



AGENDA REPORT

Meeting Date: March 1, 2011

Item Number: D-2

To: Honorable Mayor & City Council

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

Subject: SET HEARING DATE FOR AN APPEAL OF THE PLANNING COMMISSION'S DECISION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN EQUINOX EXERCISE CLUB AT 9465 WILSHIRE BOULEVARD.

Attachments: None

RECOMMENDATION

It is recommended that the City Council schedule an appeal of the Planning Commission's decision approving a Conditional Use Permit to allow the establishment of an Equinox exercise club at 9465 Wilshire Boulevard for April 5, 2011.

DISCUSSION

On January 13, 2011, the Planning Commission approved a Conditional Use Permit to allow the establishment of an Equinox exercise club at 9465 Wilshire Boulevard. The Conditional Use Permit granted by the Planning Commission allows the exercise club to be located on the ground floor of a building located within the Business Triangle, occupy more than 25 feet of street frontage within the Pedestrian Oriented Area, and utilize shared parking facilities in order to satisfy the parking requirements set forth in the Municipal Code.

On January 26, 2011 an appeal of the Planning Commission's decision was filed by Todd Elliot, attorney on behalf of Ron and Sharon Gart, and Neighbors Organized to Protect the Environment in Beverly Hills (NOPE).

PROCESS

Pursuant to Beverly Hill Municipal Code Section 1-4-105, the procedure for appeals of Planning Commission decisions 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 Planning Commission, 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 Commission rehear the matter. Importantly, the Code provides that the Council shall not permit oral testimony in its review and determination of the appeal materials and whether further consideration by the Commission should be required.

Planning Staff and the City Attorney's Office have reviewed the appeal petition and do not believe that new information beyond that already considered by the Planning Commission is presented therein. Therefore, staff recommends that the Council formally schedule this matter for a formal public hearing on April 5, 2011 to consider the appeal.

Susan Healy Keene, AICP
Director of Community Development


Approved By