



AGENDA REPORT

Meeting Date: January 11, 2011

Item Number: D-2

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 MEDICAL AND GENERAL OFFICE BUILDING LOCATED AT 121 SAN VICENTE BOULEVARD.

Attachments: None

RECOMMENDATION

It is recommended that the City Council schedule an appeal of the Planning Commission decision conditionally approving a new medical and general office building at 121 San Vicente Boulevard for its consideration on January 25, 2011.

DISCUSSION

At meeting of October 14, 2010, the Planning Commission adopted a resolution approving a Development Plan Review (DPR) and variances for construction of 40,050 square foot, three-story (44' 4" high) medical/general office commercial building with 4-level of subterranean parking for 180 cars and adopted the Mitigated Negative Declaration (MND) for the proposed project. The proposed parking spaces would be a combination of tandem and standard parking spaces, and would rely on a valet operation. The City's municipal code does not allow tandem parking spaces, and the applicant has requested approval of a variance to allow the proposed tandem parking system to satisfy the code required parking. In addition, a second variance is also requested to allow the ground floor parking garage to be excluded from the total floor area calculation. The Beverly Hills Municipal Code allows parking at the ground floor to be excluded from the definition of floor area provided that not less than forty feet (40') of the ground floor be devoted to retail or offices uses and at least one full level of parking below grade is provided. The project proposes a partial office use at the ground floor which does not provide a minimum

depth of forty feet (40') as required by code. As a result, the applicant is requesting a variance to allow the above grade parking areas to be excluded from the floor area calculation.

On October 26, 2010, an appeal was filed by Kenneth R. Blumer attorneys for Dreskin, Gelber and Silverman, LLC from the Planning Commission decision to conditionally approving the project.

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 January 25, 2011 to consider the appeal.

Susan Healy Keene, AICP
Director of Community Development


