



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** April 2, 2013  
**To:** Honorable Mayor & City Council  
**From:** Susan Healy Keene, AICP, Director of Community Development  
**Subject:** Request by Mayor Mirisch to review the City's regulation of non-conforming and conditionally permitted uses that have been vacant for a period of time.

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### INTRODUCTION

At the request of Mayor Mirisch, information is being provided on the City's regulation of nonconforming uses and conditionally permitted uses.

### DISCUSSION

The City's zoning ordinance regulates the size and location of buildings and permitted land uses. Some land uses are permitted by right, others may be conditionally permitted, and some are prohibited. The use of a property is declared 'nonconforming' when City policies change and the use no longer complies with current codes. For instance, a use that was previously allowed by right when it was established may now require a conditional use permit and, therefore, be determined nonconforming for lack of a conditional use permit.

Pursuant to local regulations (BHMC 10-3-4101), legally authorized uses that are now nonconforming with respect to current land use standards may continue to operate provided there is no expansion or alteration of the nonconforming use. If a nonconforming use is abandoned, the use may be reestablished at some point in the future provided there has not been an intervening use.

Some communities have regulations that would only allow a conforming use to be established once a nonconforming use was abandoned for a period of time, such as one or more years. During economic downturns and increased building vacancies, some property owners may end up losing their nonconforming rights with such regulations. Beverly Hills historically has had no limitation on when a nonconforming use can be reestablished.

Abandoned uses become more complicated when a property owner has previously received a conditional use permit. Since conditional use permit entitlements run with the land, the City may have to undertake a revocation process in certain circumstances to amend or revoke a conditional use permit. If directed by the City Council, there may be other alternatives not presently codified that could allow for certain limitations on conditional use permits that are no longer being used, but remain valid. However, more research with the City Attorney's office would be needed to explore those options.

Replacing nonconforming uses with conforming uses may not be possible in some instances because over time the City's parking and other building regulations have changed. If City Council is interested in establishing time limits on abandoned nonconforming uses, additional research is needed to better understand the possible impacts that parking and other building regulations would have on nonconforming properties.

### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

### **RECOMMENDATION**

This report is provided at the request of a councilmember. Staff will proceed with this item based on direction from the City Council.

  
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Susan Healy Keene  
Director of Community Development