



AGENDA REPORT

Meeting Date: August 19, 2008

Item Number: F-4

To: Honorable Mayor & City Council

From: Anne Browning McIntosh, AICP, Interim Director of Community Development

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DENYING THE REQUEST FOR A CHARACTER CONTRIBUTING DETERMINATION RELATED TO A PROPOSED CONVERSION OF AN EXISTING APARTMENT BUILDING INTO A COMMON INTEREST DEVELOPMENT AT 404 NORTH MAPLE DRIVE (BETWEEN ALDEN DRIVE AND BEVERLY BOULEVARD)

Attachments: 1. Resolution

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution.

INTRODUCTION

This resolution upholds the Planning Commission decision and denies the request for a character contributing determination for the conversion of an existing apartment building into a common interest development for the property located at 404 North Maple Drive.

DISCUSSION

At the City Council meeting of July 15, 2008, the City Council directed staff to draft a resolution of findings denying a request for a character contributing determination for the conversion of an existing apartment building into a common interest development for property located at 404 North Maple Drive. The resolution is attached for the City Council's consideration.

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FISCAL IMPACT

There is no fiscal impact.



Anne Browning McIntosh, AICP, Interim Director of
Community Development

Approved By

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DENYING THE REQUEST FOR A CHARACTER CONTRIBUTING DETERMINATION RELATED TO A PROPOSED CONVERSION OF AN EXISTING APARTMENT BUILDING INTO A COMMON INTEREST DEVELOPMENT AT 404 NORTH MAPLE DRIVE (BETWEEN ALDEN DRIVE AND BEVERLY BOULEVARD)

The City Council of the City of Beverly Hills does resolve as follows:

Section 1. Standard Management Company (hereinafter referred to as the “Applicant”), represented by John K. Rachlin, requested that the City deem its property at 404 N. Maple Drive (between Alden Drive and Beverly Boulevard) character contributing in relation to its plan to convert an existing apartment building into a common interest development.

Section 2. The Planning Commission denied the Applicant’s proposal on January 24, 2008, based on its findings that the building did not have character contributing design features due its proportions, scale and its relationship to the surrounding developments in the same block. As such, the Commission determined that the required findings set forth in Beverly Hills Municipal Code Section 10-2-707 B could not be made to designate the building as “character contributing” and allow the applicant to proceed with the condominium conversion process without otherwise complying with certain provisions of the Beverly Hills Municipal Code.

Section 3. On February 8, 2008, the applicant filed a timely appeal of the Planning Commission's decision (the "Appeal"). The Appeal sought approval of the request for a character contributing determination and alleged that the Planning Commission's decision was not consistent with the Municipal Code findings for condominium conversion.

Section 4. On July 15, 2008, the City Council conducted a duly noticed public hearing to consider the Appeal. After taking testimony, both written and oral, the public hearing was closed. After deliberation, the City Council directed staff to prepare a resolution denying the Appeal.

Section 5. In accordance with the provisions of Beverly Hills Municipal Code Section 10-2-707, in reviewing the request for a character contributing determination, the City Council considered, and hereby finds and determines, the following:

1. The findings for a character contributing determination could not be made for the subject building due to the building mass and lot coverage when viewed in comparison to the other developments in the same block. The City Council evaluated the overall streetscape and improvements on both sides of Maple Drive, but compared the subject building to other residential buildings within the same block and not the commercial buildings across the street. Although the subject building may be comparable in scale to the commercial buildings across the street and other multi-family residential buildings on other streets in the area, it is substantially greater in mass and scale than the other residential buildings located adjacent to it and within the same block on the east side of Maple Drive. The City

Council does not construe the term “block” to include properties that face streets other than Maple Drive or to include properties on the west side of Maple Drive. The pedestrian experience and rhythm of lower profile, smaller scaled development is disrupted by the subject building and the building is inconsistent with other residential properties in the same block. More specifically, the subject building has a street frontage of approximately 135 feet compared to the more modest frontage of 45 feet of other residential buildings. The parcel coverage on the subject property, which occupies several lots, is far greater than the parcel coverage of other residential buildings on the same block. Additionally, the height of the subject building is three stories where other residential buildings are one and two stories. Further, the City Council finds that even if the west side of Maple Drive were considered to be part of the “block” on which the building is located, using the commercial buildings on the west side of Maple Drive as the standard for analysis, as opposed to or in concert with the residential buildings, is inappropriate given that commercial buildings have different development standards and are designed for different purposes and functions. The commercial developments on this street do not contribute to the overall pedestrian experience and should not be used a model to assess whether the subject property is character contributing. In conclusion, it was determined that the existing structure did not meet the required findings. and therefore, the City Council agrees with the Planning Commission’s determination to deny the request for a character contributing determination.

Section 6. Based on the forgoing, the City Council hereby finds that the building is not character contributing and denies the request to deem the subject building as “character contributing.”

Section 7. The City Clerk shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager



ANNE BROWNING MCINTOSH, AICP
Interim Director of Community
Development