



## AGENDA REPORT

**Meeting Date:** January 11, 2011

**Item Number:** D-1

**To:** Honorable Mayor & City Council

**From:** Susan Healy Keene, AICP, Director of Community Development

**Subject:** SET APPEAL DATE FOR APPEAL OF PLANNING COMMISSION CONDITIONAL APPROVAL OF A NEW CONDOMINIUM STRUCTURE LOCATED AT 9936 DURANT DRIVE.

**Attachments:** None

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### **RECOMMENDATION**

It is recommended that the City Council schedule an appeal of the Planning Commission decision conditionally approving a condominium project at 9936 Durant Drive for its consideration on February 15, 2011.

### **DISCUSSION**

At meeting of September 23, 2010, the Planning Commission adopted the resolution approving the Tentative Tract Map No. 70035, Development Plan Review for a four-story, 45 foot high, 14 unit condominium building, a Density Bonus Permit for a density bonus above the Zoning Code allowed density of 11 units and a construction incentive for reduced rear yard setback and an R-4 permit for additional front yard paving for and certified the Final Environmental Impact Report for the proposed project.

On October 4, 2010, an appeal has been filed by David J. Siegel from the Planning Commission decision to conditionally approve the discretionary permits for a 14-unit condominium project including two low-income affordable units and associated Environmental Impact Report. Mr. Siegel is a neighbor south of the proposed project site.

**PROCESS**

Pursuant to Beverly Hill Municipal Code Section 1-4-105, the procedure for appeals of decisions of City Officials to the City Council is a two-step process. The matter is first placed on the Council agenda for review of the evidence presented in the appeal petition. If the evidence and information presented in the appeal is the same as was presented to the Official that rendered the decision, the Council can then set a public hearing to consider the appeal. However, if the appeal petition contains new information, the Council may order that the matter be referred back to the Official. Importantly, the Code provides that the Council shall not permit oral testimony in its determination.

Community Development Department Staff and the City Attorney's Office have reviewed the appeal petition and do not believe that new information is presented therein. Therefore, staff recommends that the Council schedule this matter for a formal public hearing on February 15, 2011 to consider the appeal.

Susan Healy Keene, AICP  
Director of Community Development



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