Meeting Date: March 8, 2018

Subject: ZONE TEXT AMENDMENT TO ADDRESS NEEDED CLARIFICATION IN THE ZONING CODE
An ordinance of the City of Beverly Hills amending the Beverly Hills Municipal Code to clarify language on existing regulations related to the height of paving buffers in the Central Area of the City, the location of required paving buffers in the single-family areas of the City, decks over driveways in the Central Area of the City, public noticing requirements, and the list of projects for which a Development Plan Review is required. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.

Project Applicant: City Initiated Project

Recommendation: That the Planning Commission:
1. Conduct a public hearing to receive testimony on the proposed modifications to the Zoning Code; and
2. Adopt the attached resolution recommending to the City Council an ordinance amending portions of the Beverly Hills Municipal Code. Pursuant to the provisions set forth in the California Environmental Quality Act, the Commission will also consider adoption of a Categorical Exemption for the amendments.

REPORT SUMMARY
The proposed ordinance includes several “clean up” items for the current zoning code that staff has identified as being necessary for the proper interpretation of existing code provisions. These cleanup items include small semantic changes and correction of typographical errors that will make the original intent of various code sections more clear and do not represent substantive changes to the code. This report will summarize the proposed language changes to the zoning code.

PROJECT DESCRIPTION
Background
Periodically, Community Development staff identifies areas of the code that would benefit from minor language changes to fix typos, correct errors, and make code sections clearer. Over the past several months, staff has compiled seven areas of the code that require “clean up” language.
to ensure that they are applied and interpreted correctly. These sections are as follows:

- Amendment of BHMC § 10-3-2422(F) to reconcile paving buffer standards with the development standards that govern walls, fences, and hedges in the front yard in the Central Area of the City (available in BHMC § 10-3-2420(C));
- Amendment of BHMC § 10-3-2422(F), 10-3-2518(E), and 10-3-2618(E) to clarify that paving buffers are not required in front of walkway entrances;
- Amendment to BHMC § 10-3-2409(D) to delete the word “ramps” to clarify that a deck may be located over a residential driveway that leads directly to a subterranean parking entrance in the Central Area of the City;
- Amendment of BHMC § 10-3-253(A) to add the Historic Incentive Permit to the table of stancard notification requirements at the Planning Commission level, consistent with the noticing requirements cited for the permit in Ordinance 14-O-2670;
- Amendment of BHMC § 10-3-253(B) to change title of the table from “Public Notice Posting Requirements” to “Special Public Notice Requirements” for clarity;
- Amendment to BHMC § 10-3-3100 to specifically identify that new construction involving 2,500 square feet or more of new or additional floor area requires a Development Plan Review;
- Amendment to BHMC § 10-3-3100 to specifically identify that new construction that increases the height of a structure or building requires a Development Plan Review, unless otherwise specified in Chapter 3 of Title 10 of the Beverly Hills Municipal Code.

GENERAL PLAN CONSISTENCY

The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 3 – Managed Change” calls for orderly and well-planned change to the community that provides for the needs of existing and future residents and business, effective and equitable provision of public services, and makes efficient use of land and infrastructure. Amending the zoning code to clarify language and correct errors will contribute to creating orderly change to the community by providing clear rules to regulate land use. Additionally, periodic modifications to the code will contribute to the provision of effective public services in that accurate and understandable land use rules will be available for the use in the community. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. Amending the code periodically to address inconsistencies ensures that the code is legible and accurate, which enhances the ability of the public to understand regulations that govern development projects.

ENVIRONMENTAL ASSESSMENT

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Ordinance represents minor semantic changes to the existing code and does not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that
the proposed amendments may have a significant effect on the environment. Accordingly, the Planning Commission will consider the recommendation to find the Ordinance exempt from the environmental review requirements of CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

PUBLIC OUTREACH AND NOTIFICATION

A notice was published in the Beverly Hills Courier on Friday, February 23, 2018 and the Beverly Hills Weekly on Thursday, March 1, 2018, as required by law.

<table>
<thead>
<tr>
<th>Type of Notice</th>
<th>Required Period</th>
<th>Actual Period</th>
<th>Required Date</th>
<th>Actual Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper Notice</td>
<td>10 Days</td>
<td>13 Days</td>
<td>2/26/18</td>
<td>2/23/18</td>
</tr>
<tr>
<td>Mailed Notice</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(Owners &amp; Occupants - 500’ Radius + block face)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Property Posting</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Agenda Posting</td>
<td>72 Hours</td>
<td>7 Days</td>
<td>3/5/2018</td>
<td>3/1/18</td>
</tr>
<tr>
<td>Website (Agenda)</td>
<td>72 Hours</td>
<td>7 Days</td>
<td>3/5/2018</td>
<td>3/1/18</td>
</tr>
</tbody>
</table>

As of the writing of this report, staff has not received any comments regarding the proposed zone text amendment.

ANALYSIS

Paving Buffer Height in Central Area
(BHMC 10-3-2422(F))

Proposed Change: Modify the height requirements for hedges and walls that are required by the Zoning Code as a buffer between front yard paved and landscaped areas to make the requirement consistent with the maximum height requirement for walls, fences, and hedges located within three feet of a front property line on a site located within the Central Area of the City.

Why: BHMC §10-3-2422 regulates the amount and location of allowed front yard paving for single family properties in the Central Area of the City. This section states that a wall or hedge that serves as a required paving buffer must be a minimum height of two feet (2’) and a maximum height of three feet (3’). However, BHMC § 10-3-2420 states that walls and fences over eighteen inches (18”) in height must be set back three (3’) feet from the front property line. Therefore, staff proposes a language change to revise the two foot (2’) minimum height requirement for the paving buffer to eighteen inches (18”) thus allowing paving buffers located within three feet of a front property line to be consistent with the eighteen inch (18”) maximum height standard that governs walls, fences, and hedges located within three feet (3’) of the property line. The change to BHMC §10-3-2422 would allow for paving buffers to be between eighteen inches (18”) and three feet (3’-
in height, thus allowing for projects to be designed for consistency with both Zoning Code sections BHMC §10-3-2422 and BHMC §10-3-2420.

<table>
<thead>
<tr>
<th>Proposed Language (changes in strikethrough/underline)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10-3-2422(F) (CENTRAL)</strong></td>
</tr>
<tr>
<td>F. Paving Buffer: An opaque wall or hedge not less than <strong>two feet (2')</strong> nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach.</td>
</tr>
</tbody>
</table>

**Paving Buffer Location in all Single-Family Areas**  
(BHMC 10-3-2422(F), 10-3-2518(E), and 10-3-2618(E))

**Proposed Change:** Add language to clarify that a hedge or wall that serves as a required buffer adjacent to front yard paving is not required to be located on the front of a walkway, where the walkway intersects the sidewalk.

**Why:** BHMC §§ 10-3-2422(F), 10-3-2518(E), and 10-3-1618(E) identify that a paving buffer (a hedge or wall) is required along the sides and front of any paved areas located in front yards of single-family properties located in the Central, Hillside, and Trousdale Areas of the City. This regulation clearly states that the paving buffer is not required at the entrance to a driveway. Staff proposes additional language to make it clear that a paving buffer is not required in front of a walkway, between the walkway and the sidewalk.

<table>
<thead>
<tr>
<th>Proposed Language (changes in strikethrough/underline)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10-3-2422(F) (CENTRAL)</strong></td>
</tr>
<tr>
<td>F. Paving Buffer: An opaque wall or hedge not less than <strong>two feet (2')</strong> nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach or walkway entrance.</td>
</tr>
<tr>
<td><strong>10-3-2518(E) (HILLSIDE)</strong></td>
</tr>
<tr>
<td>E. Paving Buffer: An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach or walkway entrance.</td>
</tr>
<tr>
<td><strong>10-3-2618(E) (TROUSDALE)</strong></td>
</tr>
<tr>
<td>E. Paving Buffer: An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach or walkway entrance.</td>
</tr>
</tbody>
</table>
Deck Over Driveway in the Central Area  
(BHMC 10-3-2409(D))

*Proposed Change:* Correct a typo which incorrectly refers to ramps leading to subterranean parking, rather than referring to a single driveway.

*Why:* BHMC §10-3-2409(d) was amended as part of a Zone Text Amendment to allow decks over driveways leading to subterranean parking to be considered a permissible encroachment in side yards, street side yards, and rear yards in the Central Area of the City. However, the language that was codified refers to “ramps,” rather than to a driveway. Staff believes this description could incorrectly be interpreted to mean that only the sloped, ramp part of the access to subterranean parking would be eligible to have a deck installed above it. In fact, the intent was that any portion of the access to subterranean parking is eligible for a deck within the parameters laid out in §10-3-2409(d). Staff proposes revising the language in this section to align with a similar provision for the Hillside Area of the City.

<table>
<thead>
<tr>
<th>Proposed Language (changes in strikethrough/underline)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10-3-2409:</strong> PERMISSIBLE ENCROACHMENTS IN SIDE YARDS, STREET SIDE YARDS, AND REAR YARDS:</td>
</tr>
<tr>
<td>D. Decks located at finished first floor level, covering portions of a driveway ramp that leads directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than forty two inches (42&quot;) above the deck floor level and that the length of the deck shall be limited to twenty four feet (24') or the width of the opening into the subterranean parking, whichever is less, provided that a substantial landscape buffer is provided between the deck and any adjacent property;</td>
</tr>
</tbody>
</table>

Historic Incentive Permit Public Notice Requirements  
(BHMC 10-3-253(A))

*Proposed Change:* Addition of “Historic Incentive Permit” to the table of standard public notice requirements at the Planning Commission level.

*Why:* The Historic Incentive Permit was created in 2014 through a Zone Text Amendment which created Article 32.5 of Chapter 3 in Title 10 of the Beverly Hills Municipal Code. At that time, BHMC §10-3-3255 addressed noticing requirements by referring to Article 2.5, which provides standard noticing requirements for planning cases. BHMC §10-3-3254 identifies the Planning Commission as the reviewing authority for all Historic Incentive Permit applications. However, the Historic Incentive Permit is not currently included in the Public Noticing table in Article 2.5. Staff proposes adding the Historic Incentive Permit to the public notice table that defines notice requirements for planning cases under the Planning Commission level of review. This change would place “Historic Incentive Permit” in the table in Section 10-3-253(A) under Commission/Council review, between “Game Court
Location" and "In-Lieu Parking," as highlighted in the table below. If adopted, the table in 10-3-253(A) and its associated notes would appear as seen on the following page:

<table>
<thead>
<tr>
<th>Public Notice Requirements for Development Applications</th>
<th>On-Site Posted Notice 10-Day</th>
<th>Newspaper Notice 10-Day</th>
<th>Mailed Notice 10-Day</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Architectural Review</strong></td>
<td>Director</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.</td>
<td>Director</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Commission level projects must be reviewed by the City’s Architectural Commission (AC) and include: sign accommodations, most commercial signs, façade remodels for commercial and multifamily buildings, new construction of commercial and multifamily buildings, and landscaping for commercial and multifamily projects.</td>
<td>Commission</td>
<td>Only projects in Multi-Family Residential Zones</td>
<td>None</td>
</tr>
<tr>
<td><strong>Cultural Heritage</strong></td>
<td>Director</td>
<td>Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
<td>Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
</tr>
<tr>
<td>Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
<td>Director</td>
<td>Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
<td>Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
</tr>
<tr>
<td>Commission level applications include projects that are reviewed by the City’s Cultural Heritage Commission (CHC). The CHC recommends to the City Council on Landmark or Historic District Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness for Designated Landmarks and Contributing Properties, certificates of ineligibility, and certificates of economic hardship.</td>
<td>Commission</td>
<td>Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
<td>Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</td>
</tr>
<tr>
<td><strong>Design Review</strong></td>
<td>Director</td>
<td>None</td>
<td>Owner/Applicant</td>
</tr>
<tr>
<td>Director level projects can be processed administratively and include single family home remodels and new homes in the Central area of the City that are determined to be &quot;Track 1&quot;.</td>
<td>Director</td>
<td>None</td>
<td>Owner/Applicant</td>
</tr>
</tbody>
</table>
Commission level applications include projects that are reviewed by the City's Design Review Commission (DRC) including Single Family Home façade remodels and New homes in the Central area of the City that are determined to be "Track 2".

<table>
<thead>
<tr>
<th>Planning Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director Level includes applications that can be reviewed and approved by staff. Commission/Council, however many of the applications may be referred to the Planning Commission Level applications are reviewed and approved by the Planning Commission or City Council. Applications include:</td>
</tr>
<tr>
<td>Commission</td>
</tr>
<tr>
<td>Central Area: 100 ft. radius + block-face</td>
</tr>
</tbody>
</table>

- Accessory Dwelling Unit Use Permit
- Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)
- Conditional Use Permit
- Common Interest Development*
- Density Bonus Permit
- Development Plan Review
- Extended Hours Permit
- Game Court Fence
- Game Court Location
- Historic Incentive Permit
- In-Lieu Parking
- Large Family Daycare Permit*
- Lot Line Adjustment
- Maps (Tentative and Parcel)
- Minor Accommodation
- Open Air Dining
- Overnight Stay Permit
- Planned Development Review
- Reasonable Accommodation*
- Resolution of Public Convenience and Necessity*
- R1: Hillside, Central and Trousdale
- R4 Permit
- Specific Plan
- Tree Removal Permit*
- Variance
- View Restoration*

Underlined Applications are reviewed at the Commission/Council level only
*Special noticing requirements apply, See 10-3-253(B)
Special Public Notice Requirements
(BHMC 10-3-253(B))

Proposed Change: Staff recommends editing the header of the second column in the table in 10-3-253(B) for clarity (removing the word “Posting”).

Why: The header of the second column in the table in 10-3-253(B), currently reads “Public Notice Posting Requirements.” However, these requirements cover a wide range of noticing methods, not just physical posting of notices. These methods include: mailing, newspaper publication, affidavit requirements, and tenant outreach requirements. Staff recommends removing the word “Posting” and adding the word “Special” for clarity. As a result of this change, the heading of the second column would read, “Special Public Notice Requirements.” This table is included below in strikethrough/underline format:

B. Special Notice Requirements:

<table>
<thead>
<tr>
<th>Development Application</th>
<th>Special Public Notice Posting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following applications have unique noticing requirements:</td>
<td>With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by this code and state law.</td>
</tr>
<tr>
<td>Common interest development</td>
<td>1. Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. For the purposes of this article, the &quot;legal requirements for service by mail&quot; shall mean the requirements set forth in California Code Of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under this code and state law.</td>
</tr>
<tr>
<td></td>
<td>2. Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant 10 days' advance written notice that an application for a public report</td>
</tr>
</tbody>
</table>
will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

3. Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(b) or any successor statute, the subdivider shall provide each tenant written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

4. Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least 180 days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

5. Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least 10 days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development: or his or her designee and shall contain, as a minimum, the following information:

   a. An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction;

   b. An explanation of the tenant's rights and benefits if the conversion is approved; and

   c. The grounds upon which the planning commission can deny the request for conversion.

6. Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to
compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Notice Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large family daycare permit</td>
<td>Not less than 10 days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the subject site area.</td>
</tr>
<tr>
<td>Reasonable accommodation</td>
<td>At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation. Written notice of a hearing to consider the application shall be mailed 10 calendar days prior to the meeting to the applicant and adjacent property owners.</td>
</tr>
<tr>
<td>Resolution of public convenience or necessity</td>
<td>Notice of a public hearing shall be mailed to property owners and occupants within 300 feet of the premises for which a determination is requested. At least 10 days prior to the public hearing a written notice shall be published in the newspaper.</td>
</tr>
<tr>
<td>Tree removal permit</td>
<td>Notice of any hearing on such a permit before the planning commission shall be mailed to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.</td>
</tr>
</tbody>
</table>
| View restoration                   | 1. Public Hearing Notice: Notice of any hearing held pursuant to this section shall be mailed at least 30 days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.  

2. Notice Of Decision: Within 5 days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:  

a. The view owner, using the mailing address set forth in the application;
b. Each foliage owner that is named on the application, as listed on a current tax assessor's roll and to the occupant of the foliage owner's property if the foliage owner's address is different than the property on which the foliage is located.

The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

Development Plan Review Required
(BHMC § 10-3-3100)

Proposed Change: Amendment to BHMC § 10-3-3100 to specifically identify that projects which increase floor area by 2,500 square feet or more or which increase the height of an existing building require a Development Plan Review.

Why: The listing of projects which require a Development Plan Review does not specifically identify that projects that add more than more than 2,500 square feet to an existing building or increase the overall height of the building require a Development Plan Review. Currently, the requirement that projects which would add more than 2,500 square feet of floor area or add height to an existing building is inferred by reading BHMC § 10-3-3100(A) which requires a DPR for uses involving new construction and also reading § 10-3-3101(E), which exempts “Façade remodeling of existing buildings or structures not increasing the square footage by two thousand five hundred (2,500) square feet or more, or the height of the building or structure” from requiring a Development Plan Review. Explicitly adding these two items to the list of projects which require a Development Plan Review would provide clarity for readers. This change does not modify the existing list of projects that are considered exempt from requiring a Development Plan Review. Additionally, staff recommends added language specifically which addresses that the Municipal Code exempts certain additions from being considered as part of the height of a building. Article 1 (Definitions) of Chapter 3 of Title 10 of the Municipal Code contains several exemptions from the definition of “height of building.” Item H below includes this caveat. Staff suggests adding the following two provisions to the list of projects requiring a Development Plan Review included in § 10-3-3100:

<table>
<thead>
<tr>
<th>Proposed Language (changes in strikethrough/underline)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plan Review Required:</td>
</tr>
<tr>
<td><strong>G. All projects which would increase the floor area of a structure or building by more than 2,500 square feet.</strong></td>
</tr>
<tr>
<td><strong>H. All projects which would increase the height of a structure or building, unless the addition is specified in Chapter 3 of Title 10 of the Beverly Hills Municipal Code as an element not considered when determining building height.</strong></td>
</tr>
</tbody>
</table>
CONCLUSION
The proposed Zone Text Amendment would include minor language changes to clarify unclear portions of the zoning code and correct typographical errors. Staff recommends that the Planning Commission recommend the attached draft Ordinance to the City Council for approval.

Report Reviewed By:

Masa Alkire, AICP, Principal Planner
Attachment A

Zone Text Amendment Findings. In considering the application for a Zone Text Amendment, the Planning Commission shall consider whether the Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.
Attachment B

Resolution and Draft Ordinance
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PAVING BUFFERS IN THE CENTRAL AREA OF THE CITY, THE LOCATION OF REQUIRED PAVING BUFFERS IN THE SINGLE-FAMILY AREAS OF THE CITY, DECKS OVER DRIVEWAYS IN THE CENTRAL AREA OF THE CITY, PUBLIC NOTICING REQUIREMENTS, AND THE LIST OF PROJECTS FOR WHICH A DEVELOPMENT PLAN REVIEW IS REQUIRED.

WHEREAS, the Planning Commission has considered the proposed amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the “Amendments”); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 8, 2018, at which time it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that the Amendments are consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:
Section 1. The Amendments have been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”). The Amendments represent minor semantic changes to the existing code and do not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. The Planning Commission finds that adoption of the Amendments will not have a significant environmental impact and are exempt from CEQA pursuant to Section 15061(B)3 because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment.

Section 2. The Planning Commission does hereby finds that the proposed Zone Text Amendment is intended to clarify unclear sections of the Beverly Hills Municipal Code. The Proposed Zone Text Amendment does not change the meaning or interpretation of the Beverly Hills Municipal Code.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 3 – Managed Change” calls for orderly and well-planned change to the community that provides for the needs of existing and future residents and business, effective and equitable provision of public services, and makes efficient use of land and infrastructure. Amending the zoning code to clarify language and correct errors will contribute to creating orderly change to the community by providing clear rules to regulate land use. Additionally, periodic modifications to the code will contribute to the
provision of effective public services in that accurate and understandable land use rules will be available for the use in the community. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. Amending the code periodically to address inconsistencies ensures that the code is legible and accurate, which enhances the ability of the public to understand regulations that govern development projects.

Section 4. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendments substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.
Section 5. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: March 8, 2018

Lori Greene Gordon  
Chair of the Planning Commission of the City of Beverly Hills

Attest:

Ryan Gohlich, AICP  
Secretary of the Planning Commission

Approved As To Form:  
Approved As To Content:

David M. Snow  
Assistant City Attorney  
Ryan Gohlich, AICP  
Assistant Director / City Planner  
Community Development Department
EXHIBIT A
AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PAVING BUFFERS IN THE CENTRAL AREA OF THE CITY, THE LOCATION OF REQUIRED PAVING BUFFERS IN THE SINGLE-FAMILY AREAS OF THE CITY, DECKS OVER DRIVEWAYS IN THE CENTRAL AREA OF THE CITY, PUBLIC NOTICING REQUIREMENTS, AND THE LIST OF PROJECTS FOR WHICH A DEVELOPMENT PLAN REVIEW IS REQUIRED.

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

Section 1. On March 8, 2018, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No., recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to clarify language on paving buffer requirements in the Central Area of the City; to clarify that a paving buffer is not required at walkway entrances in the single-family areas of the City; to clarify that a deck may be located over a residential driveway that leads to subterranean parking in the Central Area of the City; to add the Historic Incentive Permit to the public noticing requirements table; to clarify the title of the Special Notice Requirements table; and to add two clarifying items to the list of projects which require a Development Plan Review (collectively, the “Amendments”). On , the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the Amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State
CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Ordinance represents minor semantic changes to the existing code and does not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Therefore the City Council finds that the Amendments are exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment.

**Section 3.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 3 – Managed Change” calls for orderly and well-planned change to the community that provides for the needs of existing and future residents and business, effective and equitable provision of public services, and makes efficient use of land and infrastructure. Amending the zoning code to clarify language and correct errors will contribute to creating orderly change to the community by providing clear rules to regulate land use. Additionally, periodic modifications to the code will contribute to the provision of effective public services in that accurate and understandable land use rules will be available for the use in the community. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. Amending the code periodically to address inconsistencies ensures that the code is legible and accurate, which enhances the ability of the public to understand regulations that govern development projects.
Section 4. The City Council hereby amends Section 10-3-2422 (F) of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 24 of Chapter 3 of Title 10 remaining in effect without amendment:

F. Paving Buffer: An opaque wall or hedge not less than eighteen inches (18") nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach or walkway entrance.

Section 5. The City Council hereby amends Section 10-3-2518 (E) of Article 25 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 25 of Chapter 3 of Title 10 remaining in effect without amendment:

E. Paving Buffer: An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach or walkway entrance.

Section 6. The City Council hereby amends Section 10-3-2618 (E) of Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 26 of Chapter 3 of Title 10 remaining in effect without amendment:

E. Paving Buffer: An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach or walkway entrance.

Section 7. The City Council hereby amends Section 10-3-2409 (D) of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 24 of Chapter 3 of Title 10 remaining in effect without amendment:
D. Decks located at finished first floor level, covering portions of a driveway that leads directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the deck floor level and that the length of the deck shall be limited to twenty four feet (24') or the width of the opening into the subterranean parking, whichever is less, provided that a substantial landscape buffer is provided between the deck and any adjacent property;

Section 8. The City Council hereby amends Section 10-3-253 (A) of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 2.5 of Chapter 3 of Title 10 remaining in effect without amendment:

A. Standard Requirements:

<table>
<thead>
<tr>
<th>Public Notice Requirements for Development Applications</th>
<th>On-Site Posted Notice 10-Day</th>
<th>Newspaper Notice 10-Day</th>
<th>Mailed Notice 10-Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Review</td>
<td>Director</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission level projects must be reviewed by the City’s Architectural Commission (AC) and include: sign accommodations, most commercial signs, façade remodels for commercial and multifamily buildings, new construction of commercial and multifamily buildings, and landscaping for commercial and multifamily projects.</td>
<td>Commission</td>
<td>Only projects in Multi-Family Residential Zones</td>
<td>None</td>
</tr>
<tr>
<td>Cultural Heritage</td>
<td>Director</td>
<td>Certificate of appropriateness for designated landmarks and contributing properties: See section 10-3-3219 of this chapter</td>
<td></td>
</tr>
</tbody>
</table>
Commission level applications include projects that are reviewed by the City’s Cultural Heritage Commission (CHC). The CHC recommends to the City Council on Landmark or Historic District Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness for Designated Landmarks and Contributing Properties, certificates of ineligibility, and certificates of economic hardship.

| Commission | Certificate of ineligibility: See section 10-3-3221 of this chapter |
| Central Area: | Landmark or historic district designation: See section 10-3-3215 of this chapter |
| Central Area: | Certificate of economic hardship: See section 10-3-3220 of this chapter |

**Design Review**

Director level projects can be processed administratively and include single family home remodels and new homes in the Central area of the City that are determined to be “Track 1”.

| Commission | None | None | Owner/Applicant |
| Central Area: | 100 ft. radius + block-face |

Commission level applications include projects that are reviewed by the City’s Design Review Commission (DRC) including Single Family Home façade remodels and New homes in the Central area of the City that are determined to be “Track 2”.

| Commission | Yes | None |

**Planning Review**

Director Level includes applications that can be reviewed and approved by staff. Commission/Council, however many of the applications may be referred to the Planning Commission Level applications are reviewed and approved by the Planning Commission or City Council. Applications include:

- Accessory Dwelling Unit Use Permit
- Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)
- Conditional Use Permit
- Common Interest Development*
- Density Bonus Permit
- Development Plan Review
- Extended Hours Permit
- Game Court Fence
- Game Court Location

| Director Level | Yes | No |
| Hillside & Trousdale: | 300 ft. radius |
| Central Area: | 100 ft. radius + block-face |
Section 9. The City Council hereby amends Section 10-3-253 (B) of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 2.5 of Chapter 3 of Title 10 remaining in effect without amendment:

B. Special Notice Requirements:

<table>
<thead>
<tr>
<th>Development Application</th>
<th>Special Public Notice Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common interest development</td>
<td>With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by this code and state law.</td>
</tr>
</tbody>
</table>

1. Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. For the purposes of this article, the "legal requirements for service by mail" shall mean the
requirements set forth in California Code Of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under this code and state law.

2. Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant 10 days' advance written notice that an application for a public report will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

3. Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(b) or any successor statute, the subdivider shall provide each tenant written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

4. Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least 180 days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

5. Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least 10 days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development or his or her designee and shall contain, as a minimum, the following information:

a. An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction;

b. An explanation of the tenant's rights and benefits if the conversion is approved; and

c. The grounds upon which the planning commission can deny the request for conversion.
6. Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Notice Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large family daycare permit</td>
<td>Not less than 10 days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the subject site area.</td>
</tr>
<tr>
<td>Reasonable accommodation</td>
<td>At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation. Written notice of a hearing to consider the application shall be mailed 10 calendar days prior to the meeting to the applicant and adjacent property owners.</td>
</tr>
<tr>
<td>Resolution of public convenience or necessity</td>
<td>Notice of a public hearing shall be mailed to property owners and occupants within 300 feet of the premises for which a determination is requested. At least 10 days prior to the public hearing a written notice shall be published in the newspaper.</td>
</tr>
<tr>
<td>Tree removal permit</td>
<td>Notice of any hearing on such a permit before the planning commission shall be mailed to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.</td>
</tr>
<tr>
<td>View restoration</td>
<td>1. Public Hearing Notice: Notice of any hearing held pursuant to this section shall be mailed at least 30 days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.</td>
</tr>
<tr>
<td></td>
<td>2. Notice Of Decision: Within 5 days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:</td>
</tr>
</tbody>
</table>
Section 10. The City Council hereby adds Subsection G and H to Section 10-3-3100 of Article 31 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code with all other provisions in Article 31 of Chapter 3 of Title 10 remaining in effect without amendment:

G. All projects which would increase the floor area of a structure by more than 2,500 square feet.

H. All projects which would increase the height of a structure or building, unless the addition is specified in Chapter 3 of Title 10 of the Beverly Hills Municipal Code as an element not considered when determining building height.

Section 11. Severability. 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 final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 12. Publication. 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 13. Effective Date.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

_________________________  
Mayor of the City of  
Beverly Hills, California

ATTEST:  

_________________________(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:  

__________________________  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:  

__________________________  
MAHDI ALUZRI  
City Manager

__________________________  
SUSAN HEALY KEENE, AICP  
Director of Community Development