning Code authorizes the Director to refer a permit application to the Planning Commission when there are unusual circumstances that apply to it. Over the prior two extensions it was made clear to the applicant that the Zoning Code does not provide for Director authorized permit extensions indefinitely and that the matter would be referred to the Planning Commission for decision. Most recently, in the attached correspondence, the applicant has requested a permit extension due to

- Inability to secure tie-back agreements with neighboring properties complicating the permit issuance;
- Inability to finalize a dewatering approach resulting in reconsideration of constructing the lowest parking level;
- Consideration of market trends due to new Hayden Tract parking constructed since the 2009 entitlement.

On January 10, 2018, the Planning Commission approved a 12-month permit extension with the requirement that the applicant provide a status update to the Planning Commission six months following the date the extension.

In accordance with Zoning Code Section 17.640.015, Vice-Mayor Small submitted a request to the City Manager to discuss with the City Council the possibility of initiating an appeal of the Planning Commission's January 10, 2018 decision.

The Zoning Code allows for an individual Council Member to request an opportunity to discuss a decision of the Planning Commission; however, it requires a majority of the City Council to actually initiate an appeal of such decision. Specifically, Section 17.640.015 provides:

“A member of the Council may request the opportunity to discuss any decision previously rendered by the Director or 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.”

If a majority of the City Council determines to initiate an appeal, a public hearing will be scheduled for a future City Council meeting date.

FISCAL ANALYSIS

The discussion of whether to initiate an appeal does not create fiscal impact.

ATTACHMENTS

1. Planning Commission Staff Report - January 10, 2018
2. Correspondence.pdf

MOTION

That the City Council:

1. Consider Vice-Mayor Small's request that the City Council consider the initiation of an appeal of the Planning Commission's decision to grant a 12-month extension of the Permit for Site Plan Review, SPR P-2008047 for the Conjunctive Points Warner Development; and
2. Provide direction to the City Manager as deemed appropriate.