

Attachment 3
Ordinance Establishing
C-PD-G Overlay Zone

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
ESTABLISHING THE COMMERCIAL PLANNED DEVELOPMENT
GATEWAY OVERLAY ZONE (C-PD-G), AND AMENDING THE
BEVERLY HILLS MUNICIPAL CODE

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

Section 1. Legislative Findings. Due to special circumstances surrounding the subject properties at 9900 Santa Monica Boulevard, 9817 Wilshire Boulevard, and 9848 Wilshire Boulevard, the City Council finds that certain T-1 zoned properties in conjunction with the adjacent commercially zoned properties in the City may be appropriately used for the proposed uses, and that such uses are appropriate and warrant specific development standards and criteria. The objectives of the Commercial Planned Development Gateway Overlay Zone (C-PD-G) shall include those objectives set forth in the proposed Section 10-3-1871 of the Overlay Zone, as set forth in full in Section 5 below.

Section 2. The Planning Commission considered this Ordinance at duly noticed public hearings on March 24, 2011, November and December 2011, January 26, February 25, March 8, March 22, and May 24, 2012. Evidence both written and oral was presented during the hearings. After considering the evidence, the Planning Commission recommended that the City Council adopt this Ordinance.

Section 3. The City Council considered this Ordinance at duly noticed public hearing on June 19, 2012. Evidence, both written and oral, was presented at said hearing.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines (Title 14 of the California Code of Regulations Sections 15000 *et seq.*, and the City’s environmental guidelines, (hereafter the “Guidelines”). The City prepared an initial study and based on the information contained in the initial study concluded that there was substantial evidence that the Project might have a significant environmental impact on identified resources, Pursuant to CEQA Guidelines section 15064 and 15081, and based upon the information contained in the Initial Study, the city ordered the preparation of an EIR for the Project to analyze the Project’s potential impacts on the environment, The City Council, by separate resolution: (a) made certain CEQA findings and determinations; (b)certified the EIR; (c) adopted a Statement of Overriding considerations; and (d) adopted a Mitigation Monitoring and Reporting Program. The documents and other materials that constitute the record on which these decisions are based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 5. A new Article 18.7 is hereby added to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 18.7. COMMERCIAL PLANNED DEVELOPMENT GATEWAY OVERLAY
ZONE (C-PD-G Overlay Zone)

10-3-1870: CREATION OF THE OVERLAY ZONE:

There is hereby created an overlay zone designated as the Commercial Planned Development

Commercial Planned Development Gateway Overlay Zone (C-PD-G).

10-3-1871: OBJECTIVES OF THE C-PD-G OVERLAY ZONE:

The objectives of the C-PD-G Overlay Zone shall be as follows:

1. Development shall be consistent with the purpose and intent of the C-PD-G Overlay Zone and the General Plan.
2. Development within the overlay zone shall promote the garden quality of the City.
3. Lot consolidation and coordinated development of underlying T-1 zoned properties and adjacent underlying C-3 properties fronting on South Santa Monica Boulevard is encouraged and shall be required for the reviewing authority's approval of height and density allowances in excess of eighteen feet (18') in height and a one-half to one (0.5:1) Floor Area Ratio.
4. Project design shall provide pedestrian, bicycle, and vehicular access and connectivity within and between C-PD-G Overlay Zone properties, the adjacent C-3 properties, and residential and hotel development built or planned across North Santa Monica Boulevard. Connectivity at or above grade and within underground parking structures shall be achieved to the extent feasible. The reviewing authority shall consider the appropriateness of ingress/egress for proposed projects within the C-PD-G Overlay Zone to ensure that traffic will not adversely impact the adjacent residential areas and the high school area.
5. Parking shall be located below-grade and located on properties within the C-PD-G Overlay Zone; vehicle and pedestrian access to parking shall be convenient. Minimal

at-grade parking may be considered by the reviewing authority. Parking in excess of the minimum required parking set forth in Section 10-3-2730 of the zoning code shall be incorporated into any development and be made available to the public. The excess public parking incorporated into any development on Parcel 1 (9900 Santa Monica Boulevard) and Parcel 2 (9848 Wilshire Boulevard) shall, on a collective basis, substantially offset the parking deficiency in the neighborhood along South Santa Monica Boulevard between the intersection with Wilshire Boulevard and the city's western Boundaries.

6. Development shall take advantage of design flexibility incorporated into the C-PD-G Overlay Zone to create iconic architecture that promotes the image of the City and that respects the scale, mass, and character of surrounding development in the immediate vicinity. Building facades visible from public streets shall exhibit innovative design, distinctive architectural merit, or a combination of both.
7. Project design and site planning shall incorporate substantial area dedicated to green space, public open space, and pedestrian amenities. Building height shall be balanced with appropriate setbacks and landscaping adjacent to public streets to promote the appearance of a green belt and minimize the perception of a continuous uninterrupted wall of development as viewed from public streets. Buildings shall be well modulated.
8. Development shall be designed with pedestrian-oriented amenities and uses at the ground floor that encourage pedestrian activity during daytime and nighttime hours such as restaurants, outdoor dining and retail.

9. Development on Parcels 2 (9848 Wilshire Boulevard) and 3 (9817 Wilshire Boulevard) shall provide substantial setbacks from the intersections of Wilshire Boulevard and North and South Santa Monica Boulevard to aesthetically complement Beverly Gardens Park and fountain plaza, and the planned open space at the northwest corner of Wilshire Boulevard and North Santa Monica Boulevard. The setback area at the intersections shall include pedestrian amenities, green space, significant public art, or other elements determined to be appropriate by the reviewing authority.
10. Development shall incorporate adequate land dedications or easements that may be needed for future roadway and transportation improvements, including bicycle facilities, pedestrian mobility elements, bus shelters, pedestrian bridges, or similar improvements.
11. Development shall not result in detrimental impacts to existing or planned development in the vicinity with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, and pedestrian safety hazards, parking demand, parking design, loading, or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
12. On Parcel 1 (9900 Santa Monica) and Parcel 2 (9848 Wilshire Boulevard) only, structure height in excess of forty-five feet (45'), up to a maximum of sixty feet (60') not including permitted projections, may be granted if the reviewing authority finds that design innovations or other public benefits preclude development of the maximum allowable building floor area within a three-story, forty-five foot (45') high structure.

13. Development on the underlying T-1 zoned parcel shall not preclude future development opportunities on adjacent C-3 zoned parcels that are not included in the C-PD-G Overlay Zone.

14. Development shall include additional public benefits that the reviewing authority determines to be appropriate.

10-3-1872: DEFINITIONS:

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

OVERLAY ZONE: A zoning district which governs the same territory as an underlying zone, but provides alternative development standards for a specified type of development or use.

PLANNED DEVELOPMENT: A development that is approved pursuant to the procedures of article 18.4 of this chapter.

UNDERLYING ZONE: The primary zone designation which would govern development on a particular site if such development were not otherwise governed by an overlay zone.

10-3-1873: PERMITTED AND PROHIBITED USES

Except as otherwise provided or restricted by this article, no lot, premises, building, or portion thereof in the C-PD-G Overlay Zone shall be used for any purpose except the following:

- A. Use permitted in the applicable underlying zone that meets the development standards of the underlying zone.
- B. Uses developed pursuant to the Commercial Planned Development Gateway Overlay Zone which are limited and defined as follows:

- (1) Permitted Uses

- (a) Office
 - (b) Retail & restaurants
 - (c) Galleries
 - (d) Museums
 - (e) Boutique Hotels
 - (f) Residential uses above ground floor (rental)
 - (g) Other permitted uses in C-3 Zone

- (2) Prohibited Uses

- (a) All uses prohibited in C-3 Zone
 - (b) Medical offices
 - (c) Night clubs

10-3-1874: HEIGHT LIMIT

Building projects shall be constructed, altered, or enlarged in the C-PD-G Overlay Zone in accordance with the following height restrictions:

- A. Developments consisting of only underlying T-1 zoned properties shall be limited to a maximum of one-story, and eighteen feet (18') in height.

B. Developments that include both underlying C-3 zoned properties and underlying T-1 zone properties or portions thereof that are immediately adjacent to C-3 zoned properties that are incorporated into the project shall be allowed up to three (3) stories, forty five feet (45') in height. For properties in the overlay zone and west of Wilshire Boulevard, the building height may exceed the height limits of this paragraph up to a maximum of sixty feet (60') or four stories, whichever is less, if such height increase is approved by the City Council as part of a planned development pursuant to article 18.4 of this chapter.

10-3-1875: DENSITY:

A building project located in the C-PD-G Overlay Zone shall have a floor area limitation as follows:

- A. Developments on the underlying C-3 Zoned properties shall have a floor area ratio no greater than two to one (2.0:1)
- B. Development on underlying T-1 zoned properties shall have a floor area ratio no greater than one-half to one (0.5:1) if developed separately from adjacent underlying C-3 zoned properties.
- C. Combined developments that include underlying T-1 zoned property and immediately adjacent underlying C-3 zoned properties shall have a floor area ratio no greater than one and one-half to one ratio (1.5:1) for the portion of the underlying T-1 zoned property or properties that are immediately adjacent to underlying C-3 zoned property incorporated into the Project, and zero to one (0.0:1) FAR for T-1 underlying zoned properties or portions thereof that are not immediately adjacent to a underlying C-3 zoned property that is included in the project. Portions of an underlying T-1 zoned property included in a

combined development that have a zero to one floor area ratio (0.0:1 FAR) shall not be built upon and shall be landscaped, but such landscaping shall not be used to meet the green space, public open space, landscaping, or setback requirements of this Article.

- D. If any portion of an underlying T-1 zoned property is initially developed under Paragraph B above, and another portion is later sought to be developed under Paragraph C above, then the floor area ratio of such later development shall be reduced by the floor area ratio of the earlier development to the extent that the earlier development shall continue to exist.

10-3-1876: LOT SIZE

To be eligible for application of the C-PD-G Overlay Zone to a underlying T-1 zoned lot, the minimum size of that lot shall be 30,000 square feet, except that any underlying T-1 zoned lot in existence at the time of the adoption of the ordinance enacting this Article that is less than 30,000 square feet shall be eligible for application of the C-PD-G Overlay Zone.

10-3-1877: PARKING, ACCESS, AND CIRCULATION:

Except as otherwise provided in this section, parking for a building project located in the C-PD-G Overlay Zone shall be provided in accordance with Sections 10-3-2727 through 10-3-2736 of this chapter.

10-3-1878: LOADING AND ANCILLARY FACILITIES:

Notwithstanding any other provision of this code, the number and size of required loading spaces for any development within the overlay zone area shall be provided in accordance with Sections 10-3-2740 through 10-3-2743 of this chapter.

10-3-1879: OTHER DEVELOPMENT STANDARDS

Any setback, green space, modulation, dedication and loading requirements shall be as authorized in a Planned Development Permit, consistent with the objectives contained within the C-PD-G Overlay Zone.

Section 6. 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 remain in full force and effect and shall control as to each property to which the C-PD-G overlay zone has been applied.

Section 7. 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.

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Section 8. 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.

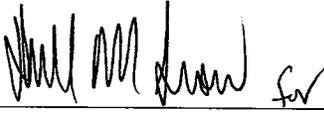
Adopted:

WILLIAM W. BRIEN, M.D.
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 C. KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development