



## AGENDA REPORT

**Meeting Date:** March 11, 2009  
**Item Number:** F-18  
**To:** Honorable Mayor & City Council  
**From:** Daniel E. Cartagena, Assistant to the City Manager  
**Subject:** **AN ENCROACHMENT AGREEMENT WITH RODEO SANTA MONICA, LLC, OWNER OF THE PROPERTY LOCATED AT 469 N. RODEO DRIVE TO ENCROACH INTO THE PUBLIC RIGHT-OF-WAY ON RODEO DRIVE AND SOUTH SANTA MONICA BOULEVARD.**

**Attachments:**

1. Architectural Commission Approval Summary
2. Façade Renderings
3. Sidewalk Diagram of Proposed Encroachment

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### **RECOMMENDATION**

It is recommended that the City Council of the City of Beverly Hills authorize the City Manager to negotiate and execute in a form approved by the City Attorney, an Encroachment Agreement with Rodeo Santa Monica, LLC to allow for an encroachment into the public right-of-way.

### **INTRODUCTION**

Missoni SPA intends to open its second store in the United State at the property located on the south west corner of Rodeo Drive and South Santa Monica Boulevard at 469 N. Rodeo Drive. Missoni received Architectural Commission approval for a façade design reflective of its interest to establish this store as its Flagship while promoting and maintaining its brand image. This approved façade would encroach into the public right-of-way on both Rodeo Drive and S. Santa Monica Boulevard.

### **DISCUSSION**

The façade proposed by Missoni would encroach into the public right-of-way by five and one-half inches. Therefore, the property owner, Rodeo Santa Monica, LLC, is required to receive City approval to allow for this design element to be applied to the current building.

The City has allowed certain encroachments into the right-of-way. Open Air Dining areas and canopies are examples of encroachments currently found throughout the City.

In these instances, the business or property owner submits an application through the Planning Division in Community Development Department or the Engineering Division in the of Public Works and Transportation Department. Encroachment permits require the business or property owner to "Hold Harmless" the City should the private property located in the right-of-way be damaged. Also, an applicant is required to provide insurance to the City to protect the City from claims resulting from a building's element placed within the right-of-way. Finally, the City charges a fee for the use of the right-of way. If approved, a business or property owners is required to meet these conditions to allow for the continued use of the right-of-way

At this time, the City Manager is in negotiations with the property owner. Based on plans submitted to the City the maximum encroachment will be five and one-half inches for the length of the buildings facades on both Rodeo Drive and S. Santa Monica Boulevard totaling 75 square feet. In addition to price the City has proposed that the fee for this encroachment be paid on an annual basis. The agreement will commence upon City Council approval or completion of negotiations and the execution of an Encroachment Agreement. Furthermore, this agreement will remain in place for the period of time in which Missoni operates its business at 469 N. Rodeo Drive. Staff will present its recommendation to the City Council under a separate cover.

It is requested that the City Council authorize the City Manager to negotiate and execute in a form approved by the City Attorney, an Encroachment Agreement with Rodeo Santa Monica, LLC to allow for an encroachment into the public right-of- way.

**FISCAL IMPACT**

The City will receive a fee from Rodeo Santa Monica, LLC paid annually for use of the public right-of-way resulting from the building's encroachment.

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Daniel E. Cartagena

Approved By



# **ARCHITECTURAL COMMISSION APPROVAL SUMMARY**

A detailed Commission packet is available for review in the Library and Planning Department.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the Planning Department at 310-285-1123. Please notify the Planning Department at least seventy-two hours prior to the meeting so that reasonable arrangements can be made to ensure accessibility. Council Chambers / Meeting Rooms are equipped with audio equipment for the hearing impaired, and are wheelchair accessible.

*Decisions of the Architectural Commission may be appealed to the City Council within fourteen (14) days of the Architectural Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. (Note: Appeal Fee Required.)*

**SYNOPSIS**  
**CITY OF BEVERLY HILLS**  
**ARCHITECTURAL COMMISSION MEETING AGENDA**  
City Council Chambers  
Commission Meeting Room 280 A

**Wednesday, November 12, 2008**

- BUS TOUR:**                   **1:00 p.m. – 2:00 p.m.**  
Assemble at the 450 North Crescent Drive Entrance to City Hall  
(The bus tour will include projects listed on the Agenda)
- ROLL CALL:**                   **2:00 p.m.**  
Reconvene in City Hall Conference Room 280-A

**OPEN MEETING**

**ROLL CALL**

**APPROVAL OF AGENDA**

**COMMUNICATIONS FROM THE COMMISSION**

- Chair's Report from Mayor's Cabinet Meeting

**CONSIDERATION OF MINUTES**

1. Consideration of the Minutes of the Architectural Commission Meeting(s):
  - October 15, 2008

***Approved as amended, by Order of the Chair.***

## COMMUNICATIONS FROM THE AUDIENCE

### NEW BUSINESS

#### **GUIDE FOR PERSONS INTENDING TO SPEAK**

This guide has been prepared as an aid so that you will be able to express your opinions briefly and clearly before the Commission and thus increase the effectiveness of your presentation. **Remarks are limited to 3 minutes unless extended by the Commission.**

1. State your Name and Address.
2. Organization you represent if any.
3. Your Statement should include all pertinent facts within your knowledge. It is important to discuss only those matters relating to the hearing and to tie your discussion of the facts directly to the decision you wish the Commission to reach.

#### **Written Testimony**

In order to have written material included in the Architectural Commissioner's mailed Agenda Packet, **10 copies** of the material must be delivered to the Planning office no later than **11 calendar days** before the date of the Architectural Commission Hearing. Written material (**10 copies**) that is presented to the Architectural Commission after this date and up to 1:00 p.m. the day of the Architectural Commission Hearing, will be included in the Commissioners' Agenda folder, but may not be reviewed by individual Commissioners due to the amount of material that the Commissioners have to review for the Agenda.

### CONTINUED ITEMS

None

### PUBLIC HEARINGS

2. **350 North Canon Drive**  
**LE GRAND PASSAGE**

Sign Accommodation for Multiple Business Identification Signs and for a Building Identification to be Located on the First Floor Facade.  
(PL 086 0468)

***Approved with Conditions; 6-1.***  
***(Noes: Pepp)***

***(TAKEN OUT OF ORDER)***

### ARCHITECTURAL REVIEW

5. **404 North Beverly Drive**  
**ALDO**

Facade Remodel, Signage & Barricade Graphics  
(PL 085 7258)

- Motion 1: (Barricade)**  
***Approved with Conditions; 7-0.***  
**Motion 2: (Signage)**  
***Approved with Conditions; 7-0***

***(RETURNED TO ORDER)***

**PUBLIC HEARINGS**

3. **9500 South Santa Monica Boulevard**  
***(aka 469 North Rodeo Drive)***  
**MISSONI**  
Sign Accommodation for Multiple Sign Areas; New Building Façade  
(PL 083 5673)
- Approved with Conditions; 6-1.***  
***(Noes: Hammerstein)***

**ARCHITECTURAL REVIEW**

4. **433-435 South Doheny Drive**  
**“Doheny Apartments”**  
Façade Remodel with New Entry Gate  
(PL 085 8799)
- Return for Restudy; 7-0.***

***(Commissioner Hammerstein was excused at 3:55 pm.)***

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

- Minor (Staff) Approvals
- Monthly Code Enforcement Report

**ADJOURNMENT**

***The meeting was adjourned at 4:18 pm, to the meeting on or after 1:00 pm on December 10, 2008.***

## **FAÇADE RENDERINGS**



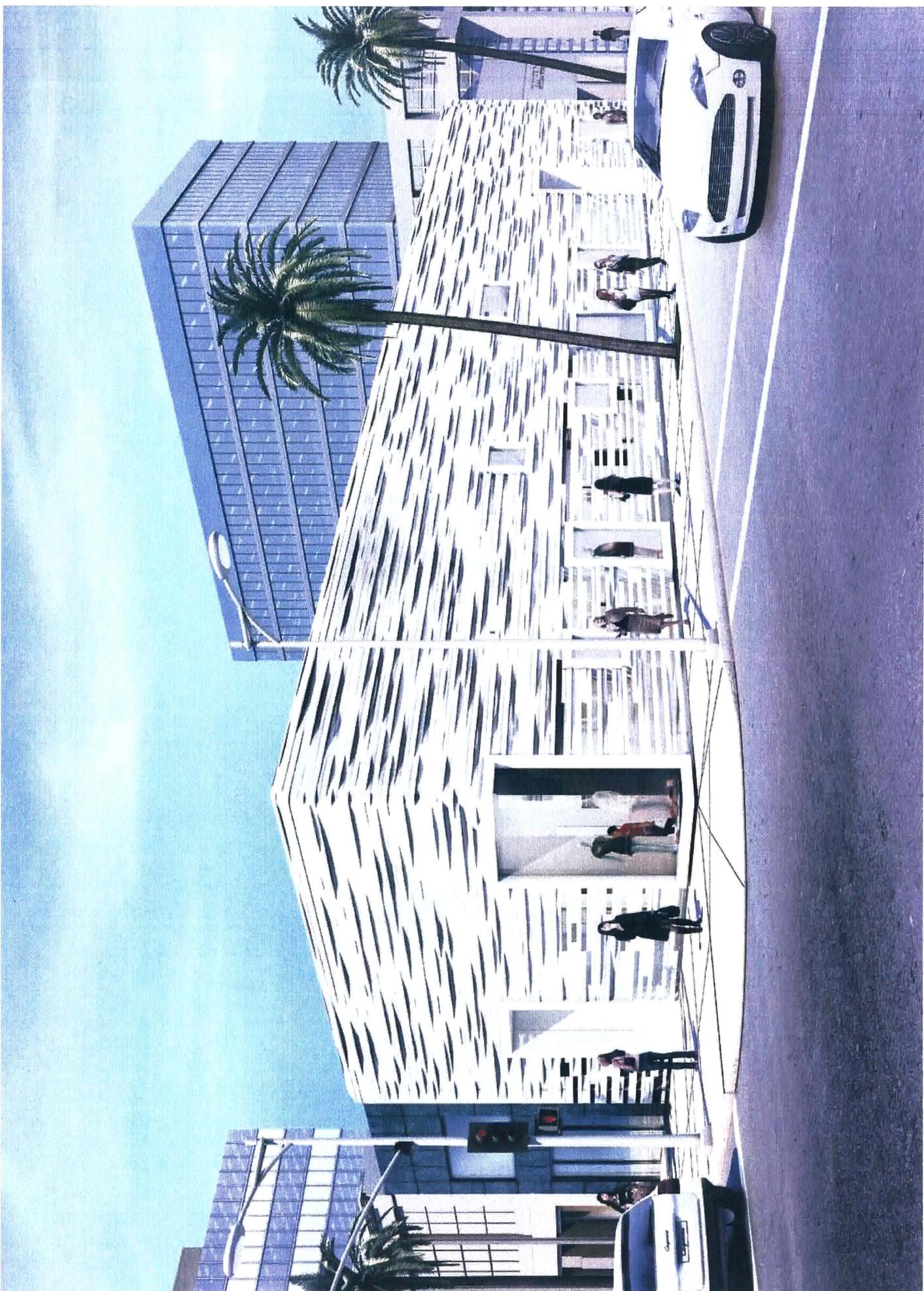
**MISSONI**

469 N. RODEO DR  
BEVERLY HILLS,  
CA 90210

**SPACE CA**  
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8607 Venice Boulevard  
Los Angeles, CA 90034

T. 310 202 0406  
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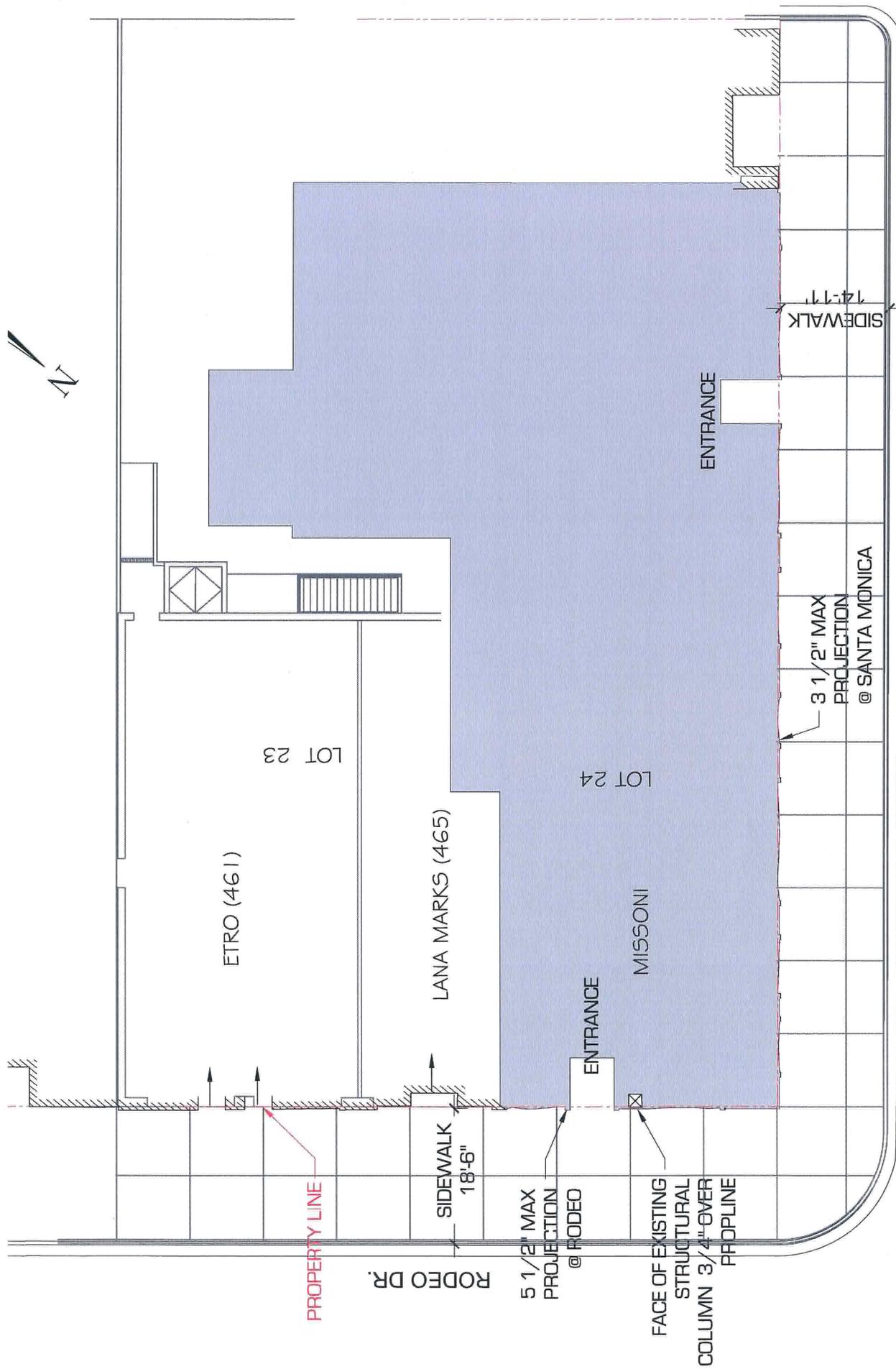
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**SIDEWALK DIAGRAM OF  
PROPOSED ENCROACHMENT**



S. SANTA MONICA BLVD.

**MISSONI**

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RODFO DR.

5 1/2" MAX  
PROJECTION  
@ RODEO

FACE OF EXISTING  
STRUCTURAL  
COLUMN 3/4" OVER  
PROPLINE

SIDEWALK

18'-6"

SIDEWALK  
1:4=1:1'

3 1/2" MAX  
PROJECTION  
@ SANTA MONICA

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