



AGENDA REPORT

Meeting Date: March 1, 2011

Item Number: D-1

To: Honorable Mayor & City Council

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

Subject: SET HEARING DATE FOR AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION APPROVING A MINOR ACCOMMODATION TO ALLOW THE EXTENSION OF A LEGALLY NONCONFORMING SIDE SETBACK ON THE PROPERTY LOCATED AT 716 ALTA DRIVE.

Attachments: None

RECOMMENDATION

It is recommended that the City Council schedule an appeal of the Community Development Director's decision approving a Minor Accommodation to allow the extension of a legally nonconforming side setback on the property located at 716 Alta Drive for April 5, 2011.

DISCUSSION

On January 31, 2011, the Community Development Director approved a Minor Accommodation to allow the extension of a legally nonconforming side setback on the property located at 716 Alta Drive. The Minor Accommodation granted by the Community Development Director allows for approximately 63 square feet of a second-story addition to be constructed in-line with the footprint of the existing house, within the currently-required side setback of the subject property.

On February 14, 2011 an appeal of the Community Development Director's decision was filed by Linda Ostrowski, a neighbor of the project site.

PROCESS

Pursuant to Beverly Hill Municipal Code Section 1-4-105, the procedure for appeals of decisions made by the Community Development Director 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 Community Development Director, 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 Community Development Director 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 Community Development Director 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 Community Development Director 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 _____