

ATTACHMENT 6

**ENTIRETY OF EXISTING HILLSIDE ORDINANCE
WITH INSERTED CHANGES**

Article 25. Single-Family Residential Development Standards For The Hillside Area Of The City

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10-3-2501: APPLICABILITY:

The development standards set forth in this article shall apply to all properties zoned for single-family residential uses in the Hillside Area of the city. (Ord. 95-O-2239, eff. 7-7-1995)

10-3-2502: FLOOR AREA:

The following minimum and maximum floor area restrictions shall apply to buildings in the Hillside Area of the city:

- A. Minimum Restrictions: Any building that serves as the primary residential building on a site area shall have a minimum floor area of one thousand six hundred (1,600) square feet and shall have a minimum width, at its widest point, of twenty feet (20').
- B. Maximum Restrictions: The standards set forth in this subsection shall govern the maximum cumulative floor area that may be developed on any site within the Hillside Area.

Notwithstanding any other provision of this section, an owner of a site within the Hillside Area may develop buildings or structures on that site which cumulatively contain up to four thousand five hundred (4,500) square feet of floor area even if the application of the standards set forth in this section would not permit that amount of development.

In addition, notwithstanding any other provision of this section, the cumulative floor area developed on any one site area, in combination with the floor area of all basements constructed on that site, shall not exceed fifteen thousand (15,000) square feet unless permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. Provided, however, that up to one thousand six hundred (1,600) square feet of basement garage area and up to three hundred (300) square feet of basement mechanical area shall not be included within the calculation of the floor area of a basement for the purposes of this paragraph.

1. For site areas which have no level pad, or a level pad of less than seven hundred fifty (750) square feet in area, and the average slope of the site area is twenty percent (20%) or greater, then the maximum cumulative floor area for all buildings and structures shall be twenty percent (20%) of the site area.
2. For those sites not governed by subsection B1 of this section, the maximum permitted cumulative floor area of all buildings and structures shall be calculated as follows:
 - a. If the area of a site is fifteen thousand (15,000) square feet or less, then the maximum permitted cumulative floor area for buildings and structures on the site shall be forty percent (40%) of the area of the level pad plus ten percent (10%) of the area of the slope.
 - b. If the area of a site is between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty seven percent (37%) of the area of the level pad plus ten percent (10%) of the area of the slope.
 - c. If the area of a site is between twenty five thousand one (25,001) and thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty four percent (34%) of the area of the level pad plus ten percent (10%) of the area of the slope.
 - d. If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope.
3. If the area of a site equals or exceeds two acres, the maximum cumulative floor area may exceed the limitations set forth in subsections B1 and B2 of this section if permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.

For the purposes of this section, the maximum cumulative permitted floor area shall be calculated based upon the finished grade of the site.

Further, if a portion of a site area is to be dedicated to the city for the purposes of establishing or enlarging a street or an alley, and such dedication is to be made in conjunction with a development approval, then, for the purposes of calculating the maximum permitted floor area for the proposed development pursuant to this section, the site area shall include that portion of the site area that is to be dedicated to the city. However, the dedicated area shall not be included in the calculation of floor area for subsequent development, including additions to the original development. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 95-O-2242, eff. 8-5-1995)

10-3-2503: HEIGHT:

Except as provided in section 10-3-2522 of this article for view preservation lots, as provided in section 10-3-2516 of this article for walls and fences, and as provided below for uphill lots, construction over a slope, construction over fill, and small level pads, the maximum permitted height for a structure constructed on a site area in the Hillside Area shall be twenty six feet (26'). However, a structure may exceed this height if the structure is constructed within a height envelope that begins at twenty two feet (22') in height at the front setback line and increases toward the rear of the site at a thirty three degree (33°) slope to a maximum height of thirty feet (30').

- A. Uphill Lots: If a site area in the Hillside Area has a level pad elevation that is at least ten feet (10') higher than any adjacent portion of a street, then the structures constructed on that site area shall be constructed within a height envelope that begins at fourteen feet (14') in height at the level pad setback line and increases toward the center of the level pad at a slope of thirty three degrees (33°) to a height of thirty feet (30').
- B. Construction Over A Slope: Notwithstanding the height limits set forth in this section, if a building extends beyond the edge of the level pad by at least twenty feet (20'), measured horizontally to the pad, then the maximum permitted height for that portion of the building located on the pad shall be thirty feet (30'). The maximum permitted height for a structure constructed over a slope shall be twenty two feet (22'). However, the vertical distance between the lowest exposed point of the structure and the highest element of the structure shall not exceed fifty five feet (55').
- C. Construction Over Fill: Notwithstanding any other height limit set forth in this section, the maximum permitted height for a structure constructed over fill shall be reduced by the maximum height of any retaining wall or walls for that fill if such retaining wall or walls are located within ten feet (10') of the structure.
- D. Small Level Pads: Notwithstanding the height limits set forth above, if a site contains no level pad, or a site contains a level pad that does not exceed seven hundred fifty (750) square feet in area, then the maximum height of that portion of a structure within forty feet (40') of the front setback line of the site shall be twenty six feet (26'). However, a structure may exceed this height if the structure is constructed within a height envelope that begins at twenty two feet (22') in height at the front setback line and increases toward the rear of the site at a thirty three degree (33°) slope to a maximum height of thirty feet (30').

For that portion of a structure located more than forty feet (40') from a front setback line, the maximum height shall be twenty two feet (22'). However, the vertical distance between the lowest exposed point of the structure and the highest element of the structure shall not exceed fifty five feet (55'). (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2504: FRONT SETBACKS:

- A. The front setback for site areas located in the Hillside Area of the city shall be the setback as established in the records for each site area maintained by the city's community development department, unless that setback is not established in the city's records, or it is zero.
- B. If the front setback for a particular site area is zero or is not established in the city's records, then the front setback distance for that site area shall be determined as follows:
 - 1. For developed site areas, the front setback shall be the lesser of either:
 - a. The distance between the front lot line and the closest element of the existing primary residence; or
 - b. The average of the front setbacks of the other site areas on the same side of the street in the same block.
 - 2. For undeveloped lots, the front setback shall be the average of the front setbacks of the other site areas on the same side of the street in the same block. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 07-O-2512, eff. 5-11-2007)

10-3-2505: REAR SETBACKS:

The rear setback for site areas located in the Hillside Area shall equal fifteen percent (15%) of the lot depth or twenty feet (20'), whichever is greater. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2506: SIDE SETBACKS:

Except as provided in this section, each side setback, including street side setbacks, for buildings in the Hillside Area shall be ten feet (10') or twelve percent (12%) of the lot width for each setback, whichever is greater.

- A. Street Side Setbacks: A street side setback shall be as indicated on the "residential street setback map of the city of Beverly Hills", if such setback is greater than the minimum setback otherwise required by this section.

If the street side setback is not shown on the "residential street setback map of the city of Beverly Hills" then the setback shall be governed by the provisions of this section regarding side setbacks.

- B. Side Setback Extension: If a legally constructed existing building does not conform to the setback requirements of this section, then the building may be enlarged through the extension of the existing, nonconforming, side setback provided that the existing setback is not less than three feet (3') and the enlarged portion of the building does not exceed fourteen feet (14') in height.
 - 1. Minor Accommodation: If the existing setback is not less than three feet (3') and the extension exceeds fourteen feet (14') in height, then the extension may be permitted by a minor accommodation permit issued pursuant to article 36 of this chapter provided that the floor area of the extension is less than one thousand (1,000) square feet and less than twenty percent (20%) of the existing floor area authorized by building permit as of September 2,

1988, and provided that the reviewing authority finds that the extension will not have an adverse impact on: a) the scale and massing of the streetscape, b) neighbors' access to light and air, c) neighbors' privacy, and d) the garden quality of the city.

2. Hillside R-1 Permit: If the existing setback is not less than three feet (3'), the extension exceeds fourteen feet (14') in height, and the area of the extension exceeds one thousand (1,000) square feet or twenty percent (20%) of the existing floor area authorized by building permit as of September 2, 1988, then the extension may be permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.
- C. Structures Built Into Uphill Slopes: If a building is built into an uphill slope located between the level pad and a rear property line, then the sum of the side setbacks for the portion of the building built into the uphill slope shall be the setbacks otherwise required by this section plus thirty percent (30%) of the lot width. Furthermore, in no case shall any side setback be less than the setback otherwise required by this section.
- D. Application Of Side Setback Requirements To Existing Legally Nonconforming Side Yards: In all cases that the side setback requirements of this section are applied to construction on lots with existing legally nonconforming side setbacks, the largest setback required by this section shall be applied to the side of the lot with the largest existing side yard. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 86-O-1977, eff. 10-2-1986; Ord. 89-O-2056, eff. 4-20-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2261, eff. 7-5-1996)

10-3-2507: PAD EDGE SETBACKS:

No portion of any building shall be constructed closer than five feet (5') to the edge of a level pad, adjacent to a slope downhill from the pad, except those buildings that extend more than twenty feet (20') beyond the edge of the level pad, measured horizontally to the pad. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2508: PERMISSIBLE ENCROACHMENTS IN A FRONT YARD:

No structure or element of a building may encroach into any front yard, except the following:

- A. A fence, gate, or wall that otherwise complies with the requirements of this code;
- B. Paving in accordance with section 10-3-2518 of this article;
- C. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting not more than eighteen inches (18") into such yard;
- D. One covered entry porch, located at or below the first floor level, that is a maximum of four feet (4') in depth and which has no vertical supporting elements;
- E. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yard. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2509: PERMISSIBLE ENCROACHMENTS IN SIDE YARDS, STREET SIDE YARDS, PAD EDGE SETBACKS, AND REAR YARDS:

No structure or element of a building may encroach into any side yard, street side yard, pad edge setback, or rear yard except the following:

- A. A fence, gate or wall that otherwise complies with the requirements of this code;
- B. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting no more than eighteen inches (18") into such yards;
- C. Porches and decks located at or below the first floor level provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the first floor level;
- D. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;
- E. One fireplace provided one of the following two (2) criteria is met:
 - 1. The required setback equals or exceeds seven and one-half feet ($7\frac{1}{2}'$), the encroachment is limited to thirty inches (30") or less, and the length of the fireplace measured parallel to the property line does not exceed ten feet (10'); or
 - 2. The required setback is less than seven and one-half feet ($7\frac{1}{2}'$), the encroachment is twelve inches (12") or less, the length of the fireplace measured parallel to the property line does not exceed six feet (6'), and the fireplace is located a minimum of ten feet (10') from the front of the building;
- F. Swimming pools provided that no mechanical equipment servicing any such pool is located within a side yard or street yard;
- G. Trash storage facilities;
- H. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yards;
- I. A porte-cochere; and
- J. Freestanding support structures for wireless facilities, provided that no mechanical or accessory equipment servicing any such wireless facility is located within a side yard or a street side yard.
- K. Elevators and elevator enclosures, provided the following criteria are met:
 - 1. The subject residence is not a newly constructed building. "Newly constructed building" shall mean a building that has been constructed within the past five (5) years or remodeled more than fifty percent (50%) during the past five (5) years as described in section 10-3-4100 of this chapter.
 - 2. The length of the encroachment measured parallel to the property line does not exceed seven feet (7'), except that a minor accommodation permit may be issued to allow a greater

length. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:

- a. The scale and massing of the streetscape,
 - b. Neighbors' access to light and air,
 - c. Neighbors' privacy, and
 - d. The garden quality of the city.
3. The aggregate length of the encroachment of the elevator and elevator enclosure together with a fireplace encroaching into the same setback, pursuant to subsection E of this section, does not exceed thirteen feet (13'), except pursuant to a minor accommodation permit issued pursuant to subsection K2 of this section.
 4. The encroachment is not closer than three feet (3') from the front of the building.
 5. The elevator and elevator enclosure does not have any windows.
 6. Noise generated by the elevator complies with city noise regulations set forth in title 5, chapter 1, article 2 of this code.
 7. The elevator and enclosure is designed to be compatible with the existing residence in color, material and design.
 8. The encroachment into the setback does not exceed the following, provided that a minimum setback of three feet (3') shall be maintained in all cases:
 - a. Thirty inches (30"), or
 - b. Sixty inches (60") if a minor accommodation permit pursuant to article 36 of this chapter is issued. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:
 - (1) The scale and massing of the streetscape,
 - (2) Neighbors' access to light and air,
 - (3) Neighbors' privacy, and
 - (4) The garden quality of the city.

Notwithstanding any other provision of this section, a passageway or access for emergency services shall extend for the length of the entire site area from the front lot line to the rear lot line. Such passageway or access shall be a minimum of three feet (3') in width and shall be free of any obstruction, except that a wall, fence or hedge otherwise permitted by the provisions of this chapter may be placed along the rear lot line and a gate may be placed across such passageway or access behind the front yard. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 88-O-2025, eff. 6-9-1988; Ord.

90-O-2101, eff. 10-4-1990; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 05-O-2461, eff. 3-18-2005; Ord. 09-O-2563, eff. 2-22-2009)

10-3-2510: FRONT SETBACK FOR ACCESSORY BUILDINGS:

Accessory buildings shall be set back at least one hundred feet (100') from the front lot line or all elements of the accessory building shall be located within fifty feet (50') of the rear lot line of the site area. (Ord. 95-O-2239, eff. 7-7-1995)

10-3-2511: SIDE SETBACK ENCROACHMENT FOR ACCESSORY BUILDINGS:

Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a side yard provided that such buildings are set back five feet (5') from all property lines.

Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of fourteen feet (14') in height must be constructed within the principal building area and shall be governed by the height restrictions for that area. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2512: REAR SETBACK ENCROACHMENT FOR ACCESSORY BUILDINGS:

Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a rear yard provided that such buildings are set back five feet (5') from all property lines.

Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of fourteen feet (14') in height must be constructed within the principal building area and shall be governed by the height restrictions for that area. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2513: STRUCTURE SEPARATION FOR ACCESSORY BUILDINGS:

Accessory buildings shall be located no closer than six feet (6') to any other building on the same site area. (Ord. 95-O-2239, eff. 7-7-1995)

10-3-2513.5: ACCESSORY BUILDING PORCHES AND DECKS:

No accessory building shall have a porch or deck located more than three feet (3') above the finished grade. For the purposes of this section, grade shall be defined as it is defined in title 9 of this code.

- A. Exception: Notwithstanding the provisions of this section, the planning commission may permit an accessory building located on a residential site with an area that equals or exceeds twenty four thousand (24,000) square feet to include a porch or deck located more than three feet (3') above finished grade through a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 02-O-2403, eff. 9-6-2002)

10-3-2514: GARAGE ENTRANCE RESTRICTIONS:

If the vehicular entrance to a garage is greater than twenty four feet (24') in width, then the vehicular entrance to the garage shall be either: a) perpendicular to the street from which it has access, b) within the rear fifty feet (50') of the site, or c) at least one hundred feet (100') from the front lot line. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2515: GARAGE AND OTHER PARKING REQUIREMENTS:

No less than four (4) parking spaces shall be provided for each primary residence located within the Hillside Area unless the primary residence has a floor area of less than six thousand (6,000) square feet. If the primary residence has a floor area of less than six thousand (6,000) square feet, then only three (3) parking spaces shall be required.

- A. At least two (2) of the parking spaces required by this section shall be covered by a permanent structure.
- B. The dimensions of each parking space shall comply with the parking standards adopted by the city council and on file in the department of building and safety. However, if the width of a portion of an existing paved driveway is restricted by the location of an existing residence, or if the width of a portion of a paved driveway is restricted by the construction of a porte cochere, to a width less than that required by the parking standards, but not less than eight feet (8'), then, notwithstanding its inadequate width, such portion of the driveway shall be considered to comply with the parking standards provided that such area complies with all other requirements of the parking standards.
- C. No required parking space shall be provided within a front yard. Furthermore, any additional parking areas that are not required by this code shall be set back a minimum of five feet (5') from any front lot line or street side lot line. Such five foot (5') setback area shall be landscaped.
- D. Parking areas, or portions thereof, located in any side or rear yard or exposed to view from a street shall be completely screened from the view of the adjacent property by a fence or hedge at least six feet (6') in height and from any street by a fence or a hedge at least three feet (3') in height, except that an entryway not to exceed ten feet (10') in width may be provided from the street, such screening shall not encroach into the required dimensions of the parking space. (1962 Code § 10-746; amd. Ord. 1256, eff. 11-1-1966; Ord. 1261, eff. 2-16-1967; Ord. 69-O-1364, eff. 12-4-1969; Ord. 72-O-1435, eff. 3-16-1972; Ord. 76-O-1620, eff. 10-7-1976; Ord. 82-O-1866, eff. 11-4-1982; Ord. 89-O-2081, eff. 12-7-1989; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2516: WALLS, FENCES AND HEDGES:

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

- A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.
- B. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.
- C. Front And Street Side Yards: No wall or fence shall be located within three feet (3') of a front lot line or street side lot line.

Walls or fences located more than three feet (3') from a front lot line or street side lot line, but less than or equal to ten feet (10') from a front lot line or street side lot line shall be no more than three feet (3') in height.

Walls or fences located more than ten feet (10') from a front lot line or street side lot line, but

within a front yard or street side yard, shall be no more than six feet (6') in height. Furthermore, any portion of such walls or fences that exceeds three feet (3') in height shall be open to public view.

1. Hillside R-1 Permit: Notwithstanding the provisions of this subsection C, a reviewing authority may issue a Hillside R-1 permit to permit a wall of no more than six feet (6') in height to encroach into a front yard or street side yard without otherwise complying with the requirements of this subsection C.
 2. Minor Accommodation: Notwithstanding the provisions of this subsection C, a reviewing authority may issue a minor accommodation permit pursuant to article 36 of this chapter to allow a wall or fence of up to six feet (6') in height to be located between three feet (3') and ten feet (10') from a front lot line or street side lot line, provided that the wall or fence is open to public view and provided that the reviewing authority finds that the wall or fence will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the city.
- D. Areas Other Than Front And Street Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located outside of all front and street side yards shall be seven feet (7').
- E. Series Of Walls: If a series of walls, or portions of a wall, are constructed so that perpendicular section cut through a wall would intersect more than one wall segment and would intersect a total height of seven feet (7') or more, then a minimum three foot (3') landscaped area must be provided between the wall segments. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 84-O-1934, eff. 10-11-1984; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2271, eff. 12-27-1996)

10-3-2517: GAME COURTS AND GAME COURT FENCES:

Game courts in the Hillside Area of the city shall be subject to the following regulations:

- A. No game court or game court fence shall be located on a through lot, within a front yard, between a principal residence and a front setback line, or over or on top of any building or structure unless the city council finds, after notice and a hearing pursuant to the procedures set forth in article 25.5 of this chapter, that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety.
- B. Game courts shall be constructed on a level pad.
- C. Notwithstanding any other regulation set forth in this chapter, the maximum allowable height of game court fences constructed in the principal building area shall be twelve feet (12').
- D. Notwithstanding any other regulation set forth in this chapter, the maximum allowable height of game court lighting standards constructed in the principal building area shall be twenty two feet (22').
- E. Game court fences and game court lighting standards located within a side or rear yard shall comply with the height requirements for fences set forth in section 10-3-2516 of this article unless otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.

- F. All game court fences shall be constructed of open wire mesh or similar material, except that a game court fence may include a retaining wall that does not exceed a maximum height of seven feet (7') provided that the cumulative height of the retaining wall and the fence does not exceed twelve feet (12')
- G. The maximum permitted height of a game court fence or game court lighting standard constructed over fill shall be reduced by the maximum height of any retaining wall or walls for that fill if such wall or walls are located within ten feet (10') of the fence or standard.
- H. No paved game court surface shall be located within five feet (5') of a property line unless otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 77-O-1652, eff. 6-2-1977; amd. Ord. 80-O-1771, eff. 10-16-1980; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2518: PAVING:

All paved areas and other impervious surfaces, including game court surfaces, shall be set back a minimum of five feet (5') from any property line. However, nothing in this section shall prohibit the paving of that portion of a driveway or walkway within five feet (5') of the intersection of the driveway or walkway and the public right of way.

In addition, paving within a front yard shall require a building permit and shall comply with the following restrictions:

- A. Coverage Of Paving: Not more than thirty three percent (33%) of the area of a front yard shall be paved. In addition, one walkway that does not exceed five feet (5') in width shall be permitted to be paved provided that the total area of the paved walkway does not exceed the total square footage derived by multiplying the depth of the front yard by five feet (5').
- B. Circular Driveways: Notwithstanding the provisions of subsection A of this section, if a site area is permitted to have two (2) driveway approaches pursuant to section ~~8-4-4~~ of this code, and a circular driveway is constructed on such site area, the front yard may be paved in the minimum amount necessary to construct a circular driveway not exceeding twelve feet (12') in width. In addition, paving shall be permitted to construct one walkway not exceeding four feet (4') in width connecting such driveway to the residence, and one driveway not exceeding nine feet (9') in width connecting the circular driveway to parking that is required by this code and if located behind the front yard.
- C. Building Setbacks For Paving: No portion of a front yard within five feet (5') of a building shall be paved, except for a driveway, and a walkway of no more than ten feet (10') in width.
- D. Flag Lots: Notwithstanding the provisions of subsections A and B of this section, if the front yard of a site area does not exceed thirty six feet (36') in width, no provision of this section shall prohibit the paving of a driveway that does not exceed twelve feet (12') in width, or such additional width as determined necessary by the city engineer to provide for reasonably safe access to the site area.
- E. Paving Buffer: An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach.

- F. Paving Materials: All paving shall be Portland cement concrete or its equivalent, applied in accordance with specifications satisfactory to, and approved by, the director of building and safety. Paving with asphaltic concrete shall not be permitted. No more than three (3) different types of pavement materials shall be used in any front yard. Any additions to paved areas shall be consistent with the existing paved areas in design, appearance, and material used.
- G. Alternate Materials And Methods: The provisions of this section are not intended to prevent the use of any material, or method of construction not specifically prescribed by this section provided that any such alternate has been approved pursuant to this subsection as follows:
1. The director of building and safety may approve any such alternate provided that the director finds that the material or method of construction advances the purposes of this section and provides at least the equivalent of that prescribed by this section in quality, strength, effectiveness, and durability.
 2. The director of building and safety shall require that sufficient evidence be submitted to substantiate any claim that may be made regarding the suitability of an alternate.
- H. Minor Accommodation: Notwithstanding any other provision of this section, a reviewing authority may authorize the replacement of legally nonconforming pavement with an amount of paving less than or equal to the existing pavement pursuant to article 36 of this chapter if the reviewing authority finds that such paving will be compatible with the character of the adjacent streetscape. (Ord. 1158, eff. 9-20-1962; amd. Ord. 1216, eff. 10-21-1965; Ord. 73-O-1493, eff. 11-1-1973; Ord. 75-O-1575, eff. 7-3-1975; Ord. 81-O-1787, eff. 4-2-1981; Ord. 89-O-2081, eff. 12-7-1989; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2176, eff. 8-20-1993; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2519: LANDSCAPING AND LANDSCAPING PLANS:

- A. Setbacks: All required front yards, side yards, and rear yards shall be landscaped with plant materials capable of covering the landscaped areas within two (2) years of planting.
- B. Slopes: All cut or fill slopes shall be planted with plant materials which are intended to protect the slope against erosion and to cover the slope within two (2) years of planting. All cut or fill slopes shall be irrigated by automatic sprinkler or drip irrigation systems.
- C. Water Conservation: In order to promote water conservation, the city of Beverly Hills encourages the use of plant materials shown on the list of recommended plant materials for slopes and yard areas. This list is maintained by the department of planning and community development. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 93-O-2176, eff. 8-20-1993; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2519.5: SYNTHETIC TURF IN FRONT YARDS:

Synthetic turf shall be allowed as landscaping for the purposes of this article provided that the following provisions are satisfied for synthetic turf in front yards:

- A. Stage D Required: Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the city council has declared and implemented stage D water conservation measures. Synthetic turf that is legally installed during stage D declared periods may be retained thereafter, even if the city council withdraws the stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.

- B. Permit Required: A building permit must be obtained prior to the installation of any synthetic turf in the front yard of a residentially zoned property. Upon application for a building permit the following shall be submitted to the community development department:
1. A landscape plan that includes:
 - a. Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b. Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
 2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.
 3. A sample of the proposed synthetic turf material that is at least twelve inches by twelve inches (12" x 12").
 4. Maintenance information for the synthetic turf.
- C. Coverage: Synthetic turf located in the front yard may be used for up to seventy percent (70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. Synthetic turf shall not be located:
1. Within the public right of way/parkway.
 2. Within the dripline of any native or "heritage tree" as defined in section 10-3-2900 of this chapter. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
 3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
 4. Within three feet (3') of a single-family residence.
 5. In any area that is used for the parking or driving of motor vehicles.
- D. Material: Synthetic turf in a front yard must simulate the appearance of natural live grass and shall:
1. Be of a type known as cut-pile infill with parallel long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall be one and three-fourths inches ($1\frac{3}{4}$ ") and the maximum pile length shall be two and one-half inches ($2\frac{1}{2}$ "). The turf shall contain a beige or tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two (2) colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.

2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be nonallergenic and nontoxic.
 3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
 4. Be affixed to a permeable triple layer primary backing with a tuft bind strength of at least eight (8) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30") per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent runoff, pooling, and flooding.
 5. Have a manufacturer's warranty lasting at least eight (8) years.
 6. Have spacing between tufting rows (gauge) of no more than three-eighths inch ($\frac{3}{8}$ ") as defined by the manufacturer.
 7. Have a face weight of at least sixty (60). The "face weight" is defined as the weight in ounces of the synthetic turf fibers found in one square yard of synthetic turf as defined by the manufacturer.
 8. Have tear grab strength of at least two hundred (200) pounds.
 9. Pass the pill burn test for flammability (ASTM D2859).
- E. Installation: Synthetic turf shall be installed pursuant to manufacturer's requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:
1. The synthetic turf shall be installed over at least three inches (3") of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
 2. Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
 3. The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the manufacturer intended to conceal edges and ensure proper anchoring of turf.
 4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.
 5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

- F. Maintenance: Synthetic turf shall be maintained in an attractive and clean condition pursuant to title 5, chapter 7 of this code and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear. (Ord. 15-O-2691, eff. 11-6-2015)

10-3-2520: PERMISSIBLE TYPES OF BUILDING MATERIALS:

All structures constructed in the Hillside Area of the city shall comply with the following materials restrictions:

- A. Roofing: Except as otherwise prohibited by law, every structure used as a residence in any single-family residential zone shall have a roof constructed with wood shake, shingle, asphalt composition, crushed rock, or other roofing material which the director of building and safety deems equivalent. Reflective, glossy, polished, and/or roll formed type metal roofing shall be prohibited.
- B. Siding: Except as otherwise prohibited by law, every structure used as a residence in any single-family residential zone shall have exterior siding of brick, wood, stucco, metal, concrete, or other siding material which the director of building and safety deems equivalent. Reflective, glossy, polished, and/or roll formed type metal siding shall be prohibited on such structures.
- C. Alternate Materials: Notwithstanding any other provision of this section, the director of building and safety may authorize the use of materials not otherwise authorized pursuant to this section if the director finds that:
1. The use of an otherwise prohibited material would enhance the architectural compatibility of the proposed structure with existing structures in the neighborhood;
 2. A proposed alteration or addition to an existing residential structure with the prohibited material will be continuation of such structure's architectural style; or
 3. The use of an otherwise prohibited material is necessary to provide adequate safety or to comply with other laws or regulations applicable to the subject structure. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2521: LANDFORM ALTERATION:

Within any five (5) year period, the total cubic yards that may be cut and filled on any site in the Hillside Area, including excavation for basements, shall be calculated as follows:

$$C = \left\{ \frac{(4-10S)^4}{162} \right\} \times \text{Site Area in Square Feet}$$

For the purposes of this formula:

C shall mean the total cubic yards of cut and the total cubic yards of fill permitted,

S shall mean the "average slope" of the site as defined in section 10-3-100 of this chapter.

The following is an example of the application of this formula to a site that is 30,000 square feet in area with an average slope of twenty five percent (25%):

$$\left\{ \frac{(4-2.5)^4}{162} \right\}$$

$$C = \{ + .1 \} \times 30,000 \\ \{ 162 \}$$

$$C = \{ 031 + .1 \} \times 30,000$$

$$C = 3,937.5$$

3,937.5 cubic yards of cut and 3,937.5 cubic yards of fill would be permitted

However, within any five (5) year period, no more than three thousand (3,000) cubic yards of earth material may be imported or exported from a site in the Hillside Area.

The limitations set forth in this section may be modified by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2521.1: DEVELOPMENT STANDARDS FOR LANDFORM ALTERATION, EXPANSIONS OF LEVEL PAD AREAS OF LOTS AND DEVELOPMENT OFF THE LEVEL PAD OF LOTS:

- A. Notwithstanding any other ordinance or provision of the Beverly Hills Municipal Code, including but not limited to Section 10-3-2521, within any five (5) year period: no more than two thousand (2,000) cubic yards of earth material may be imported or exported from a site in the Hillside Area that is immediately adjacent to a street that is less than twenty four (24) feet wide, unless a Hillside R-1 Permit is issued pursuant to Section 10-3-2550.A. of the Beverly Hills Municipal Code.
- B. Notwithstanding any other ordinance or provision of the Beverly Hills Municipal Code, a level pad area must contain a level square-shaped area with minimum dimensions of twenty (20) feet per side for the level pad to be used to calculate the maximum permitted cumulative floor area of buildings and structures in the Hillside Area pursuant to Section 10-3-2502.B. of the Beverly Hills Municipal Code. "Level pad" shall have the meaning set forth in Beverly Hills Municipal Code Section 10-3-100.
- C. Notwithstanding any other ordinance or provision of the Beverly Hills Municipal Code, the maximum cumulative floor area of the portion of any buildings and structures located off the existing level pad of any lot in the Hillside Area of the City shall be one thousand (1,000) square feet, unless a Hillside R-1 permit is issued pursuant to Section 10-3-2550.K. of the Beverly Hills Municipal Code. "Level pad" shall have the meaning set forth in Beverly Hills Municipal Code Section 10-3-100, and "existing level pad" shall mean the level pad in existence on the effective date of Ordinance _____ (_____, 2016).

10-3-2522: VIEW PRESERVATION:

- A. Except as authorized by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, and notwithstanding the provisions of section 10-3-2503 of this article concerning building heights, no structure in the Hillside Area shall be constructed to a height in excess of fourteen feet (14') if such construction in excess of fourteen feet (14') would substantially disrupt a view of the Los Angeles area basin from the level pad which contains the primary residential building on a property within three hundred feet (300') of the subject property, and such view would not have been substantially disrupted by development of a fourteen foot (14') structure. Notwithstanding the provisions of subsection D of the definition of "height of building", section 10-3-100 of this

chapter, for purposes of this section, measurement of the height of the building or structure to be constructed at any point shall mean the vertical distance between that point and the point below it on a plane defined by ground level as it existed on September 4, 1992, at all points along the building or structure perimeter.

- B. For the purposes of this section, a view "from the level pad which contains the primary residential building" shall mean a view from a point six feet (6') above the finished grade of the pad. If no primary residential building has been constructed on a property within three hundred feet (300') of the subject property, then a "view from a level pad which contains the primary residential building" shall mean the view from a point six feet (6') above the finished grade of the pad upon which, in the judgment of the director of planning, the primary residential building is most likely to be constructed.
- C. Notwithstanding the provisions of subsection A of this section, for purposes of this section, if a driveway is located adjacent to a perimeter wall of a building, and the driveway leads to a subterranean garage, then the plane described in subsection A of this section that is defined by the September 4, 1992, ground level at all points along the building perimeter shall, for that portion of the building located adjacent to the driveway, be defined instead by the points along the building perimeter at the elevation of the highest point of the driveway. However, if the high point of the driveway exceeds the highest point of the September 4, 1992, ground level along the building perimeter, then the high point of the driveway shall not be used to define the plane and the plane shall be defined by the natural ground level along the building perimeter excluding that portion of the perimeter located adjacent to the driveway.

Also, notwithstanding the provisions of subsection A of this section, for purposes of this section, if a lightwell is located adjacent to a building, then the plane defined by the September 4, 1992, ground level at all points along the building perimeter shall, for that portion of the perimeter located adjacent to the lightwell, be defined instead by the September 4, 1992, grade at all points along the perimeter of the lightwell. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2228, eff. 1-13-1995; Ord. 95-O-2239, eff. 7-7-1995; Ord. 99-O-2339, eff. 12-31-1999)

10-3-2523: CONSTRUCTION PARKING AND HAULING RESTRICTIONS:

No construction related parking shall be permitted on a public street except as otherwise approved by the director of building and safety and the city engineer.

All hauling related to construction in the Hillside Area shall conform to a hauling plan approved by the city engineer. Hauling within the Hillside Area shall be limited to the hours established by the city engineer, but in no case shall hauling occur before the hour of nine o'clock (9:00) A.M. or after the hour of four o'clock (4:00) P.M. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2524: APPLICATION REQUIREMENTS:

In addition to all other requirements, all applications for a grading or building permit within the Hillside Area shall contain the following materials:

- A. A topographic survey map prepared by a licensed surveyor showing existing contours with a maximum interval of ten feet (10').
- B. A landscape plan showing existing trees, shrubs, and ground cover.

- C. A proposed plot plan showing the location of all structures and showing existing and proposed contours with a maximum interval of ten feet (10'). The plan shall also contain total quantities of cut and fill as measured in cubic yards.
- D. A proposed landscaping plan which shows the name, size and location of the plant materials proposed. The plan shall indicate the irrigation system to be utilized.
- E. Cross sections of all buildings to be constructed.
- F. Building elevations of all buildings to be constructed.
- G. A vicinity map showing structures and pad elevations within three hundred feet (300') of the subject property.
- H. A report prepared by a licensed geotechnical engineer describing the existing geologic, seismic, drainage, and soils conditions at the subject property.
- I. A construction schedule, construction parking plan and hauling plan to be used for importing and exporting material. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2525: APPLICATION REVIEW FEE:

The city council shall establish, by resolution, a fee for reviewing applications submitted pursuant to section 10-3-2524 of this article. This fee shall be in addition to all building permit and other required fees and shall include the amount necessary to reimburse the city for the cost of hiring a licensed landscape architect or other professional to review submitted plans. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-2526: ACCESSORY BUILDINGS ON ESTATE PROPERTIES:

If the area of a residential site equals or exceeds twenty four thousand (24,000) square feet, or if the area of two (2) or more contiguous lots or parcels which are owned by the same person and used as one site equals or exceeds twenty four thousand (24,000) square feet, accessory buildings to a residence may be located on any part of the site if authorized by the planning commission as part of a Hillside R-1 permit issued in accordance with the procedures set forth in article 25.5 of this chapter.

All accessory buildings approved pursuant to this section shall be immediately removed if the site is altered so that:

- A. The area of the site on which the accessory buildings are located is reduced below twenty four thousand (24,000) square feet, or
- B. The primary residential building is separated or removed from the site on which the accessory buildings are located so that the buildings or properties in question no longer function as one home or estate. (1962 Code § 10-205; amd. Ord. 95-O-2239, eff. 7-7-1995; Ord. 02-O-2403, eff. 9-6-2002)

10-3-2527: ADDITIONAL REQUIREMENTS FOR APPLICATIONS TO EXCEED HEIGHT LIMITATIONS AND FOR APPLICATIONS SUBJECT TO VIEW PRESERVATION REGULATIONS:

For any application subject to the provisions of section 10-3-2522 of this article or for any application that seeks approval to exceed the height limitations set forth in section 10-3-2503, 10-3-2511 or 10-3-2512 of this article, the applicant shall first install story poles to demonstrate the height, bulk and location of the proposed project. The director is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the planning commission, governing the installation of story poles. Any applicant subject to the requirements of this section shall install all story poles in full compliance with such rules and regulations. (Ord. 04-O-2454, eff. 10-22-2004)

Article 25.5. Hillside R-1 Permit

10-3-2550: Hillside R-1 Permit

10-3-2551: Reviewing Authority

10-3-2552: Public Hearing And Notice

10-3-2553: Restrictions And Conditions

10-3-2554: Appeals

10-3-2555: Permit Expiration

10-3-2556: Time For Exercise Of Rights

10-3-2550: HILLSIDE R-1 PERMIT:

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Hillside R-1 permit to establish the following standards in accordance with the following criteria in the Hillside Area of the city:

- A. Import And Export Of Material: The reviewing authority may issue a Hillside R-1 permit that: 1) allows the import or export of material from a site to exceed the standards set forth in section 10-3-2521 of this chapter, and 2) establishes the total amount of material that may be imported or exported from a site in the Hillside Area, if the reviewing authority finds that the import or export will not create a substantial adverse impact on the surrounding neighborhood. As part of this determination, the reviewing authority shall consider the street widths and street configuration in the neighborhood. The reviewing authority shall also consider haul routes, scheduling, phasing and safety precautions proposed in the Hillside R-1 permit application.
- B. Cut And Fill: The reviewing authority may issue a Hillside R-1 permit that establishes the total amount of material that may be cut from a slope and/or filled on a site in the Hillside Area in excess of that permitted pursuant to section 10-3-2521 of this chapter if the reviewing authority finds that: 1) due to the topography or soil conditions of the subject property, the landform alteration requirements of section 10-3-2521 of this chapter create a hardship for the applicant and the grading proposed will not result in a substantial adverse change to the character of the existing landforms, or 2) the landform alteration itself will benefit the character of the neighborhood or neighboring properties and such benefit will outweigh any adverse impacts that may result from such alteration. For the purposes of this subsection, a property owner's inability to develop a residence of comparable size or floor area ratio to surrounding residences shall not be considered a hardship.

- C. Game Courts: The reviewing authority may issue a Hillside R-1 permit that allows a paved game court surface within five feet (5') of a property line if the reviewing authority finds that due to landscaping on the property and the location of development on adjacent sites: 1) the game court will not have a substantial adverse impact on the visual character of the area as viewed from streets and neighboring properties, and 2) the game court will not have a substantial adverse impact on the privacy and quiet enjoyment of neighboring properties.
- D. Game Court Fences And Lighting Standards: The reviewing authority may issue a Hillside R-1 permit to establish the height of a game court fence or game court lighting standard in a required side yard or rear yard in excess of the height allowed pursuant to section 10-3-2517 of this chapter, if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.
- E. Floor Area: The reviewing authority may issue a Hillside R-1 permit to allow the total of the cumulative floor area developed on a site, in combination with the floor area of all basements on that site as measured pursuant to subsection 10-3-2502B of this chapter, to exceed fifteen thousand (15,000) square feet if the floor area ratio formula set forth in subsection 10-3-2502B of this chapter would so permit and the reviewing authority finds that the development will not have a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of neighboring properties. The reviewing authority may require the applicant to submit such information and reports as the reviewing authority deems appropriate to determine the nature and extent of impacts on the scale, integrity and character of the area and on the privacy of neighboring properties.
- F. Large Site Floor Area: For those sites that are at least two (2) acres in area, the reviewing authority may issue a Hillside R-1 permit that establishes a maximum permitted cumulative floor area for all buildings and structures on a site in excess of that which would be allowed pursuant to section 10-3-2502 of this chapter, if the reviewing authority finds that development of that floor area will not create a substantial adverse impact on the visual character of the area as viewed from the streets and neighboring properties.
- G. View Preservation: For those sites restricted by section 10-3-2522 of this chapter regarding view preservation, the reviewing authority may issue a Hillside R-1 permit that establishes a maximum building height in excess of fourteen feet (14'), and/or establishes minimum setbacks, if the reviewing authority finds that the development under the approved standards would not substantially disrupt a view of the Los Angeles area basin from the level pad which contains the primary residential building on properties within a three hundred foot (300') radius of the subject property and, that the provision of a view corridor would not create a substantial adverse impact on the visual character of the area as viewed from the streets and neighboring properties. However, in no case shall the reviewing authority establish a building height that is greater than would otherwise be allowed if the site were not governed by the provisions of section 10-3-2522 of this chapter. For the purposes of this subsection, a view "from the level pad which contains the primary residential building" shall be defined as that term is defined in section 10-3-2522 of this chapter.
- H. Accessory Structures: The reviewing authority may issue a Hillside R-1 permit: 1) to allow an accessory structure of up to fourteen feet (14') in height to be located within five feet (5') of a property line; 2) to allow an accessory structure located in a yard area to exceed fourteen feet

(14') in height if the second story meets the side setback required for the primary building on the site; or 3) to allow an accessory structure located in a yard to exceed fourteen feet (14') in height if the structure is located on a site area that equals or exceeds forty thousand (40,000) square feet in area; if the reviewing authority finds that the structure will not have a substantial adverse impact on the scale or character of the area, on the privacy of neighboring properties, on the neighbors' access to light and air, or on the streetscape. However, no more than one accessory structure that exceeds fourteen feet (14') in height shall be permitted in the side or rear yard areas.

- I. Extension Of Side Setback: The reviewing authority may issue a Hillside R-1 permit to allow an extension of an existing nonconforming side setback that exceeds fourteen feet (14') in height provided that the existing setback is no less than three feet (3') and the reviewing authority finds that the extension will not have a substantial adverse impact on: 1) the scale and massing of the streetscape, 2) neighbors' access to light and air, 3) neighbors' privacy, and 4) the garden quality of the city.
- J. Wall Height In Front Or Street Side Yard: The reviewing authority may issue a Hillside R-1 permit to allow a wall of no more than six feet (6') in height to encroach into a front yard or street side yard without otherwise complying with the requirements of subsection 10-3-2516C of this chapter if the reviewing authority finds that the wall will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the city.
- K. Expansion off the Existing Level Pad: The reviewing authority may issue a Hillside R-1 permit to allow more than one thousand (1,000) square feet of cumulative floor area to be located off the level pad if it finds that the development will not have a substantial adverse impact on the scale, integrity, or visual character of the surrounding area, or on the privacy of neighboring properties, and the reviewing authority may require the applicant to submit such information and reports as the reviewing authority deems appropriate to determine the nature and extent of the impacts on the scale, integrity, and visual character of the surrounding area and on the privacy of neighboring properties.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Hillside R-1 permit shall be construed as a waiver of any requirement of this chapter. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 86-O-1977, eff. 10-2-1986; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 94-O-2228, eff. 1-13-1995; Ord. 95-O-2239, eff. 7-7-1995; Ord. 95-O-2242, eff. 8-5-1995)

10-3-2551: REVIEWING AUTHORITY:

The reviewing authority for a Hillside R-1 permit application shall be the planning commission unless the application accompanies a separate application for a discretionary approval from the city council with regard to the same site area. In that case, the city council shall be the reviewing authority for the Hillside R-1 permit application. (Ord. 95-O-2239, eff. 7-7-1995)

10-3-2552: PUBLIC HEARING AND NOTICE:

- A. The reviewing authority shall hold a public hearing concerning each application for a Hillside R-1 permit.

B. Notice of any hearing held pursuant to this section shall be completed in accordance with article 2.5 of this chapter and the city's public notice guidelines. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 14-O-2661, eff. 6-20-2014)

10-3-2553: RESTRICTIONS AND CONDITIONS:

In granting a Hillside R-1 permit, the reviewing authority may impose such restrictions or conditions exist deems necessary or proper to satisfy the findings required for such permit. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2554: APPEALS:

Any decision of the planning commission made pursuant to this article may be appealed to the city council pursuant to the provisions set forth in title 1, chapter 4, article 1 of this code. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2555: PERMIT EXPIRATION:

A Hillside R-1 permit issued pursuant to this article shall expire after a period of three (3) years from the date of approval unless the applicant has begun the physical construction of the buildings or structures authorized by the permit. In addition, a Hillside R-1 permit shall expire with regard to an accessory structure if the accessory structure is permitted at the same time as a primary residence and the physical construction of the accessory structure does not begin within one year after final inspection of the primary residence.

The reviewing authority may grant one extension to the life of the Hillside R-1 permit for a period of up to two (2) years. (Ord. 95-O-2239, eff. 7-7-1995)

10-3-2556: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting a Hillside R-1 permit, 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)