



Planning Commission Report

Meeting Date: October 11, 2012

Subject: Use Charts.

Recommendation: Receive a presentation on Charts listing allowable and conditionally allowable uses in Commercial, Mixed Use, Public, Church, School, and Transportation Zones.

REPORT SUMMARY

Use charts intended to make the City's zoning code more accessible are attached. In the coming year, these charts along with other similar documents will be made available to the public on the City's website and at the public counter. These charts are being shared for feedback and comment from the Planning Commission.

DISCUSSION

As part of the ongoing effort to streamline the City's development review process and to make the City's zoning code more accessible to the public, charts have been developed as a means of summarizing code standards and requirements. The charts presented with this report are:

Use Charts – Identify uses allowed and conditionally allowed in Commercial, Mixed-Use, Public, Church, School, and Transportation Zoning Districts.

PUBLIC NOTICE AND COMMENT

This item has been noticed as a public hearing on September 28, 2012 and as of the writing of this report no comments have been received.

GENERAL PLAN CONSISTENCY

The proposed charts are consistent with the objectives, principles, and standards of the General Plan. The General Plan includes "Implementation Program 8.1 – Public Information and Involvement". The program encourages the City to make information available to the public, including information on land use, zoning and development processes.

ENVIRONMENTAL REVIEW

The charts contemplated are being 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. It has been determined that use of the charts would not have a significant

Attachment(s):

1. Use Charts

Report Author and Contact Information:

Peter Noonan, AICP CEP

Associate Planner

(310) 285-1127

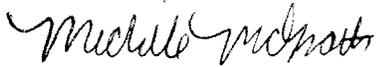
pnoonan@beverlyhills.org

environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

NEXT STEPS

Comments and feedback provided by the Planning Commission will be integrated into the charts and the charts presented will be made available to the public on the City's website and public counter. Over the course of the next year, other such documents intended to make the City's code more accessible will be developed and made available to the public.

Report Reviewed By:



Michele McGrath

Principal Planner

Attachment 1

Use Charts

Allowed and Conditionally Allowed Uses in Commercial Zones and Zoning Overlay Districts

	C-3 ¹	Pedestrian Oriented Area	C-3T-1 ¹	C3T-2 ¹	C3T-3	C-3A ¹	C-3B ¹	C-5
Amusement Parks	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Automobile Body and Fender Repair Shops (Subject to 10-3-1614)	P	P*	P	P	CUP			
Automobile Paint Shops (Subject to 10-3-1615)	P	P*	P	P	CUP			
Brewing or manufacture of alcoholic beverages ²	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	CUP
Cabaret (Within Business Triangle subject to 10-3-1620)	P	P*	P	P	CUP			
Cafe	P	P*	P	P	CUP	P	P	
Carpenter Shop	P	P*	P	P	CUP	P	P	
Childcare Uses licensed pursuant to State Law	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Church	P	P*	P	P	CUP			
Cinema or Theater	P	P*	P	P	CUP	P	P	
Clubhouse	P	P*	P	P	CUP			
Clubs						CUP	CUP	
Commercial Garages	P	P*	P	P	CUP			
Conservatory	P	P*	P	P	CUP	P	P	
Dancing Academy	P	P*	P	P	CUP	P	P	
Dressmaking or Millinery Store	P	P*	P	P	CUP	P	P	
Drive-up, Drive-in and Drive-through Facilities (Subject to 10-3-1612)	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Dry Cleaning Plants (Subject to 10-3-1607)	P	P*	P	P	CUP			
Educational Institutions	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	CUP ³
Exercise Club	P	P*	P	P	CUP	P	P	
Gymnasium Uses								CUP
Hand Laundries (Subject to 10-3-1608)	P	P*	P	P	CUP			
Hotel (Subject to provisions of article 28.6)	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Library	P	P*	P	P	CUP	P	P	
Lunchroom	P	P*	P	P	CUP	P	P	
Mini-shopping Centers (Subject to 10-3-1611)	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Museums	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	CUP
Nightclubs (Subject to 10-3-1619)	CUP	CUP*	CUP	CUP	CUP			
"Nightclub Type Activity" (defined in section 10-3-2703)								CUP
Office (excluding medical uses)	P	P*	P	P	P	P	P	
Off-site Parking (Pursuant to 10-3-2733)	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	CUP
Other Uses ⁴								CUP
Paint, Paperhanger, or Decorating Shop or Store	P	P*	P	P	CUP	P	P	
Parking Garage	P	P*	P	P	CUP			

Allowed and Conditionally Allowed Uses in Commercial Zones and Zoning Overlay Districts

	C-3 ¹	Pedestrian Oriented Area	C-3T-1 ¹	C3T-2 ¹	C3T-3	C-3A ¹	C-3B ¹	C-5
Photography Gallery	P	P*	P	P	CUP	P	P	
Places of Amusement	P	P*	P	P	CUP			
Playground	P	P*	P	P	CUP			
Plumbing Shop	P	P*	P	P	CUP	P	P	
Private Screening Rooms appurtenant to commercial office uses								CUP
Private Training Centers of no more than two thousand (2,000) square feet of floor area	P	P*	P	P	CUP	P	P	
Private Training Centers of more than two thousand (2,000) square feet of floor area	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Public Utility Uses (Except as provided in 10-3-2754)	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	
Religious Institutions	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	CUP
Retail Tailor						P	P	
Roofing or Plastering Store or Office	P	P*	P	P	CUP	P	P	
School	P	P*	P	P	CUP			
Shop for the conducting of wholesale or retail business	P	P*	P	P	CUP	P	P	
Store	P	P*	P	P	CUP			
Studio	P	P*	P	P	CUP	P	P	
Tailor	P	P*	P	P	CUP			
Theater						P	P	CUP ⁵
Upholsterer	P	P*	P	P	CUP	P	P	
Vehicles Sales, Service or Fuel Stations ⁶	CUP	CUP*	CUP	CUP	CUP	CUP	CUP	

P = Permitted Use CUP = Conditional Use Permit

***PEDESTRIAN ORIENTED AREAS:**

- A. No use other than a retail use or a hotel shall occupy a space with more than twenty five feet (25') of street frontage on the ground floor of any building or structure located in a pedestrian oriented area.
- B. Notwithstanding subsection A of this section, for any building or structure situated at the corner of two (2) streets located in a pedestrian oriented area and with frontage on both streets, a use other than a retail use or a hotel may occupy a space with up to twenty five feet (25') of ground floor street frontage on each street for a total ground floor street frontage of up to fifty feet (50').
- C. Medical uses shall be prohibited in a pedestrian oriented area except as allowed pursuant to section 10-3-1620.1.
- D. Those portions of licensed pharmacies devoted to dispensing prescription medicine shall be prohibited on the ground floor of buildings within the first thirty feet (30') behind the storefront facing a street.

COMMERCIAL-RESIDENTIAL TRANSITION AREA: That portion of a commercial zone or the RMCP zone that is located within one hundred seventy feet (170') of either a residential zone or the RMCP zone. "Commercial-residential transition area" shall also include sites located within a residential zone which are used primarily by commercial uses which were legally authorized prior to the change to a residential zone classification. Notwithstanding the foregoing, "commercial-residential transition area" shall not include either those properties located on the northerly side of the street on Santa Monica Boulevard, south roadway, or those properties located on the southerly side of the street on Wilshire Boulevard west of Santa Monica Boulevard, north roadway.

Allowed and Conditionally Allowed Uses in Commercial Zones and Zoning Overlay Districts

	C-3 ¹	Pedestrian Oriented Area	C-3T-1 ¹	C3T-2 ¹	C3T-3	C-3A ¹	C-3B ¹	C-5
--	------------------	--------------------------------	---------------------	--------------------	-------	-------------------	-------------------	-----

- ¹ Uses similar to permissible uses are also permitted.
- ² Ancillary to a dining or bar use or is ancillary to a retail store that sells alcoholic beverages.
- ³ Teaching grade levels one through twelve (12).
- ⁴ Those uses not specifically permitted or prohibited by this article or otherwise conditionally permitted by this section.
- ⁵ Maximum capacity of no more than four hundred fifty (450) persons.
- ⁶ Subject to the provisions of section 10-3-1613 and not otherwise prohibited by section 10-3-1603. (A. The establishment or expansion of any activity that qualifies as a vehicle sales, service or fuel station use shall require a separate conditional use permit; B. Notwithstanding other provisions of this use, a vehicle sales, service or fuel station that involves only the installation of vehicle accessories shall not require a conditional use permit unless such vehicle sales, service or fuel station is located adjacent to a residential zone or separated from a residential zone only by a public right of way. For the purposes of this use, the term "vehicle accessories" shall include, but not be limited to, tires and alarms, but shall not include engine or body parts.).

Allowed and Conditionally Allowed Uses in Mixed Use Zones and Zoning Overlay Districts

	C-R-PD	PD	C-PD-M	E-O-PD	Pedestrian Oriented Area	M-PD-2	C3(AR) ¹	M-PD-3	M-PD-4 ²
Ancillary Commercial Uses				PCA	PCA*				
Bars							RAA ³		
Combination of residential uses and residential and commercial parking facilities						PCA ⁴	RAA ⁵	PCA ⁶	
Commercial Exercise Clubs and Training Centers				PCA	PCA*				
Commercial Uses						P ⁷		P ⁸	P ⁸
Commercial Office Uses							P ⁹		
Convenience Service Uses	P ¹⁰								
Hair Salons				PCA	PCA*				
Medical Uses			P ¹¹	PCA	PCA*				
Nail Salons				PCA	PCA*				
Non-office Retail Establishments, except on the ground floor and any mezzanine				PCA	PCA*				
Real Estate Offices				PCA	PCA*				
Residential Uses						P ¹²	RAA ¹³	P ¹⁴	P ¹⁴
Restaurants in excess of 5% of the total gross square footage of the building				PCA	PCA*				
Restaurants							RAA ³		
Retail Department Stores and Ancillary Uses	P ¹⁵			PCA ¹⁶	PCA* ¹⁶				
Uses Permitted in the applicable underlying zone that meet the development standards of the underlying zone	P		P ¹¹	P	P*	P ¹⁷			

P = Permitted Use PCA = Planning Commission Approval RAA = Reviewing Authority Approval

***PEDESTRIAN ORIENTED AREAS: Uses Permitted and Prohibited:**

- A. No use other than a retail use or a hotel shall occupy a space with more than twenty five feet (25') of street frontage on the ground floor of any building or structure located in a pedestrian oriented area.
- B. Notwithstanding subsection A of this section, for any building or structure situated at the corner of two (2) streets located in a pedestrian oriented area and with frontage on both streets, a use other than a retail use or a hotel may occupy a space with up to twenty five feet (25') of ground floor street frontage on each street for a total ground floor street frontage of up to fifty feet (50').
- C. Medical uses shall be prohibited in a pedestrian oriented area except as allowed pursuant to section 10-3-1620.1.
- D. Those portions of licensed pharmacies devoted to dispensing prescription medicine shall be prohibited on the ground floor of buildings within the first thirty feet (30') behind the storefront facing a street.

- ¹ The reviewing authority may permit the combination of residential and commercial uses on a lot in C-3 (AR) zone in conjunction with the approval of an adaptive reuse development through a planned development approved pursuant to article 18.4. Except as otherwise provided in article 10-3-1967, an adaptive reuse development may include any use permitted in the C-3 zone. A portion of the Wilshire Boulevard frontage of all adaptive reuse developments shall be reserved for pedestrian oriented commercial uses.
 - ² No use shall be permitted if that use would cause the parking generation for all uses in the mixed use development to exceed the available parking on site as determined in accordance with this chapter (10-3-1990.5 D.). The planning commission shall have authority through conditions imposed on a planned development to prohibit other uses as it deems appropriate, on a use by use basis.
 - ³ No restaurants or bars may be included in an adaptive reuse development unless otherwise approved by the reviewing authority as part of a planned development approval pursuant to article 18.4.
 - ⁴ The planning commission may permit the combination of residential uses and residential and commercial parking facilities on a lot in either the RMCP or C-3 zone in conjunction with the approval of a mixed use development through a planned development permit pursuant to article 18.4.
 - ⁵ The reviewing authority may permit the combination of residential and commercial uses on a lot in C-3 (AR) zone in conjunction with the approval of an adaptive reuse development through a planned development approved pursuant to article 18.4.
 - ⁶ The planning commission may permit the combination of residential uses and residential and commercial parking facilities on a lot in either the R-1 or C-3 zone in conjunction with the approval of a mixed use development through a planned development permit pursuant to article 18.4.
 - ⁷ Commercial uses included as part of a mixed use development shall only be permitted in those portions of the development in which the underlying zone is the C-3 zone.
 - ⁸ Commercial uses included as part of a mixed use development shall only be permitted in those portions of the development in which the underlying zone is a commercial zone.
 - ⁹ The mezzanine or second story of an adaptive reuse development may be used for commercial office uses.
 - ¹⁰ Provided that any change from convenience service uses approved as part of a planned development pursuant to article 18.4 shall be permitted only with the prior approval of the director of planning and community development.
 - ¹¹ No lot, premises, building or portion thereof in the C-PD-M zone shall be used for any purpose except those approved by the planning commission as part of a planned development pursuant to article 18.4.
 - ¹² Residential uses included as part of a mixed use development shall only be permitted in those portions of the development in which the underlying zone is the RMCP zone.
 - ¹³ No residential units may be located on the ground floor of an adaptive reuse development. The ground floor of an adaptive reuse development shall be used exclusively for the following purposes: 1) the entry lobby for the residential component; 2) a media room, concierge station, gym/workout facility, and/or other amenities for the residential component; or 3) commercial uses. The location and size of any ground floor use in an adaptive reuse development shall be subject to review by the reviewing authority as part of a planned development pursuant to article 18.4.
 - ¹⁴ Residential uses included as part of a mixed use development shall be permitted in all portions of the development regardless of the underlying zone, except that residential uses shall not be permitted within the first forty feet (40') of the first floor facing arterial roadways such as Wilshire Boulevard, measured from the building façade.
 - ¹⁵ Approved by the planning commission as part of a planned development pursuant to article 18.4. Retail department stores may include convenience service uses that are accessory to a retail department store.
 - ¹⁶ Ancillary commercial uses may be permitted on any floor. However, the total floor area occupied by ancillary commercial uses above the ground floor shall not exceed five percent (5%) of the floor area of the building.
 - ¹⁷ A mixed use development may include any use permitted in the applicable underlying zone; provided, however, that in any mixed use development that includes more than one underlying zone, no use may be permitted in any portion of the mixed use development which does not otherwise conform to uses permitted by the underlying zone applicable to such portion of the mixed use development.
-

Allowed and Conditionally Allowed Uses in Public, Church, School, & Transportation Zones and Zoning Overlay Districts

	P-S¹	Church	Public School²	T-1	T-2	T-O	R-4-P
Accessory Structure						P ³	
Ancillary Parking Facilities							PCA ⁴
Church		P					
Community Athletic Facilities	P						
Human Resource Centers	P						
Multi-family Dwelling Units							P
Municipal Facilities	P						
Parks	P						
Public Auditoriums	P						
Public Education Purposes			P ⁵				
Railway Transportation				P	P	P	
Residential Uses							CUP ⁶
Retail Ancillary Uses							PCA ⁴
Stations, depots, or other structures necessary or convenient for railway passengers, freight, or other strictly railroad or railway business				P	P	P	
Surface Parking				P ⁷	P ⁷	P ⁸	
Vehicular Circulation, including ingress, and egress	P						

P = Permitted Use CUP = Conditional Use Permit PCA = Planning Commission Approval

¹ Public service uses not specifically set forth in section 10-3-2031 may be allowed.

² With respect to the properties listed in subsection 10-3-2211E, those uses permitted pursuant to section 10-5-306 are permitted uses.

³ Any accessory structure located on the site area within the T-O zone, including, but not limited to, storage tanks, light standards, freestanding signs, landscape planters, and walls or fences, which was erected prior to June 19, 2001; provided such accessory structure is used primarily to support the surface parking use authorized by subsection A of this section and further provided the property owner submits a scaled plot plan to the department of planning and community development by August 19, 2001. Said plot plan shall be drawn to a reasonable scale and shall include such information as the director of planning and community development may reasonably require.

⁴ Approved by the planning commission as part of a planned development pursuant to article 18.4.

⁵ For public educational purposes, including without limitation the purposes specified by Education Code section 40041. Such purposes, however, shall not include any residential, commercial, industrial or other nonpublic use or development on any lot or parcel, or portion thereof, determined by the governing board of the Beverly Hills Unified School District not to be needed for public school purposes unless the zoning of such lot or parcel is changed to permit such use or development in accordance with Government Code section 65852.9.

⁶ Those residential uses conditionally permitted in the R-4 zone shall also be permitted in the R-4-P zone if authorized by a conditional use permit issued pursuant to the provisions of article 38.

⁷ Surface parking shall be a permitted use on those properties designated for parking on the "T zone parking map" approved by the city council and on file in the department of planning and community development. For the purposes of this section, surface parking includes, without limitation, vehicular access to adjacent properties, and staging for construction, film production and similar purposes.

⁸ Surface parking, subject to the restrictions set forth in section 10-3-2356. Any site area developed with surface parking pursuant to this provision may also include within the T-O zone a building, or portion of a building, with a gross area of two hundred seventy five (275) square feet, provided such building is used primarily to support the surface parking use.