



AGENDA REPORT

Meeting Date: June 16, 2015

Item Number: E-1

To: Honorable Mayor & City Council

From: Ryan Gohlich, Assistant Director of Community Development/City Planner

Subject: SET HEARING DATE TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A ZONE TEXT AMENDMENT AND R-4 PERMIT TO ALLOW PENTHOUSE ADDITIONS TO MATCH THE LEGALLY NONCONFORMING HEIGHT ON A MULTI-FAMILY BUILDING LOCATED AT 310 NORTH CRESCENT DRIVE.

Attachments: 1. Appeal Petition

RECOMMENDATION

It is recommended that the City Council schedule an appeal of the Planning Commission's decision denying a Zone Text Amendment and R-4 Permit to allow additions to match the legally nonconforming height on a multi-family building located at 310 North Rexford Drive for August 4, 2015.

DISCUSSION

On April 23, 2015, the Planning Commission voted unanimously to deny a Zone Text Amendment and R-4 Permit to allow additions to be made to two existing penthouse units that would match the existing height of the legally-nonconforming building. The Zone Text Amendment denied by the Planning Commission would have created a provision in the zoning code that would allow additions to multi-family residential buildings to match legally nonconforming heights through the issuance of an R-4 Permit.

On May 6, 2015 an appeal of the Planning Commission's decision was filed by Murray D. Fischer, attorney on behalf of 310 Crescent Condos, LLC.

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. 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 Commission 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 Planning Commission is presented therein. Therefore, staff recommends that the Council formally schedule this matter for a formal public hearing on August 4, 2015 to consider the appeal.

Susan Healy Keene, AICP
Director of Community Development


Approved By

ATTACHMENT 1

APPEAL PETITION

**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

PLEASE TYPE OR PRINT CLEARLY IN **BLACK INK**

May 6, 2015
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 rendered on April 23, 2015; which decision consisted of:

A denial of a Zone Text Amendment that would allow for a small addition to two rooftop penthouses which when the penthouse was built it was within the legal height district, but has now become legally non-conforming as the height district has been reduced from 45 to 33 feet. Said Zone Text Amendment further provided a provision that required an R4 discretionary permit to establish that no impacts to any adjacent properties would be allowed. The R4 permit was designed to provide privacy, open space, and an architectural review of the facade and to encourage the property owner to make upgrades to the building. By failing to approve the Zone Text Amendment, the City has missed an opportunity to provide incentives to renovate and preserve housing stock within the City.

The undersigned discussed the decision being appealed with:

Michelle McGrath and Andre Sahakian on April 23, 2015
(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:

Stephen P. Webb Name 9401 Wilshire Blvd., Suite 1250, Beverly Hills, CA 90212 Address
Murray D. Fischer Signature of appealing party (Murray D. Fischer)
433 N. Camden Drive, Suite 888, Beverly Hills, CA 90210 Address
310-276-3600 310-276-4345 Telephone Number & Fax Number

RECEIVED
CITY OF BEVERLY HILLS
2015 MAY -6 P 2:58
CITY CLERK'S OFFICE

Fee paid \$5,083.00 (For City Clerk's Use) DATE RECEIVED

LOG NO. 11 X 15

Copies to: City Council, City Manager, City Attorney, Ryan Gohlich, Michele McGrath, Andre Sahakian

Involved Department : Planning