



AGENDA REPORT

Meeting Date: February 3, 2011
Item Number: D-1
To: Honorable Mayor & City Council
From: Jonathan Lait, AICP, City Planner
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING VARIOUS PROVISIONS OF ARTICLES 30 AND 44 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING ARCHITECTURAL REVIEW COMMISSION AND DESIGN REVIEW COMMISSION MEMBERSHIP AND ADMINISTRATION, AND AMENDING SECTIONS 10-4-306 AND 10-4-901 REGARDING PERMISSIBILITY OF SIGNS ON UMBRELLA VALENCES

Attachments:

1. Ordinance
2. Planning Commission Resolution, dated January 13, 2011 (details proposed changes to subject code sections)
3. Planning Commission Staff Report, dated January 13, 2011 (without attachments)

RECOMMENDATION

It is recommended that the City Council conduct a public hearing and introduce for first reading the subject ordinance.

INTRODUCTION

The subject ordinance amends three sections of the Municipal Code:

1. Architectural Commission: Reduce commission size from 7-5 members, plus miscellaneous 'clean up' amendments
2. Design Review Commission: Refine appointment requirements, plus miscellaneous 'clean up' amendments
3. Sign Code: Establish review process to allow signs on umbrella valances

A management audit of the Community Development Department in 2008 included a recommendation to merge the City's two design-related review commissions. This recommendation was not supported by the City Council. However, during the Council's deliberation, direction was provided to staff to proceed with amendments that would reduce the Architectural Commission's membership from seven members to five. Additionally, the Council directed changes to Design Review Commission's membership to eliminate the provision of a landscape architect, in favor of a landscape design professional.

While preparing these amendments, staff identified some other changes that better reflect actual practice and procedures of each commission.

More recently, on August 30, 2010, the City Council directed staff to explore opportunities to allow businesses an opportunity to provide business identification and logos on umbrellas. This direction was limited to business identification and not advertisements.

DISCUSSION

There was unanimous support by all commission on the proposed text changes relative to the Architectural and Design Review Commission changes. However, as addressed below, the Architectural and Planning Commission were opposed to changes to the sign code.

Architectural Commission Amendments

The amendments to this chapter include the following:

- Transition membership from seven to five members
- Adjust membership disciplines for a five member commission
- Clarify that the role of 'secretary' can be designated to staff other than the director of the department
- Eliminate a procedural requirement for submitting conceptual plans
- Clarify that applications determined complete for filing be sent to the commission for review within 30 days
- Eliminate codified site plan requirements, but require the director to establish submittal requirements with the application packet
- Eliminate out-dated information related to application filing fees

The most substantive amendment to this code section involves the change of Architectural Commission membership from seven to five members. The reduction to a five member commission would make this commission consistent with the size of the two other commissions served by the Planning Division, result in shorter meeting times, require less staff resources, and result in minor cost savings. The commission would maintain the requirement for a licensed architect and landscape professional.

The other changes are minor changes to reflect current practice and improve administration.

The transition from a seven to five member commission does not need to occur upon adoption of the subject ordinance and, it is not necessary to establish the method for transition at this time. Some options that exist in the future include:

- At any time on direction of the City Council
- Extend the term of the first appointee leaving the commission (Vice Chair Cohen: 8/2/11) to match the term expiration of the next commissioner, either:
 - Bernstein or Blakeley (9/15/11 and 2/16/12, respectively), both are eligible for reappointment
 - Rennett and Meyer (7/11/12), neither are eligible for reappointment
- Appoint a new member for a limited term to replace outgoing Vice Chair Cohen if term is not extended or if appointee is unable to continue

As Vice Chair Cohen's term nears expiration, staff will work with the City Clerk's office and represent these and other options to the Council to receive further direction. At no point would there be six members on the commission so as to avoid the potential for a split vote.

Design Review Commission

The amendments to this chapter include the following:

- Adjust membership disciplines for a five member commission
- Clarify that the role of 'secretary' can be designated to staff other than the director
- Change meeting schedule from twice a month to once a month
- Eliminate codified site plan requirements, but require the director to establish submittal requirements with the application packet

A provision was eliminated that allows a landscape architect to satisfy the requirement for a residential architect. While related, these two disciplines are different and the need for an architect on the commission as a permanent member is important to this commission's operation. The other noteworthy amendment is to the change in meeting schedules; the commission has historically only met once a month. The existing language requires an extra administrative process of posting cancel meeting notices each month for the second meeting that is not held. Nothing about this amendment would prevent the commission from conducting additional special meetings if the need arose.

Sign Code

At its August 30, 2010, study session, the City Council directed staff to prepare the necessary amendments to consider permitting signs on umbrella valances. This direction was provided in the context and City Council review of the Bouchon restaurant.

The sign code applies citywide and does not include parcel-specific regulations. Accordingly, any amendment would be applicable to other property owners in the same zone or zones eligible to take advantage of the new provision.

Staff's original recommendation set forth a size limitation of seven (7) inches for business (name and logo) identification on the umbrella valance. There was no limit on the number of umbrella signs that may be established. This additional signage would count toward the tenants overall sign allowance, but would be approved administratively so as to reduce costs and time in processing such applications. Only business identification is permissible, no advertising is allowed.

The proposed ordinance reflects a modified approach based on Architectural and Planning Commission comments. Notably, the following changes, which are reflected in the attached ordinance, include:

- Require a sign accommodation, which is reviewed by the Architectural Commission and subject to appeal to the City Council
 - Eliminate the by-right provision
 - Costs approximately \$7,250 (commission fee) compared to \$341 (staff review fee for signs)
 - Takes approximately 1-3 months to process as opposed to an over the counter (same day) permit
 - Enables case by case review by the Commission

- Continue to limit signs to business name and logo identification, but eliminate seven (7) inch restriction (the Commission would have discretion to limit size as determined appropriate)

The Architectural and Planning Commission were unanimous in their respective recommendations not to amend the sign code for the following reasons:

- The existing sign code provides ample opportunity for business identification
- The draft provisions (reviewed by the Commissions) lacked specific criteria
- Proposed signage could detract from the image and character of the city and add visual clutter due to a proliferation of signage
- Code enforcement challenges distinguishing approved umbrella signs from illegal umbrella signs
- The business community has not expressed or represented a need or support for the amendment

The Planning and Architectural Commissions have not had an opportunity to comment on the sign accommodation language as presented in the draft ordinance, though copies of this report were provided to each Commission member. Staff anticipates that the proposed ordinance addresses many of the commissioner comments in that it principally creates an opportunity for a property owner to ask for additional signage, but importantly lets the Architectural Commission review each request on a case by case basis.

Notwithstanding the proposed amendment to the sign code, the City retains the authority¹ to place any type of sign for tenants located on City property. Accordingly, if directed by the Council, tenants on City property would not need to be subject to the sign adjustment procedure set forth in local ordinance. If this approach were to be used, it is recommended that a sign package be presented to the City Council for review and approval.

Code Enforcement

The city has in the past enforced violations of the sign code, including valance signs on umbrellas. The proposed ordinance provides an avenue for establishments that are subject to active enforcement, or that have previously been required to remove illegal umbrella valance signs, an opportunity to request this type of sign for their business and on their (leased) property.

ENVIRONMENTAL ASSESSMENT

The subject project 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 project is exempt pursuant to section 15061(b)(3) in that it can be seen with certainty that the proposed amendments to the commission membership, application submittal requirements for the City's two design-related review commissions, and proposed modifications to the sign code to permit minor lettering on the valance of an umbrella will not have a negative effect to the environment. The amendments do not have the potential to change the intensity, pattern or frequency of projects as defined in the CEQA Guidelines.

¹ Beverly Hills Municipal Code Section 1-1-13 Notwithstanding any other provision of this code, no provision of this code shall apply to, direct, or restrict the city unless the provision specifically indicates that it is intended to apply to, direct, or restrict the city. (Ord. 01-O-2365, eff. 3-8-2001)

PUBLIC NOTICE

Notice of the subject public hearing was posted in the Courier on January 21, 2011 and January 26 in the Weekly. A minimum 10 day legal public notice is required pursuant to local ordinance and state law.

ALTERNATIVES

The City Council may consider the following alternatives to the proposed action:

1. Revise the proposed amendments
2. Remand to the Planning Commission any provisions that require further evaluation
3. Reject the proposed text amendments

FISCAL IMPACT

There are modest costs that relate to staff time, public notices and materials used to prepare the subject text amendments, which have been absorbed by the Community Development Department's operating budget. Once implemented, the reduction from a seven to five member Architectural Commission will result in 28% decrease in that commission's membership and, therefore, a corresponding reduction in the use office supplies preparing and delivering packets for two less commissioners. However, this savings is relatively minor to the overall cost of supporting and managing the Department's three commissions.

Susan Healy Keene, AICP, Director
of Community Development

Approved By



ATTACHMENT 1
Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING VARIOUS PROVISIONS OF ARTICLES 30 AND
44 OF THE BEVERLY HILLS MUNICIPAL CODE
REGARDING ARCHITECTURAL REVIEW COMMISSION
AND DESIGN REVIEW COMMISSION MEMBERSHIP AND
ADMINISTRATION, AND AMENDING SECTIONS 10-4-306
AND 10-4-901 REGARDING PERMISSIBILITY OF SIGNS ON
UMBRELLA VALENCES

WHEREAS, on January 13, 2011, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to the Beverly Hills Municipal Code regarding reducing the Architectural Commission size from seven members to five members along with certain clarification of administrative matters related to architectural review, refining the Design Review Commission appointment requirements along with certain clarification of administrative matters related to design review, and allowing signs on umbrella valances (collectively the “Amendments”).

WHEREAS, on February 3, 2011, the City Council conducted a duly noticed public hearing to consider the proposed Amendments; and,

WHEREAS, the City Council hereby finds and concludes that the Amendments have 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 City Council hereby determines that the proposed Amendments are exempt from CEQA review requirements pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations in that it can be seen with certainty that the proposed

California Code of Regulations in that it can be seen with certainty that the proposed Amendments to the commission membership, application submittal requirements for the City's two design-related review commissions, and proposed modifications to the sign code to permit minor lettering on the valances of umbrellas will not have a negative effect to the environment.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS
DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-3-3002 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-3002: ARCHITECTURAL COMMISSION:

An architectural commission is hereby established which shall consist of seven (7) members who shall be appointed by the council. At least one of the members shall be appointed from each of the following disciplines: building construction, architecture, landscape architecture, and visual and graphic design, and at least three (3) members shall be laypersons. In the event no person is eligible for appointment in a designated field who is a resident of the city, the council may waive the residency requirement.

Commencing on January 1, 2011, through attrition as terms expire or council direction, the seven (7) member commission shall transition to a five (5) member commission provided there is not an even number of commissioners serving the commission at any one time. Pursuant to section 2-2-105 A and C, the council may shorten or extend terms to implement this provision.

Once established, the five (5) member commission shall include the following: one of the members shall be a licensed architect and one of the members shall be a landscape design professional. The remaining three (3) members may be laypersons, however, experience in the following disciplines is encouraged: building construction, visual and graphic design. In the event no person is eligible for appointment in a designated field who is a resident of the city, the council may waive the residency requirement.”

Section 2. Section 10-3-3005 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-3005: SECRETARY:

The director of community development, or designee, shall serve as the official secretary to the architectural commission. The records of all proceedings and the basis for all findings shall be available to the council and to the public.”

Section 3. Section 10-3-3009 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-3009: PROCEDURE:

A. Preliminary sketches of the design of a proposed structure or alteration may be submitted to the planning division for informal review so that an applicant may be informed of architectural commission policies prior to preparing working drawings. Final plans and elevations shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared the plans. The final plot plan shall conform to section 10-3-3012 of this article. Work not thus presented may be rejected by the director of community development.

B. When Architectural Commission or staff-level approval authorized under section 10-3-3007 E of this Chapter is required, an application shall be filed in accordance with Section 10-3-3012 of this Chapter.

C. The director of planning shall refer complete applications to the architectural commission at its next regular meeting. The architectural commission shall act on the application within thirty (30) days after the filing of full and complete data, unless an extension of time is consented to by the applicant. As determined by the presiding chair of the commission, special meetings may be called as necessary.”

Section 4. The first and second paragraphs following Subsection F. 1. of Section 10-3-3010 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code are amended to read as follows, with all other portions of Section 10-3-3010 remaining in effect without amendment:

“....

If the criteria set forth in this section are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with such criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing

and signed by the chairperson, and a copy thereof shall be made available to the applicant upon request.

A decision or order of the architectural commission or the director of community development, or designee, shall not become effective until the expiration of fourteen (14) calendar days after the date upon which a ruling of the architectural commission or the director of community development, or designee, has been made.

....”

Section 5. Section 10-3-3011 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-3011: APPEALS:

The applicant or any aggrieved person may appeal any decision of the director of community development or the architectural commission to the council as provided in title 1, chapter 4, article 1 of this code.”

Section 6. Section 10-3-3012 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-3012: APPLICATION SUBMITTAL REQUIREMENTS:

The director of community development shall establish application submittal requirements, including requirements for site plans, for architectural commission and staff-level

review applications. Submittal requirements shall be clearly detailed in the application form and available to the public.”

Section 7. Section 10-3-3016 of Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-3016: FILING FEES:

Applications for architectural review shall be accompanied by a filing fee established from time to time by resolution of the council.”

Section 8. Section 10-3-4402 of Article 44 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-4402: DESIGN REVIEW COMMISSION:

A design review commission is hereby established which shall consist of five (5) members who shall be appointed by the council. At least one of the members shall be a licensed residential architect and one of the members shall be a landscape design professional. In the event no person who is a resident of the city is eligible for appointment in a designated field, the council may waive the residency requirement.”

Section 9. Section 10-3-4406 of Article 44 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-4406: SECRETARY:

The director of community development, or designee, shall serve as the official secretary to the design review commission. The records of all proceedings and the basis for all findings shall be available to the council and to the public.”

Section 10. Section 10-3-4407 of Article 44 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-4407: MEETINGS:

The design review commission shall meet at intervals at least once each month on regularly scheduled dates. Additional meetings shall be arranged in order to process applications within the time required by this code. Special meetings shall be called in accordance with the provisions of section 54956 of the Government Code of the state.”

Section 11. Section 10-3-4410 of Article 44 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-4410: APPLICATION SUBMITTAL REQUIREMENTS:

The director of community development shall establish application submittal requirements for Track 1 and Track 2 design review applications. Submittal requirements shall be clearly detailed in the application form and available to the public.”

Section 12. Section 10-3-4414 of Article 44 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-4414: CONDUCT OF HEARINGS:

At the time and place fixed for the hearing, the design review commission shall hear such relevant evidence as may be presented, either for or against the application, in accordance with such rules of procedure as may be established by the design review commission; provided, however, at the time and place fixed for the hearing or continued hearing, the hearing may be continued or further continued to the next regularly scheduled meeting unless otherwise agreed to by the applicant, and no further notice of such continued hearing need be given.”

Section 13. Paragraph A and the Title of Section 10-4-306 of Article 3 of Chapter 4 of Title 10 of the Beverly Hills Municipal Code are amended to read as follows, with all other provisions of Section 10-4-306 remaining in effect without amendment:

“10-4-306: SIGNS ON MARQUEES, AWNINGS, CANOPIES, UMBRELLA VALANCES OR SIMILAR ARCHITECTURAL ELEMENTS:

A. No marquee, awning, canopy, or similar architectural element which projects more than twelve inches (12") from the face of a building shall be used for advertising purposes except as specifically provided in this section. No wood, paper, cloth, or temporary sign shall be hung or attached to any such architectural element. However, one horizontal line of letters and symbols not to exceed seven inches (7") in height which identifies the name and occupation of the tenant or owner of the building and the street address of the tenant or the building may be painted on or fixed to the architectural element on the face of the element which

is parallel to the wall of the building or structure to which it is attached. The letters and symbols shall not extend above the top surface or below the lower edge of such architectural element. No such architectural element, nor any sign mounted on such element shall be illuminated. Signs on umbrella valances may be approved with a sign accommodation provided the sign(s) is limited only to the business name or logo.”

Section 14. Subsection A. 2. of Section 10-4-901 of Article 9 of Chapter 4 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows, with all other provisions of Section 10-4-901 remaining in effect without amendment:

“2. Section 10-4-306 regarding signs on marquees, awnings, canopies, umbrella valances or similar architectural elements;”

Section 15. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 16. 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 17. 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:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

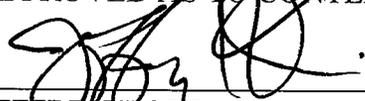
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2
Planning Commission Resolution, dated January 13, 2011

RESOLUTION NO. ____

RESOLUTION OF THE CITY OF BEVERLY HILLS
PLANNING COMMISSION RECOMMENDING THAT THE
CITY COUNCIL AMEND THE BEVERLY HILLS MUNICIPAL
CODE TO PERMIT UMBRELLA SIGNS AND AMEND RULES
AND PROCEDURES RELATED TO THE ARCHITECTURAL
AND DESIGN REVIEW COMMISSIONS

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

WHEREAS, the Planning Commission considered the zone text changes set forth in the proposed Amendment at a duly noticed public hearing on January 13, 2011, at which time it received oral and documentary evidence relative to the proposed Amendment; and,

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public health, safety, and general welfare, and that such Amendment is 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. This project 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 Planning Commission has

determined that the proposed ordinance is exempt from CEQA review requirements pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations in that it can be seen with certainty that the proposed amendments to the commission membership, application submittal requirements for the City's two design-related review commissions, and proposed modifications to the sign code to permit minor lettering on the valance of an umbrella will not have a negative effect to the environment. The amendments do not have the potential to change the intensity, pattern or frequency of projects as defined in the CEQA Guidelines.

Section 2. The Planning Commission does hereby find that the proposed Amendment achieves City Council goals to transition the membership size of the Architectural Commission from seven (7) to five (5) members, clarifies procedures for filing and processing applications, and eliminates outmoded language related to applications fees.

Section 3. The Planning Commission does hereby find that the proposed Amendment clarifies procedures for filing and processing Design Review applications, changes the codified meeting schedule of twice a month to align with the actual meeting practice of once a month, and refines the membership qualifications for appointed commissioners.

Section 4. The Planning Commission does hereby find that the proposed Amendment to the sign code to allow signs on umbrella valances on a by-right basis lacks sufficient criteria and may contribute to sign clutter and otherwise detract from the city's character and, therefore, recommends the City Council not adopt the sign code amendment as presented on January 13, 2011.

Section 5. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment

substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 6. 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:

Lili Bosse
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jonathan Lait, AICP
Assistant Director of Community Development /
City Planner

EXHIBIT A

Article 30. Architectural Commission, Architectural Review, And Procedure

- 10-3-3001: Architectural Review
- 10-3-3002: Architectural Commission
- 10-3-3002.1: Eligibility
- 10-3-3003: Appointment And Term Of Office
- 10-3-3004: Rules
- 10-3-3005: Secretary
- 10-3-3006: Meetings
- 10-3-3007: Architectural Review Required
- 10-3-3008: Building Relocation
- 10-3-3009: Procedure
- 10-3-3010: Criteria
- 10-3-3011: Appeals
- 10-3-3011.5: Time For Exercise Of Rights
- 10-3-3012: Site Plans
- 10-3-3013: Encroachments
- 10-3-3014: Effective Date
- 10-3-3015: Application Of Article Provisions To Building Applications
- 10-3-3016: Filing Fees

10-3-3001: ARCHITECTURAL REVIEW:

The council hereby finds that Beverly Hills is internationally known and has become a worldwide synonym for beauty, quality, and value; that by far the largest area of the community is zoned for single-family residences, but a significant part is zoned for apartment, commercial, and industrial uses; that most persons who travel through Beverly Hills or do business in and with Beverly Hills do so in its apartment, commercial, and industrial areas; that there is a tendency of some owners and developers in these areas to disregard beauty and quality in construction and a consequent serious danger that construction of inferior quality and appearance in the apartment, commercial, and industrial areas will degrade and depreciate the image, beauty, and reputation of Beverly Hills with adverse consequences for the entire city, including single-family residential areas as well as apartment, commercial, and industrial areas; and that poor quality of design in the exterior appearance of buildings erected in any neighborhood or in the development and maintenance of structures, landscaping, signs, and general appearances affect the desirability of the immediate area and neighboring areas for residential and business purposes or other uses and, by so doing, impair the benefits of occupancy of existing property in such areas, impair the stability in value of both improved and unimproved real property in such areas, prevent the most appropriate development of such areas, produce undesirable conditions affecting the health, safety, comfort, and general welfare of the inhabitants of the city, and destroy the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the

purpose of this article to prevent these and other harmful effects of such exterior appearances of buildings erected in any neighborhood and thus to promote and protect the health, safety, comfort, and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of buildings, and to encourage the most appropriate use of land within the city. (Ord. 1223, eff. 3-1-1966)

10-3-3002: ARCHITECTURAL COMMISSION:

An architectural commission is hereby established which shall consist of seven (7) members who shall be appointed by the council. At least one of the members shall be appointed from each of the following disciplines: building construction, architecture, landscape architecture, and visual and graphic design, and at least three (3) members shall be laypersons. In the event no person is eligible for appointment in the designated field who is a resident of the city, the council may waive the residency requirement. (Ord. 1223, eff. 3-1-1966; amd. Ord. 1241, eff. 5-19-1966; Ord. 75-O-1546, eff. 3-6-1975)

Commencing on January 1, 2011, through attrition as terms expire or council direction, the seven (7) members commission shall transition to a five (5) member commission provided there is not an even number of commissioners serving the commission at any one time. Pursuant to section 2-2-105 A and B, the council may extend terms to implement this provision.

Once established, the five (5) member commission shall include the following: one of the members shall be a licensed architect and one of the members shall be a landscape design professional. The remaining three (3) members may be laypersons, however, experience in the following disciplines is encouraged: building construction, visual and graphic design. In the event no person is eligible for appointment in the designated fields who is a resident of the city, the council may waive the residency requirement. (Ord. 1223, eff. 3-1-1966; amd. Ord. 1241, eff. 5-19-1966; Ord. 75-O-1546, eff. 3-6-1975)

10-3-3002.1: ELIGIBILITY:

All members of the architectural commission shall be residents of the city except as expressly waived by the provisions of section 10-3-3002 of this article. (Ord. 75-O-1545, eff. 2-6-1975)

10-3-3003: APPOINTMENT AND TERM OF OFFICE:

The members of the architectural commission shall be appointed by the council. Appointments shall be made so as to stagger the terms of the appointees so that two (2) terms become vacant on each of three (3) successive years and one term on the fourth year. The term of office of each member appointed to a full term shall be for four (4) years. (Ord. 1223, eff. 3-1-1966; amd. Ord. 75-O-1546, eff. 3-6-1975)

10-3-3004: RULES:

The architectural commission shall adopt rules and regulations for the conduct of its business. (Ord. 1223, eff. 3-1-1966; amd. Ord. 81-O-1789, eff. 4-16-1981; Ord. 82-O-1855, eff. 8-5-1982; Ord. 97-O-2286, eff. 12-5-1997)

10-3-3005: SECRETARY:

The director of ~~planning~~ community development, or designee, shall serve as the official secretary to the architectural commission. The records of all proceedings and the basis for all findings shall be available to the council and to the public. (Ord. 1223, eff. 3-1-1966; amd. Ord. 73-O-1493, eff. 11-1-1973)

10-3-3006: MEETINGS:

The architectural commission shall meet at intervals at least once each month on regularly scheduled dates. Additional meetings shall be arranged in order to process applications within the time required by this code. Special meetings shall be called in accordance with the provisions of section 54956 of the Government Code of the state. (Ord. 1223, eff. 3-1-1966)

10-3-3007: ARCHITECTURAL REVIEW REQUIRED:

- A. 1. Approval: No building, structure, sign, wall, fence, or landscaping located in any zone other than a single-family (one-family) residential zone shall be erected, constructed, altered, or remodeled unless the elevations and plans for the exterior portions and areas and the interiors of mall areas, as defined in section 10-3-100 of this chapter, have first been reviewed and approved by the architectural commission, or by the council on appeal.
- 2. Exception: Notwithstanding the provisions of subsection A1 of this section, temporary seasonal decorations may be displayed on private property, without architectural review, during the period between November 15 of each year and January 10 of the following year.
- B. No exterior portion or area of an existing building, structure, sign, wall, fence, or other improvement to real property, or the interior of any mall area, located in any zone other than a residential zone shall be painted, repainted, textured, or retextured unless the plans, colors, and textures for such work have been reviewed and approved by the architectural commission, or by the council on appeal.
- C. No permit shall be issued for any work described in subsections A and B of this section and unless the necessary approval required therefor is first granted.

Prior to the commencement of any work described in subsections A and B of this

section, an application for approval shall be made in writing to the architectural commission pursuant to the procedure set forth in this article.

- D. Notwithstanding open air dining plan approval pursuant to article 35 of this chapter, no open air dining operations shall be established unless the plans for all improvements, fixtures, structures and facilities to be located in the public right of way have been reviewed and approved by the architectural commission, or by the council on appeal. For the purposes of this subsection "facilities" shall include, but not be limited to, tables and chairs.
- E. When in the opinion of the city planning official, the approval of an application for a minor or insignificant permit does not defeat the purposes and objectives of this article, the official may grant the approval without submitting the matter to the architectural commission for its approval, notwithstanding any other provision of this section or this article. The decision of the city planning official may be appealed to the architectural commission by filing an appeal petition with the city planning official no later than fourteen (14) days after the official's decision. The petition shall be on a form designated by the city planning official.
- F. Notwithstanding the provisions of this section, architectural review may be a condition of the granting of a conditional use permit or a variance when required for any use or improvement in a residential zone.
- G. Notwithstanding any other provision of this section, architectural review shall be a condition of the grant of a sign accommodation pursuant to chapter 4, article 9 of this title.
- H. Notwithstanding any other provision of this code, architectural review shall be a condition precedent to the approval of a final map to convert an existing multi-family residential apartment building to a common interest development project or to convert a common interest development previously created prior to January 1, 2006, to another form of common interest development in accordance with chapter 2, article 7 of this title for any building that the planning commission determined to be a "character contributing building" in accordance with section 10-2-707 of this title and, based on that determination, granted a waiver of any of the requirements of said article 7. (Ord. 1223, eff. 3-1-1966; amd. Ord. 67-O-1295, eff. 12-21-1967; Ord. 73-O-1493, eff. 11-1-1973; Ord. 78-O-1681, eff. 3-30-1978; Ord. 79-O-1734, eff. 5-31-1979; Ord. 81-O-1789, eff. 4-16-1981; Ord. 84-O-1912, eff. 2-2-1984; Ord. 89-O-2072, eff. 10-19-1989; Ord. 93-O-2181, eff. 11-19-1993; Ord. 00-O-2345, eff. 5-19-2000; Ord. 06-O-2497, eff. 4-6-2006)

10-3-3008: BUILDING RELOCATION:

The architectural commission shall review all plans submitted with applications for moving buildings within or into the city. Photographs shall be included with the application showing all

elevations, the structure proposed to be moved, the proposed site, and the buildings adjacent to the proposed site. The commission shall determine whether the building proposed to be moved will fit harmoniously into the neighborhood wherein it is to be located. The commission may approve, approve with conditions, or disapprove the issuance of a permit to move such building. (Ord. 1223, eff. 3-1-1966)

10-3-3009: PROCEDURE:

- A. Preliminary sketches of the design of a proposed structure or alteration may be submitted to the planning ~~department~~ division for informal review so that an applicant may be informed of architectural commission policies prior to preparing working drawings. ~~If approved, such sketches shall serve as a guide in the further consideration of the same proposed building or structure.~~

~~The applicant for a building permit, when subject to the requirements of this article, shall submit to the director of planning a site plan, as defined by section 10-3-3012 of this article, and exterior elevations and such other data as will assist the architectural commission and the director of planning in evaluating the proposed building or structure.~~

Final plans and elevations shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared the plans. The final plot plan shall conform to section 10-3-3012 of this article. Work not thus presented may be rejected by the director of planning.

- B. When Architectural Commission or staff-level approval authorized under section 10-3-3007 E of this Chapter is required, an application shall be filed in accordance with Section 10-3-3012 of this Chapter.

- ~~B.C.~~ _____ The director of planning shall refer complete applications ~~such plans~~ to the architectural commission at its next regular meeting. ~~If such meeting is not scheduled within the period set for architectural commission action, a special meeting shall be called.~~ The architectural commission shall act on the application within thirty (30) days after the filing of full and complete data, unless an extension of time is consented to by the applicant. As determined by the presiding chair of the commission, special meetings may be called as necessary. (Ord. 1223, eff. 3-1-1960; amd. Ord. 73-O-1493, eff. 11-1-1973)

10-3-3010: CRITERIA:

The architectural commission may approve, approve with conditions, or disapprove the

issuance of a building permit in any matter subject to its jurisdiction after consideration of whether the following criteria are complied with:

- A. The plan for the proposed building or structure is in conformity with good taste and good design and, in general, contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- B. The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable;
- C. The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value;
- D. The proposed building or structure is in harmony with the proposed developments on land in the general area, with the general plan for Beverly Hills, and with any precise plans adopted pursuant to the general plan; and
- E. The proposed development is in conformity with the standards of this code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.
- F. In addition to the foregoing criteria, in connection with any application to convert an existing residential apartment building determined by the planning commission to be a "character contributing building" in accordance with section 10-2-707 of this title, the architectural commission shall not approve a renovation to the exterior of a character contributing building unless it makes the following additional finding:
 1. The proposed development is designed in a manner that protects and preserves those exterior elements of the building which the planning commission found contributed to the determination of the project as a "character contributing building" in accordance with section 10-2-707 of this title.

If the criteria set forth in this section are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with such criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing and signed by the chair personman, and a copy thereof shall be made available to the applicant upon request.

A decision or order of the architectural commission or the director of planning-community development, or designee, shall not become effective until the expiration of fourteen (14)

calendar days after the date upon which a ruling of the architectural commission or the director of planning community development, or designee, has been made.

Nothing required by this article shall be construed to supersede the requirements set forth in chapter 2, article 7 of this title regarding the conversion of the form of ownership of an existing rental apartment building that has been determined by the planning commission to be a "character contributing building" in accordance with section 10-2-707 of this title to a common interest development within the meaning and definitions of that article. (Ord. 1223, eff. 3-1-1966; amd. Ord. 74-O-1511, eff. 4-11-1974; Ord. 06-O-2497, eff. 4-6-2006)

10-3-3011: APPEALS:

The applicant or any aggrieved person may appeal any decision of the director of planning community development or the architectural commission to the council as provided in title 1, chapter 4, article 1 of this code. (Ord. 1223, eff. 3-1-1966; amd. Ord. 74-O-1511, eff. 4-11-1974; Ord. 84-O-1948, eff. 3-21-1985)

10-3-3011.5: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting an architectural review approval, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter. (Ord. 02-O-2411, eff. 11-22-2002)

10-3-3012: SITE PLANS:

The director of community development shall establish application submittal requirements for Architectural Commission and staff-level review applications. Submittal requirements shall be clearly detailed in the application form and available to the public. ~~A site plan shall be drawn to scale and shall indicate the following sufficiently for the consideration of visual, safety, and economic factors:~~

- ~~A. The dimensions and orientation of the parcel;~~
- ~~B. The location of the buildings and structures, both existing and proposed;~~
- ~~C. The location of off street parking and loading facilities;~~
- ~~D. The location and dimensions of present and proposed street and highway dedications required to handle the traffic generated by the proposed uses;~~
- ~~E. The location of the points of entry and exit for motor vehicles and the internal circulation pattern;~~

- ~~F. The location of walls and fences and the indication of their height and the materials of their construction;~~
- ~~G. An indication of the exterior lighting standards and devices adequate to review the possible hazards and disturbances to the public and adjacent properties;~~
- ~~H. The location and size of the exterior signs and outdoor advertising;~~
- ~~I. A preliminary landscaping plan;~~
- ~~J. The grading and slopes where they affect the relationship of the buildings;~~
- ~~K. An indication of the heights of buildings and structures;~~
- ~~L. An indication of the proposed use of the buildings shown on the site; and~~
- ~~M. Such other architectural and engineering data as may be required to permit the necessary findings that the provisions of this code are being complied with.~~

~~The requirements set forth in subsections A through M of this section may be waived by the director of planning if he deems the information not essential.~~

~~Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of such proposal to the existing development.~~ (Ord. 1223, eff. 3-1-1966; amd. Ord. 73-O-1493, eff. 11-1-1973)

10-3-3013: ENCROACHMENTS:

Applications for permission to encroach upon city property, such as refacing a building, may be referred to the architectural commission. The commission shall make recommendations to the council in such cases as to whether the alterations proposed would conform to the standards set forth in this article. (Ord. 1223, eff. 3-1-1966)

10-3-3014: EFFECTIVE DATE:

The provisions of this article shall become effective and be in full force and operation at one minute after twelve o'clock (12:01) midnight on March 1, 1966. (Ord. 1223, eff. 1-1-1966; amd. Ord. 1226, eff. 3-1-1966)

10-3-3015: APPLICATION OF ARTICLE PROVISIONS TO BUILDING APPLICATIONS:

The provisions of this article shall not apply to the processing of applications for building permits filed with the public services director prior to the effective date of this article. (Ord. 1226, eff. 3-1-1966)

10-3-3016: FILING FEES:

Applications for architectural review shall be accompanied by a filing fee established from time to time by resolution of the council.

~~A. Applications for staff architectural review as set forth in subsection 10-3-3007E of this article shall be accompanied by a filing fee of fifteen dollars (\$15.00), no part of which shall be returnable to the applicant.~~

~~B.~~

~~C. Applications for architectural review required to be submitted to the architectural commission for approval shall be accompanied by a filing fee of one hundred twenty dollars (\$120.00), no part of which shall be returnable to the applicant.~~

~~D.~~

~~E.~~ A. ~~C. Notwithstanding the provisions of subsections A and B of this section, no fee shall be required for any architectural review required by subsection 10-3-3007B of this article.~~ (Ord. 76-O-1600, eff. 4-15-1976; amd. Ord. 78-O-1681, eff. 3-30-1978)

Article 44. R-1 Design Review

- 10-3-4401: Purpose And Intent
- 10-3-4402: Design Review Commission
- 10-3-4403: Eligibility
- 10-3-4404: Appointment And Term Of Office
- 10-3-4405: Rules
- 10-3-4406: Secretary
- 10-3-4407: Meetings
- 10-3-4408: Design Review Required
- 10-3-4409: Reviewing Authority
- 10-3-4410: Application
- 10-3-4411: Filing Fees
- 10-3-4412: Track Determination; Concept Review
- 10-3-4413: Notice Of Hearings
- 10-3-4414: Conduct Of Hearings
- 10-3-4415: Required Findings
- 10-3-4416: Notice Of Decisions
- 10-3-4417: Appeals
- 10-3-4418: Time For Exercise Of Rights
- 10-3-4419: Effective Date

10-3-4401: PURPOSE AND INTENT:

The council finds that the scale and massing of buildings in the Central R-1 zone is of concern to the community at large. Beverly Hills residential neighborhoods have traditionally been renowned for their beauty, quality, and value and provide the city's residents with an unparalleled quality of life. The characteristics are the product of generous setbacks, gracious architecture, and careful attention to detail. However, since the late 1980s emerging trends have led some owners and developers in residential areas to disregard prevailing styles and neighborhood character in an effort to maximize development and density. The council finds that this trend has led to homes that greatly overpower the general local "lot to house size" ratio ("mansionization"). The mansionization of the city's residential neighborhoods poses a serious danger that such overbuilding will degrade and depreciate the character, image, beauty, and reputation of the city's residential neighborhoods with adverse consequences for the quality of life of all residents. The bulk and mass of such homes, as well as their general appearances, affect the desirability of the immediate area and neighboring areas for residential purposes and, by so doing, impair the benefits of occupancy of existing property in such areas, impair the stability in value of both improved and unimproved real property in such areas, prevent the most appropriate development of such areas, produce undesirable conditions affecting the health, safety, comfort, and general welfare of the inhabitants of the city, and destroy the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this article to prevent these and other harmful effects of such overbuilding in residential neighborhoods and, thus, to promote and protect the health, safety, comfort, and general welfare of the community, to

promote the public convenience and prosperity, to conserve the value of and to encourage the most appropriate development within the city's residential neighborhoods. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2487, eff. 11-7-2005; Ord. 06-O-2494, eff. 2-17-2006)

10-3-4402: DESIGN REVIEW COMMISSION:

A design review commission is hereby established which shall consist of five (5) members who shall be appointed by the council. At least one of the members shall be a licensed residential architect and one of the members shall be a landscape design professional. ~~If one qualified residential architect cannot be found, the council may appoint a landscape architect to fill the professional position on the design review commission.~~ In the event no person who is a resident of the city is eligible for appointment in the designated fields, the council may waive the residency requirement. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4403: ELIGIBILITY:

All members of the design review commission shall be residents of the city except as expressly waived by the provisions of section 10-3-4402 of this article. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4404: APPOINTMENT AND TERM OF OFFICE:

The members of the design review commission shall be appointed by the council as provided in section 2-2-105 of this code. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 06-O-2502, eff. 9-1-2006)

10-3-4405: RULES:

The design review commission shall adopt rules and regulations for the conduct of its business. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4406: SECRETARY:

The director of ~~planning and~~ community development, or designee, shall serve as the official secretary to the design review commission. The records of all proceedings and the basis for all findings shall be available to the council and to the public. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4407: MEETINGS:

The design review commission shall meet at intervals at least ~~twice~~ once each month on regularly scheduled dates. Additional meetings shall be arranged in order to process applications within the time required by this code. Special meetings shall be called in accordance with the provisions of section 54956 of the Government Code of the state. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4408: DESIGN REVIEW REQUIRED:

- A. Design Review Tracks: No single-family residence located in a Central R-1 zone shall be erected, constructed, altered or remodeled unless the elevations and plans for the exterior portions and areas visible from the street have been first reviewed and approved by the director of planning and community development (the "director") or the design review commission, as appropriate, in accordance with the provisions of this article. The R-1 design review required by this article shall fall into the following two (2) tracks:
1. Track 1; Character Based Review: Under track 1, proposed residential development will be reviewed to determine whether it substantially adheres to a pure architectural style as outlined in a style catalogue adopted by resolution of the council. The materials and elements listed as associated with a particular style may be substituted for equivalent or like materials, equal in quality and appearance as those outlined in the style catalogue, so long as they do not detract from the architectural style to be represented. The style catalogue may be amended from time to time by resolution of the council and will be maintained by the director. Track 1 reviews will be limited to a determination of consistency with the approved style catalogue. If the required review determines that the proposed development adheres to an architecturally pure style and meets all of the applicable development standards set forth in this chapter, the development may be granted a building permit without further design review.
 2. Track 2; All Other R-1 Review: All other single-family residential development that is subject to the provisions of this article and that does not meet the criteria for a track 1 review must submit to a full R-1 design review in accordance with the provisions of this article.
- B. Exemption: The provisions of this article shall not apply to any single-family residence located in a Central R-1 zone described in subsection 10-3-2426B of this chapter. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4409: REVIEWING AUTHORITY:

The reviewing authority for the R-1 design review required by this article shall be as follows:

- A. Track 1; Character Based Guide: Unless otherwise specified, the reviewing authority for a track 1 review shall be the director or his or her designee. If, in the opinion of the director, an application merits review by the design review commission, the director

may refer such application to the design review commission and the design review commission shall serve as the reviewing authority and shall conduct a noticed hearing regarding the request for track 1 R-1 design review approval in accordance with the provisions of this article.

- B. Track 2; All Other Review: The reviewing authority for track 2 review shall be the design review commission. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4410: APPLICATION:

The director of community development shall establish application submittal requirements for Track 1 and Track 2 design review applications. Submittal requirements shall be clearly detailed in the application form and available to the public.~~Applications for R-1 design review shall be in writing on a form prescribed by the director and shall contain the following information:~~

- ~~A. The name, phone number and address of the applicant.~~
- ~~B. For applications to the director (track 1 reviews), a complete set of plans prepared by a licensed architect containing such information specified in subsection D or E of this section, as appropriate, as the director deems necessary and such additional information as may be required by the director in his or her sole discretion.~~
- ~~C. For hearings before the design review commission (track 2 or appeals of decisions of the director), eight (8) sets of plans containing the information specified in subsection D or E of this section, as appropriate.~~
- ~~D. If the review is for a remodel:~~
- ~~1. A site plan drawn in accordance with the provisions of section 10-3-3012 of this chapter;~~
 - ~~2. A roof plan;~~
 - ~~3. A floor plan;~~
 - ~~4. Window and door sizes;~~
 - ~~5. Elevations of all sides of the residence;~~
 - ~~6. Plans detailing all significant architectural features;~~
 - ~~7. A conceptual landscape plan;~~
 - ~~8. Color and material sample boards;~~
 - ~~9. Window examples;~~
 - ~~10. Street elevation(s) and color rendering;~~
 - ~~11. Photographs of surrounding development.~~
- ~~E. If the review is for a new residence:~~

- ~~1. A site plan drawn in accordance with the provisions of section 10-3-3012 of this chapter;~~
- ~~2. A roof plan;~~
- ~~3. A floor plan;~~
- ~~4. Window and door sizes;~~
- ~~5. Elevations of all sides of the residence;~~
- ~~6. Plans detailing all significant architectural features;~~
- ~~7. A conceptual landscape plan;~~
- ~~8. Color and material sample boards;~~
- ~~9. Window examples;~~
- ~~10. Street elevation(s) and color rendering;~~
- ~~11. Photographs of surrounding development. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)~~

10-3-4411: FILING FEES:

Applications for R-1 design review shall be accompanied by a filing fee established from time to time by resolution of the council. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4412: TRACK DETERMINATION; CONCEPT REVIEW:

Upon receipt of an application for R-1 design review, the director shall first determine which track the review shall proceed under. If the director determines that the proposed development qualifies for a track 1 review, the director shall conduct a review of the plans to determine whether they comply with the requirements of the style catalogue or the rewards incentive guide, respectively. If the director determines that the proposed development requires a track 2 review, the director shall fix a time and place for a hearing before the design review commission. Said hearing shall be not less than ten (10) days nor more than thirty (30) days after the receipt by the director of a complete application unless otherwise agreed to by the applicant. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4413: NOTICE OF HEARINGS:

At least ten (10) days before the date fixed for the hearing, the director shall cause notice of the time, place, and purpose of the hearing to be given by mailing written notice, through the United States mail postage prepaid, to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a subject property. The failure of the person addressed to receive a notice shall not affect the jurisdiction of the reviewing authority to proceed with the hearing. In addition, the applicant shall post a notice of the pending application at the subject property. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4414: CONDUCT OF HEARINGS:

At the time and place fixed for the hearing, the design review commission shall hear such

relevant evidence as may be presented, either for or against the application, in accordance with such rules of procedure as may be established by the design review commission; provided, however, at the time and place fixed for the hearing or continued hearing, the hearing may be continued or further continued to the next regularly scheduled meeting ~~for a period of not to exceed fifteen (15) business days at any one time~~ unless otherwise agreed to by the applicant, and no further notice of such continued hearing need be given. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4415: REQUIRED FINDINGS:

The design review commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after considering whether the proposed development complies with the following criteria:

- A. The proposed development's design exhibits an internally compatible design scheme;
- B. The proposed development's design appropriately minimizes the appearance of scale and mass and enhances the garden like quality of the city and appropriately maximizes the use of required open space within the proposed architectural style;
- C. The proposed development will enhance the appearance of the neighborhood;
- D. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and
- E. The proposed development respects prevailing site design patterns, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new.

If the criteria set forth in this section are met, the application shall be approved. When the proposed development does not comply with the criteria set forth in this section, the reviewing authority may impose such conditions as it deems necessary to bring the proposed development into conformity with the provisions of this article. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4416: NOTICE OF DECISIONS:

- A. Written Decision Required: The action taken by the reviewing authority shall be reduced to writing with reasonable promptness after the hearing is concluded, setting forth its findings and conclusions. All decisions of the design review commission shall be set forth in a resolution signed by chair of the commission. If an application is disapproved, the written decision shall detail in its findings the criterion or criteria that were not met by the proposed development.

- B. Notice Of Decision: Within five (5) days after the issuance of a decision by the reviewing authority, the director shall cause a copy of the decision to be mailed, through the United States mail, postage prepaid, to each of the following persons:
1. The applicant, using the address set forth in the application; and
 2. Each person affected by the decision who previously filed with the director a written request therefor, using the address set forth in such written request.

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

- C. Effective Date Of Decision: A decision or order of the design review commission or the director shall not become effective until the expiration of fourteen (14) calendar days after the date upon which a ruling of the design review commission or the director has been made. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4417: APPEALS:

- A. Only the applicant may appeal a decision of the director pursuant to this article. The applicant may appeal the decision of the director to the design review commission. A written appeal petition on a form prescribed by the director shall be filed with the director within fourteen (14) calendar days after the date of the decision being appealed. In the event the last day of the filing period falls on a nonbusiness day, the appeal period shall be extended to include the next business day. The timely filing of the appeal petition is jurisdictional. The fee schedule for appeal petitions shall be approved by the council and maintained on file by the director of finance administration.
- B. The applicant or any aggrieved person may appeal any decision of the design review commission to the planning commission in accordance with the procedure outlined in subsection A of this section. The decision by the planning commission on an R-1 design review application shall be rendered by resolution. Such decision may be appealed to the council in the manner provided by title 1, chapter 4, article 1 of this code.
- C. Any appeal taken pursuant to this section shall be limited to specific findings the aggrieved party finds objectionable. The appeal petition shall contain a statement of the facts upon which the appeal is taken and shall clearly state which findings the appellant is contesting. The hearing before the appellate body shall be conducted in accordance with the procedures in this article for a track 2 review. The hearing conducted before the appellate body shall not be a de novo hearing of the entire application but shall be limited to those findings challenged in the appeal. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4418: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting an R-1 design review approval, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4419: EFFECTIVE DATE:

The provisions of this article shall become effective and be in full force and operation at one minute after twelve o'clock (12:01) A.M. on May 21, 2004. (Ord. 04-O-2444, eff. 5-21-2004)

ATTACHMENT 3
Planning Commission Staff Report, dated January 13, 2011



Planning Commission Report

Meeting Date: January 13, 2011

Subject: Resolution recommending adoption of an ordinance amending Title 10, Chapter 4: Zoning; Signs related to umbrellas signs; amending Title 10 Chapter 3, Articles 30 and 44 related to Architectural and Design Review Commission rules and procedures
PROJECT APPLICANT: CITY OF BEVERLY HILLS

Recommendation: Adopt the Proposed Resolution

REPORT SUMMARY

This report transmits City Council directed text amendments related to the commission membership of the Architectural Commission and Design Review Commission, and other staff-recommended 'clean up' amendments. The report also includes a minor amendment to the Sign Code to permit business identification on umbrella valances.

BACKGROUND

A management audit of the Community Development Department in 2008 included a recommendation to merge the City's two design-related review commissions. This recommendation was not supported by the City Council. However, during the Council's deliberation, direction was provided to staff to proceed with amendments that would reduce the Architectural Commission's membership from seven members to five. Additionally, the Council directed changes to Design Review Commission's membership to eliminate the provision of a landscape architect, in favor of a landscape design professional.

While preparing these amendments, staff identified some other changes that better reflect actual practice and procedures of each commission, which are presented for the Planning Commission's consideration.

More recently, the City Council directed staff to explore opportunities to allow businesses an opportunity to provide business identification and logos on umbrellas.

Exhibit A to Attachment 1 includes specific changes in strike and underline format. All of these amendments are located in the Zoning Code and subject to the Planning Commission's review and recommendation to the City Council.

Attachment(s):
A. PC Resolution and Exhibit

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DISCUSSION

Architectural Commission Amendments

The amendments to this chapter include the following:

- Transition membership from seven to five members
- Adjust membership disciplines for a five member commission
- Clarify that the role of 'secretary' can be designated to staff other than the director
- Eliminate a procedural requirement for submitting conceptual plans
- Clarify that applications determined complete for filing be sent to the commission for review within 30 days
- Eliminate codified site plan requirements, but require the director to establish submittal requirements with the application packet
- Eliminate out-dated information related to application filing fees

The most substantive amendment to this code section involves the change of Architectural Commission membership from seven to five members. The reduction to a five member commission would make this commission consistent with the size of the two other commissions served by the Planning Division, result in shorter meeting times, require less staff resources and other result in some cost savings. The commission would maintain the requirement for a licensed architect and change the landscape architect appointment to a landscape professional as that discipline has been challenging to fill in the past.

The other changes are more clean up-related to reflect current practice and improve administration.

Design Review Commission

- Adjust membership disciplines for a five member commission
- Clarify that the role of 'secretary' can be designated to staff other than the director
- Change meeting schedule from twice a month to once a month
- Eliminate codified site plan requirements, but require the director to establish submittal requirements with the application packet

For the same reasons noted above, the landscape architect requirement was changed to landscape professional for this commission. Additionally, a provision was eliminated that allows a landscape architect to satisfy the requirement for a residential architect. While related, these two disciplines are different and the need for an architect on the commission as a permanent member is important to this commission's operation. The other noteworthy amendment is to the change in meeting schedules; the commission has historically only met once a month. The existing language requires an extra administrative process of posting cancel meeting notices each month for the second meeting that is not held. Nothing about this amendment would prevent the commission from conducting additional special meetings if the need arose.

Sign Code Amendment: Umbrella Signs

In an effort to provide business owners more opportunity to identify their business, the City Council, through the City Manager's Office has directed a minor amendment to the City's Sign Code. This amendment would allow seven inch letter or logos to be placed on umbrella valances. The sign square footage on the umbrellas would count toward the overall square footage permitted for the individual tenant. Moreover, the umbrella signs can only identify the business and not advertise products sold or distributed on the premises or other advertising.

ARCHITECTURAL AND DESIGN REVIEW COMMISSION COMMENTS

The commission-related amendments have previously been discussed with each commission, respectively, and each is supportive of the changes. Some of the 'clean up' amendments were identified after the commission reviews, but they are more administrative in nature and have no impact on existing commission operations. Each commissioner has been provided a copy of this report.

The Architectural Commission also reviewed proposed changes to the sign code. A majority of the commission opposed the modification and commented that the existing sign code is overly permissive with respect to the amount of sign area permitted in the City. Moreover, the commission stated that adding umbrella valance signs would detract from the image and character of the city and add visual clutter. The commission concluded that the existing sign code allows sufficient opportunity for business identification.

The Planning Commission is encouraged to consider these comments from the Architectural Commission and offer a recommendation to the City Council.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines¹, and the environmental regulations of the City. The project is exempt pursuant to section 15061(b)(3) in that it can be seen with certainty that the proposed amendments to the commission membership, application submittal requirements for the City's two design-related review commissions, and proposed modifications to the sign code to permit minor lettering on the valance of an umbrella will not have a negative effect to the environment. The amendments do not have the potential to change the intensity, pattern or frequency of projects as defined in the CEQA Guidelines.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	10 days	01/03/11	12/24/10	20 days
Mailed Notice (Owners & Residents - 300' Radius)	N/A	N/A	N/A	N/A
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	N/A	N/A

¹ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

NEXT STEPS

It is recommended that the Planning Commission conduct a public hearing and adopt the proposed resolution.

Alternatively, the Planning Commission may consider the following actions:

1. Modify the resolution as appropriate and forward a recommendation to the City Council
2. Continue the hearing to a date (un)certain and direct staff as appropriate.

Report Reviewed By:

Jonathan Lait, AICP, Assistant Director of Community Development