



AGENDA REPORT

Meeting Date: January 8, 2013

Item Number: D-1

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, Assistant Director of Community Development

Subject: SET HEARING DATE FOR AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A 7-ELEVEN CONVENIENCE STORE AT 401 SOUTH ROBERTSON BOULEVARD.

Attachments: 1. Appeal Petition

RECOMMENDATION

It is recommended that the City Council schedule an appeal of the Planning Commission's decision denying a Conditional Use Permit to allow the establishment of a 7-Eleven convenience store at 401 South Robertson Boulevard for February 5, 2013.

DISCUSSION

On November 8, 2012, the Planning Commission denied a Conditional Use Permit to allow the establishment of a 7-Eleven convenience store at 401 South Robertson Boulevard. A Conditional Use Permit is required for the establishment of a convenience store, and specific findings must be made by the Planning Commission in order to approve such a Conditional Use Permit. The Planning Commission was unable to make all the required findings in support of the Conditional Use Permit, and therefore denied the project.

On November 26, 2012 an appeal of the Planning Commission's decision was filed by the project applicant.

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.

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 February 5, 2013 to consider the appeal.

Susan Healy Keene, AICP
Director of Community Development


Approved By

Attachment 1

**APPEAL PETITIONS MUST BE FILED WITH THE CITY CLERK'S OFFICE WITHIN
14 CALENDAR DAYS AFTER THE DATE OF THE DECISION**

APPEAL TO City Council COMMISSION OR CITY COUNCIL

PLEASE TYPE OR PRINT CLEARLY IN BLACK INK

11/26/12
Date

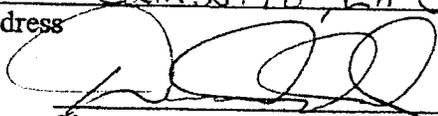
In accordance with the appeals procedure as authorized by the provisions of the Beverly Hills Municipal Code, the undersigned hereby appeals from the decision of Planning Commission (Official, Board or Commission involved) rendered on November 8, 2012; which decision consisted of: The grounds submitted for this appeal are as follows: **(WARNING: State all grounds for appeal. Describe how decision is inconsistent with law. Use extra paper if necessary.)**

The Planning Commission Denied our application based on the issues of traffic and environmental impacts, as well as concern for not having sufficient parking. We believe this decision is appealable because the traffic study prepared concluded that there would be no reasonable impact, that the staff's environmental assessment indicated there would be no increase to noise, light, glare, or traffic, and lastly our site plan provided 15 parking stalls whereas city code requires 8 and the empirical data suggests 15.
The undersigned discussed the decision being appealed with:

Mr. John Lait; ASST. PLANNING DIRECTOR on 10/23/12
(Department Head(s) Involved) Date

It is requested that written notice of the time and place for the hearing on this appeal before the City Council be sent to:

DAVID SABIDO 3424 EL CAMINITO, LA CRESCENTA CA
Name Address 91214


Signature of appealing party

3424 EL CAMINITO, LA CRESCENTA CA 91214
Address

818 519-5129
Telephone Number & Fax Number

RECEIVED
CITY OF BEVERLY HILLS
1 2012 NOV 26 P 5: 15
CITY CLERK'S OFFICE

Fee Paid \$5,062.90 (For City Clerk's use) DATE RECEIVED
American Express credit card
LOG NO. 45 x 12 Written Notice mailed to appellant:

Copies to: City Council; City Manager, City Attorney, Susan Healy Keene, Jonathan Lait, Michele McGraw
Involved Department