

19-Story Beverly Hills Tower Must Be Considered By City, Judge Rules

[Bianca Barragán, Southern California](#)

A 19-story hotel and residential project in [Beverly Hills](#) must be considered by the city for possible approval, a Los Angeles County Superior Court judge ruled last week.

The project, a so-called builder's remedy development, has been in limbo for roughly three months as it awaited a judge's ruling that would decide its next steps.

[Unsplash/David Vives](#)

Beverly Hills Is Known For A Lot Of Things; Residential Density Is Not One Of Them.

The ruling is a blow to Beverly Hills, which had maintained that the project had changed too much to be considered under its original application. There were at one point more than a [dozen builder's remedy projects](#) submitted and in various stages in Beverly Hills.

In a statement shared with *Bisnow*, Beverly Hills City Attorney Laurence Wiener said the city was “very disappointed” with the ruling.

“It is unfortunate that the State has seen fit to take a good deal of local zoning out of the hands of cities and mandated higher density in order to promote more affordable housing,” Weiner wrote.

The city council hasn't yet met to discuss the ruling or its implications for the city's other pending builder's remedy projects and related lawsuits, a city spokesperson said.

It remains to be seen what the city will do in light of the ruling, but the attorney for the project said that the ruling could have implications for other pending projects filed as builder's remedy developments and held up by the city under similar circumstances.

[Dave Rand](#), attorney for the official project applicant, 9300 Wilshire LLC, said he believes the ruling will curb what he sees as the city's efforts to pull out all the stops to slow and sideline his client's project and other builder's remedy projects pending in the city.

"My hope is that this decision will now create a more pragmatic approach by the city to how these projects move forward," Rand said.

Developer Leo Pustilnikov's project at 125-129 S. Linden Drive would contain 165 apartments, 33 of them designated affordable for lower-income households, and a 73-room hotel. It was submitted in 2023 during a window in which the city's housing plan hadn't yet been approved by the state.

According to the state's [Housing Accountability Act](#), projects submitted while cities are out of compliance in this way can sidestep local zoning regulations, leading to larger and denser projects than would usually be allowed.

A big part of the city's argument in this case had been that because the applicant altered the project to include a hotel, it was no longer the same project that had been submitted during the period in which the city was out of compliance with its state-mandated housing goals, and therefore the project was dead.

But because the project was submitted in that time when Beverly Hills' housing rules weren't compliant, the project "remains qualified for the Builder's Remedy so long as its residential unit count and square footage do not change by 20% or more from the housing development project in the Preliminary Application," Superior Court Judge Curtis Kin wrote in his ruling.

Pustilnikov has submitted other builder's remedy projects in Southern California, including [West Hollywood](#) and [Santa Monica](#), [Commercial Observer previously reported](#).

In 2022 in Santa Monica, [a similar wave of builder's remedy projects](#) washed over the city, causing it to hire outside attorneys to help it fight the roughly 5,000 units that might have been built if all proposed projects were rubber-stamped.

By mid-2023, the city [had worked out a settlement](#) with the developer that submitted most of the projects, [WS Communities](#), that would allow them to be resubmitted and expedited under current housing rules. The settlement also ended outstanding legal challenges between the city and the developer.