

Date: 8-14-18

Item No. 9 and 47

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
1900 Main Street, 5th Floor | Irvine, CA 92614-7321
Telephone: 949.553.1313 | Facsimile: 949.553.8354
www.allenmatkins.com

K. Erik Friess
E-mail: rfriess@allenmatkins.com
Direct Dial: 949.851.5478 File Number: 376839-00001/OC1191338

VIA ELECTRONIC MAIL

August 8, 2018

Mike Gardner, City Council Member
City of Riverside
3900 Main Street
Riverside, CA 92522

**Re: Continuance of City Council Hearing on Appeal of Planning
Commission's Approvals for Center Street Commercial Building
(Planning Case Nos. P14-1033 and P14-1034)**

Dear Council Member Gardner:

As you know, this firm represents Transition Properties L.P., the developer of the Center Street Commercial Building Project, which approvals are on appeal from the Planning Commission and set for public hearing before the City Council on August 14, 2018. My client informs me that on July 31, 2018, you personally called Art Day of Transition Properties to request that Mr. Day agree to a continuance of the August 14th hearing because counsel for appellant Springbrook Heritage Alliance, Christopher Sutton, will be unable to attend that day. In a spirit of cooperation, Transition Properties has agreed to a continuance of the appeal hearing to October 9, 2018.

It bears mentioning that Transition Properties has patiently cooperated with the City throughout the approval and appeals processes for the Project, since the initial submission of entitlement applications in 2014. The Municipal Code requires that the City Council consider a Design Review appeal from the Planning Commission at the *next* regular meeting after the Land Use Committee makes a recommendation on the appeal. (Municipal Code § 19.710.070(A)(2).) Further, the Municipal Code's general rule for all appeals is that they be heard within 45 days of the appeal submission, unless the applicant, City, and appellant mutually agree on a longer time. (Municipal Code § 19.680.040.) But, by the August 14th hearing, the City Council will have held *two* regularly scheduled meetings without considering the appeal, which will have entered its *125th* day (appeal submitted April 12, 2018). Under either rule, this appeal has exceeded applicable deadlines. And throughout this entire period, Transition Properties – in an effort to accommodate all of the interested parties, including the neighbors – has not demanded that the City adhere to its rules.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Mike Gardner, City Council Member

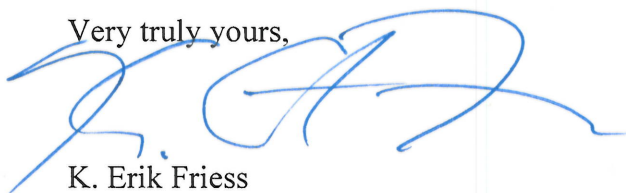
August 8, 2018

Page 2

Nevertheless, despite the above Municipal Code requirements, Transition Properties will agree to your request that it consent to a continuance. Due to scheduling difficulties – some of which Mr. Day has already mentioned to you – Transition Properties will agree to continue the hearing to the City Council's regular meeting of October 9, 2018.

In light of this continuance, Transition Properties will not appear at the August 14, 2018, City Council meeting. By doing so and agreeing to the continuance, Transition Properties does not intend to waive any rights, remedies, or objections and reserves all of them.

Very truly yours,



K. Erik Friess

KEF:slp

cc: via email:
Kristi J. Smith, Esq.
Colleen Nicol
Brian Norton

cc: Mayor
City Council
City Manager
City Attorney
ACMs
Interim C&ED Director