



AGENDA REPORT

Meeting Date: April 5, 2011
Item Number: F-5
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP, Director of Community Development
Subject: AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS
APPOINTING NOAH FURIE TO THE PLANNING COMMISSION
ON AN INTERIM BASIS UNTIL THE CITY COUNCIL APPOINTS
A PERMANENT REPLACEMENT FOR THE VACANT SEAT
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the City Council read the ordinance entitled "An Urgency Ordinance of the City of Beverly Hills Appointing Noah Furie to the Planning Commission on an Interim Basis Until the City Council Appoints a Permanent Replacement for the Vacant Seat" by title only, waive further reading and adopt the ordinance. A four-fifths vote is required to adopt the urgency ordinance.

INTRODUCTION

This item will be discussed at the City Council Study Session, to consider a letter from Planning Commission Chair Yukelson and Vice Chair Corman requesting that the City Council consider a temporary re-appointment of Noah Furie to the Planning Commission. This item has been agendized to provide the Council with the flexibility of adopting the urgency ordinance, should it choose to do so.

DISCUSSION

With the election of former Planning Commissioner Lili Bosse to the City Council, a seat on the Planning Commission is now vacant. As discussed at the Study Session, the Chair and Vice Chair of the Planning Commission transmitted a

request to appoint former Planning Commission Noah Furie to the Planning Commission on an interim basis.

In January of this year, the City Council adopted an ordinance to allow Mr. Furie to continue to serve as an alternate planning commissioner for the Lexus project proposed at 9230 Wilshire Boulevard. This action was taken because Commission Rosenstein indicated his intent to recuse himself from participating in the review process of that project to avoid the appearance of a conflict of interest. Mr. Furie's appointment under that ordinance allowed the Planning Commission to benefit from the participation by a full complement of five commissioners, as well as allowed the Planning Commission and City to take advantage the knowledge Commissioner Furie's already developed through his experience including reviewing the environmental documentation and participating in the process completed to date for that project.

Similarly, the recently vacated seat leaves the Planning Commission with a void at a time when several projects (many of which Mr. Furie is already familiar with) will be on the Planning Commission's calendar. Appointment of Mr. Furie will serve the immediate need to fill this vacancy with a resident who is familiar with the City's procedures, avoid technical denials of project applications that could result from tie votes (which often lead to appeal applications and burden the City Council's already busy calendar), allow City business to proceed without unnecessary delay and allow the consideration of important projects by a full five-member Planning Commission.

For the City Council's consideration is an urgency ordinance. As indicated above, urgency findings can be made to ensure the immediate preservation of the public peace, health and safety. If adopted, the ordinance would be effective immediately. The ordinance provides for the appointment of Mr. Furie to the Planning Commission on an interim basis until the City Council appoints a permanent replacement for that seat. The typical time-frame for a commission recruitment is 4 to 6 months.

FISCAL IMPACT

The recommendation in this report has no significant budget or fiscal impacts.

 For:
Susan Healy Keene, AICP
Approved By

Attachment 1

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS APPOINTING NOAH FURIE TO THE PLANNING COMMISSION ON AN INTERIM BASIS UNTIL THE CITY COUNCIL APPOINTS A PERMANENT REPLACEMENT FOR THE VACANT SEAT

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council finds that:

1.1 The voters of Beverly Hills recently elected Lili Bosse to serve on the City Council. Council Member Bosse's election required that she resign from serving as a member and Chair of the Beverly Hills Planning Commission.

1.2 Council Member Bosse's seat on the Planning Commission is now vacant, leaving the Planning Commission with only four members.

1.3 There is an immediate need to fill this vacancy with a resident who is familiar with the City's procedures and dedicated to enhancing and preserving the quality of life in Beverly Hills. The participation of all five members of the Planning Commission avoids technical denials of project applications that could result from tie votes, which often lead to appeal applications and burden the City Council's already busy calendar.

1.4 It is necessary for the immediate preservation of the public peace, health and safety that this Ordinance take effect immediately. There is an urgent need for the City Council to appoint an interim Planning Commissioner in order to: (i) avoid the likelihood of tie votes that would result from an even-numbered Planning Commission, (ii) allow City business to proceed without unnecessary delay, (iii) encourage the consideration of important projects by a full five-member Planning Commission, and (iv) maximize the extent to which the Planning Commission adequately represents the entire community. The interim appointment will provide the City Council time to recruit a qualified candidate for permanent appointment to the Planning Commission. The City Council therefore finds that it is necessary that this Ordinance take effect immediately and its urgency is hereby declared.

1.5 Pursuant to Ordinance No. 11-O-2600, the City Council extended the term of Commissioner Noah Furie for the sole purpose of participating in the Commission's review of the pending Lexus Project at 9230 Wilshire Boulevard ("Lexus Project").

1.6 Commissioner Furie has extensive experience on the Planning Commission and is familiar with the major projects that will be considered by the Commission in the coming weeks. His appointment as a temporary member of the Planning Commission would allow the Commission to proceed in conducting the City's business effectively until the City Council appoints a permanent replacement for Council Member Bosse.

Section 2. The City Council duly considered this matter at a public meeting and concludes that it would be in the best interest of the City to appoint Commissioner Noah Furie to the Planning Commission on an interim basis until the City Council appoints a permanent replacement for Council Member Lili Bosse.

Section 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. This Ordinance, being an Urgency Ordinance adopted for the immediate protection of the public safety and health, containing a declaration of the facts constituting the urgency, and passed by a minimum four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this ___ day of _____, 2011.

CITY OF BEVERLY HILLS
A Municipal Corporation

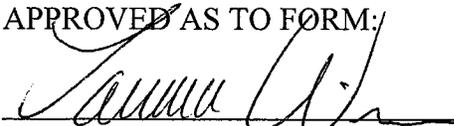
BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

[Signatures continue]

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager

 Fox:

SUSAN HEALY KEENE
Director of Community Development