



## AGENDA REPORT

**Meeting Date:** December 6, 2016

**Item Number:** E-6

**To:** Honorable Mayor & City Council

**From:** Laurence S. Wiener, City Attorney

**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS §5-2-106, §5-2-107, §10-3-1604, §10-3-100, §10-3-2003 AND ADDING BHMC §10-3-1620.3 TO CONDITIONALLY ALLOW ANCILLARY PET BOARDING FACILITIES WITHIN RETAIL ESTABLISHMENTS IN COMMERCIAL ZONES SUBJECT TO A CONDITIONAL USE PERMIT

**Attachments:**

1. Ordinance
2. Redline Showing Changes Made by the Council at the Meeting of November 15, 2016

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### RECOMMENDATION

It is recommended that the City Council move to waive the full reading and adopt the ordinance entitled, "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS §5-2-106, §5-2-107, §10-3-1604, §10-3-100, §10-3-2003 AND ADDING BHMC §10-3-1620.3 TO CONDITIONALLY ALLOW ANCILLARY PET BOARDING FACILITIES WITHIN RETAIL ESTABLISHMENTS IN COMMERCIAL ZONES SUBJECT TO A CONDITIONAL USE PERMIT".

### INTRODUCTION

This ordinance amends the municipal code to conditionally allow ancillary pet boarding facilities within retail establishments in commercial zones subject to a conditional use permit.

### DISCUSSION

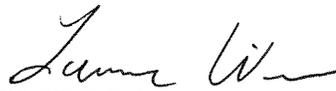
At its meeting of November 15, 2016, the City Council amended the ordinance, conducted a first reading and introduced the ordinance, as amended. The amendments include: (i) only allowing one such use in the Business Triangle; (ii) requiring signage on the premises identifying the location of the valet parking and providing proof of such signage to staff; (iii) clarifying that such use will not be allowed in retail establishments that are immediately adjacent to residential property or that have nonconforming uses;

Meeting Date: December 6, 2016

and (iv) a requirement that any dog walking route for a pet boarding facility in the Business Triangle shall proceed along South Santa Monica Boulevard or Crescent Drive in a direction outside the Business Triangle.

**FISCAL IMPACT**

The ordinance will have no significant budget or fiscal impacts to the City.



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Laurence S. Wiener, City Attorney

# ATTACHMENT 1

ORDINANCE NO. 16-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS §5-2-106, §5-2-107, §10-3-1604, §10-3-100, §10-3-2003 AND ADDING BHMC §10-3-1620.3 TO CONDITIONALLY ALLOW ANCILLARY PET BOARDING FACILITIES WITHIN RETAIL ESTABLISHMENTS IN COMMERCIAL ZONES SUBJECT TO A CONDITIONAL USE PERMIT.

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

**Section 1.** On August 25, 2016, and October 13, 2016, the Planning Commission held duly noticed public hearings after which it adopted Resolution No.1790, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to conditionally allow pet boarding facilities (collectively, the “Amendments”) in certain commercial zones. On November 15, 2016, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

**Section 2.** This Ordinance and the Amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Amendments would allow the establishment of an ancillary pet boarding facility subject to approval of a conditional use permit. The City Council hereby finds that the Amendments are exempt from CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations because the Amendments represent minor alterations in land use limitations

related to ancillary commercial uses, and do not result in any changes in land use or density. Further, the commercial areas in the City in which the ordinance would apply have an average slope of less than 20%.

**Section 3.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy Land Use “9.1 Uses for Diverse Customers” encourages a variety of land uses and businesses that support the needs of local residents. Policy Land Use “10.1 Local Serving Businesses” encourages the promotion of appropriate development of businesses that serve and are located in close proximity to residential neighborhoods. Finally, Land Use Policy “15.1 Economic Vitality and Business Revenue” calls for the city to sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high paying jobs.

**Section 4.** The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding one new definition with all other definitions in the section remaining unchanged.

The term “Pet Boarding Facility” is added between the terms “Paving” and “Physical or Mental Impairment” as they presently appear in Section 10-3-100, to read as follows:

“PET BOARDING FACILITY: A commercial or non-profit facility that is fully enclosed within a building and provides day and/or night boarding for four or more adult dogs, cats, or any combination thereof, for persons other than the occupant of the facility including the boarding or keeping of animals for the purposes of training, grooming, boarding, or socializing, and is ancillary to a principally permitted retail business for pet-

related merchandise. This does not include the keeping of animals for receiving or recovering from medical services.”

**Section 5.** The City Council hereby amends Section 5-2-106 of Article 1 of Chapter 2 of Title 5 of the Beverly Hills Municipal Code to read as follows:

“5-2-107: DOG KENNELS PROHIBITED:

No person shall own, conduct, or maintain any dog kennel within the city. For the purposes of this section, "dog kennel" shall mean any lot, building, structure, or premises whereon or wherein four (4) or more dogs over the age of four (4) months are kept, harbored, or maintained for any purpose, other than in a pet store for sale to the public, for care or treatment in an animal hospital, or in a pet boarding facility as defined in 10-3-100 for which a conditional use permit has been granted.”

**Section 6.** The City Council hereby amends Section 5-2-107 of Article 1 of Chapter 2 of Title 5 of the Beverly Hills Municipal Code to read as follows: to read as follows:

“5-2-107: CAT KENNELS PROHIBITED:

No person shall own, conduct, or maintain any cat kennel within the city. For the purposes of this section, "cat kennel" shall mean any dwelling unit, structure, or premises whereon or wherein six (6) or more cats over the age of four (4) months are kept, harbored, or maintained for any purpose, other than in a pet store for sale to the public, for care or treatment in an animal hospital, or in a pet boarding facility as defined in 10-3-100 for which a conditional use permit has been granted.”

**Section 7.** The City Council hereby amends Section 10-3-1604 to Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code adding one new conditionally

permitted use with all other provisions in Article 16 of Chapter 3 of Title 10 remaining in effect without amendment:

“Pet Boarding Facility” is added between “Off site parking pursuant to section 10-3-2733 of this chapter” and “Private training centers of more than two thousand (2000) square feet of floor area” as they presently appear in Section 10-3-1604, to read as follows:

“Pet boarding facility pursuant to section 10-3-1620.3 of this chapter.”

**Section 8.** The City Council hereby adds Section 10-3-1620.3 to Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1620.3: PET BOARDING FACILITIES

Pet Boarding Facilities, as defined in 10-3-100 may be conditionally permitted as an ancillary use on properties in the C-3, C-3-T2, and C-5 zones subject to the following:

- A. Conditional Use Permit: A conditional use permit, pursuant to the provisions of article 38 of this chapter, shall be obtained prior to the issuance of any building permit for a pet boarding facility or commencement of any pet boarding facility use.
- B. Standards: all pet boarding facilities shall comply with the following standards:
  - 1. No more than 30 percent of the floor area of the business in which the boarding facility is located shall be used for a pet boarding facility;
  - 2. No more than 40 animals shall be boarded on-site at one time;

3. Boarding shall be conducted within a fully enclosed building. Exterior boarding, training and exercise facilities are not permitted;
4. Adequate enclosures shall be provided to keep animals from roaming freely within the building;
5. Adequate space within boarding areas for exercise exists for all pets on the premise;
6. Each dog boarding crate shall provide enough space for the dog to turn about freely, and stand, sit and lie in a comfortable, normal position. The interior height of the enclosure must be at least 6 inches higher than the head of the dog in the enclosure measured when the dog is standing in a comfortable position;
7. The facility must have a minimum of sixty square feet of dedicated boarding area per animal;
8. Each cat boarding crate shall provide enough space for the cat to turn about freely, and stand, sit and lie in a comfortable and normal position. In addition, an enclosure for a cat shall provide an elevated platform appropriate for the size of the cat;
9. Food waste, used bedding, debris and other waste shall be removed from all areas of the facility at least twice a day;
10. The operator of any pet boarding facility shall assign a staff member to check the public areas (alleys and sidewalks) adjacent to the facility at least twice per day. Any animal waste related to the operation of the facility shall be cleaned up immediately;

11. The boarding facility shall be licensed by the City of Los Angeles;
12. The pet boarding facility shall have an emergency evacuation plan and employees shall be trained regarding the plan. At a minimum this plan shall include:
  - a) A list of required emergency items to have on site
  - b) A complete plan to address various types of disasters including transportation plan, gathering points, and a roll call system
  - c) An established set of rules and regulations pertaining to disasters
  - d) Communications procedures during a disaster
  - e) A schedule for drills
  - f) Identified temporary boarding sites for animals
  - g) Established policies for dealing with injured animals, including identification of pre-selected veterinary facilities at which emergency care can be provided 24 hours per day, seven days per week;
13. Proof of current vaccinations shall be required for all animals prior to accepting a pet for care or boarding services and copies of records shall be kept for each animal. This shall include rabies vaccination for dogs;
14. The pet boarding area shall be separate from the retail, grooming, or animal food storage areas;
15. The facility shall submit for approval a waste removal plan to the City;
16. Noise and Odor: No noise, odor, or other evidence of pet care shall be detectible by a person outside a building housing a pet boarding facility;

17. Use of front portion of the retail space: A pet boarding facility shall not occupy the first twenty feet (20') behind the storefront facing a street on the ground floor of any retail space that contains pet boarding;

18. There shall be no fewer than two caretakers present at all times when boarding is taking place. A third caretaker shall be required when there are more than 35 boarded animals being cared for at one facility;

19. Staff on site shall have the following knowledge and credentials:

- a) Ability to drive a car and possession of a valid driver's license
- b) Dog and Cat CPR Training
- c) At least 6 months experience at a facility that boards pets

It is not necessary that one person meet all three criteria, however, the collective staff on site at any given time must meet the criteria;

20. Interior space that includes adequate air conditioning and ventilation as to not require the opening of windows to avoid potential noise impacts;

21. No more than three pets shall be walked by one caretaker at one time. The Planning Commission may impose conditions related to the route for dog walking;

22. The applicant shall submit the dog walking route(s) being proposed to the City for review and approval. Any dog walking route for a pet boarding facility located in the Business Triangle shall proceed immediately to South Santa Monica Boulevard or Crescent Drive and take the shortest route possible along these streets to an area outside of and away from the Business Triangle.

23. The pet boarding facility shall not be allowed in retail establishments that are immediately adjacent to residential properties or that are occupied with any nonconforming uses.

C. Findings. In addition to the findings outlined in Article 38, a conditional use permit shall only be issued if the planning commission finds that:

1. The proposed use is compatible with the area and surrounding uses;
2. Adequate loading and unloading space exists for the purpose of dropping off and picking up pets; and,
3. Traffic entering or existing from the proposed pet boarding facility will not cause traffic or pedestrian hazards or undue congestion in the surrounding areas.

D. Maximum number of animals: The planning commission, during its review of the conditional use permit, shall establish a maximum number of animals that may be in the pet boarding facility at one time, provided that such number shall not exceed 40 animals.

E. Parking: The addition of an ancillary pet boarding facility shall not increase the required parking above the parking required for the primary use. If valet parking is required by the conditional use permit, signage shall be located both on the inside and outside of the premises identifying the location of the valet parking. Proof of such signage shall be provided to the City upon request.

F. Business Triangle: Only one pet boarding facility shall be allowed in the Business Triangle. For purposes of this section, "Business Triangle" is defined as the area bounded by the centerline of Wilshire Boulevard, the centerline of Santa Monica Boulevard North Roadway, and the centerline of Crescent Drive.

G. Review or Revocation: A conditional use permit that has been issued for the purpose of establishing a pet boarding facility may be reviewed by the planning commission and revoked if it is found that any one or more of the following has occurred:

1. The permittee has failed to maintain the premises in a clean, safe, and sanitary condition;
2. The permittee is not adhering to the standards outlined in 10-3-1620.3B;
3. The permittee failed to provide any animal in his or her control with adequate care, nutritious food in appropriate quantities suitable for the animal, free and easy access to potable water, and appropriate shelter; or
4. Documented evidence is submitted showing violations of any conditions of the approval that result in substantial noise, odor, or other disturbance of occupants or patrons of adjoining or nearby businesses and residences.

H. Sunset: The provisions allowing and regulating pet boarding facilities shall remain in effect for one year after adoption. The city council or planning commission may take action pursuant to this section on applications filed on or before December 1, 2017, and timely applications may be processed to conclusion. Unless the city council extends this section, the section shall be repealed as of 12:01 a.m. on December 1, 2017. Conditional Use Permits granted during the effectiveness of these provisions may continue operating in conformance with the conditions of approval, and be extended as authorized in the conditional use permit, unless the conditional use permit is revoked by the City after a duly noticed hearing for failure to comply with the conditions of approval or because of unforeseen impacts of the use.

**Section 9.** The City Council hereby amends Section 10-3-2003 to Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code adding one new conditionally permitted use with all other provisions in Article 16 of Chapter 3 of Title 10 remaining in effect without amendment:

“Pet Boarding Facility” is added between “Off site parking pursuant to section 10-3-2733 of this chapter” and “Private screening rooms appurtenant to commercial office uses” as they presently appear in Section 10-3-2003, to read as follows:

“Pet boarding facility pursuant to section 10-3-1620.3 of this chapter.”

**Section 10.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 11.** Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

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

Adopted:  
Effective:

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JOHN A. MIRISCH  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:



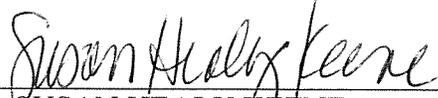
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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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MAHDI ALUZRI  
City Manager



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SUSAN HEALY KEENE  
Director of Community Development

# ATTACHMENT 2

ORDINANCE NO. 16-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS §5-2-106, §5-2-107, §10-3-1604, §10-3-100, §10-3-2003 AND ADDING BHMC §10-3-1620.3 TO CONDITIONALLY ALLOW ANCILLARY PET BOARDING FACILITIES WITHIN RETAIL ESTABLISHMENTS IN COMMERCIAL ZONES SUBJECT TO A CONDITIONAL USE PERMIT.

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commercial areas in the City in which the ordinance would apply have an average slope of less than 20%.

**Section 3.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy Land Use “9.1 Uses for Diverse Customers” encourages a variety of land uses and businesses that support the needs of local residents. Policy Land Use “10.1 Local Serving Businesses” encourages the promotion of appropriate development of businesses that serve and are located in close proximity to residential neighborhoods. Finally, Land Use Policy “15.1 Economic Vitality and Business Revenue” calls for the city to sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high paying jobs.

**Section 4.** The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding one new definition with all other definitions in the section remaining unchanged.

The term “Pet Boarding Facility” is added between the terms “Paving” and “Physical or Mental Impairment” as they presently appear in Section 10-3-100, to read as follows:

“PET BOARDING FACILITY: A commercial or non-profit facility that is fully enclosed within a building and provides day and/or night boarding for four or more adult dogs, cats, or any combination thereof, for persons other than the occupant of the facility including the boarding or keeping of animals for the purposes of training, grooming, boarding, or socializing, and is ancillary to a principally permitted retail business for pet-related merchandise. This does not include the keeping of animals for receiving or recovering from medical services.”

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**Section 6.** The City Council hereby amends Section 5-2-107 of Article 1 of Chapter 2 of Title 5 of the Beverly Hills Municipal Code to read as follows: to read as follows:

**“5-2-107: CAT KENNELS PROHIBITED:**

No person shall own, conduct, or maintain any cat kennel within the city. For the purposes of this section, "cat kennel" shall mean any dwelling unit, structure, or premises whereon or wherein six (6) or more cats over the age of four (4) months are kept, harbored, or maintained for any purpose, other than in a pet store for sale to the public, for care or treatment in an animal hospital, or in a pet boarding facility as defined in 10-3-100 for which a conditional use permit has been granted.”

**Section 7.** The City Council hereby amends Section 10-3-1604 to Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code adding one new conditionally permitted use with all other provisions in Article 16 of Chapter 3 of Title 10 remaining in effect without amendment:

“Pet Boarding Facility” is added between “Off site parking pursuant to section 10-3-2733 of this chapter” and “Private training centers of more than two thousand (2000) square feet of floor area” as they presently appear in Section 10-3-1604, to read as follows:

“Pet boarding facility pursuant to section 10-3-1620.3 of this chapter.”

**Section 8.** The City Council hereby adds Section 10-3-1620.3 to Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

**“10-3-1620.3: PET BOARDING FACILITIES**

Pet Boarding Facilities, as defined in 10-3-100 may be conditionally permitted as an ancillary use on properties in the C-3, C-3-T2, and C-5 zones subject to the following:

- A. Conditional Use Permit: A conditional use permit, pursuant to the provisions of article 38 of this chapter, shall be obtained prior to the issuance of any building permit for a pet boarding facility or commencement of any pet boarding facility use.
- B. Standards: all pet boarding facilities shall comply with the following standards:
  - 1. No more than 30 percent of the floor area of the business in which the boarding facility is located shall be used for a pet boarding facility;
  - 2. No more than 40 animals shall be boarded on-site at one time;
  - 3. Boarding shall be conducted within a fully enclosed building. Exterior boarding, training and exercise facilities are not permitted;
  - 4. Adequate enclosures shall be provided to keep animals from roaming freely within the building;

5. Adequate space within boarding areas for exercise exists for all pets on the premise;
6. Each dog boarding crate shall provide enough space for the dog to turn about freely, and stand, sit and lie in a comfortable, normal position. The interior height of the enclosure must be at least 6 inches higher than the head of the dog in the enclosure measured when the dog is standing in a comfortable position;
7. The facility must have a minimum of sixty square feet of dedicated boarding area per animal;
8. Each cat boarding crate shall provide enough space for the cat to turn about freely, and stand, sit and lie in a comfortable and normal position. In addition, an enclosure for a cat shall provide an elevated platform appropriate for the size of the cat;
9. Food waste, used bedding, debris and other waste shall be removed from all areas of the facility at least twice a day;
10. The operator of any pet boarding facility shall assign a staff member to check the public areas (alleys and sidewalks) adjacent to the facility at least twice per day. Any animal waste related to the operation of the facility shall be cleaned up immediately;
11. The boarding facility shall be licensed by the City of Los Angeles;
12. The pet boarding facility shall have an emergency evacuation plan and employees shall be trained regarding the plan. At a minimum this plan shall include:

- a) A list of required emergency items to have on site
  - b) A complete plan to address various types of disasters including transportation plan, gathering points, and a roll call system
  - c) An established set of rules and regulations pertaining to disasters
  - d) Communications procedures during a disaster
  - e) A schedule for drills
  - f) Identified temporary boarding sites for animals
  - g) Established policies for dealing with injured animals, including identification of pre-selected veterinary facilities at which emergency care can be provided 24 hours per day, seven days per week;
13. Proof of current vaccinations shall be required for all animals prior to accepting a pet for care or boarding services and copies of records shall be kept for each animal. This shall include rabies vaccination for dogs;
14. The pet boarding area shall be separate from the retail, grooming, or animal food storage areas;
15. The facility shall submit for approval a waste removal plan to the City;
16. Noise and Odor: No noise, odor, or other evidence of pet care shall be detectible by a person outside a building housing a pet boarding facility;
17. Use of front portion of the retail space: A pet boarding facility shall not occupy the first twenty feet (20') behind the storefront facing a street on the ground floor of any retail space that contains pet boarding;

18. There shall be no fewer than two caretakers present at all times when boarding is taking place. A third caretaker shall be required when there are more than 35 boarded animals being cared for at one facility-;

19. Staff on site shall have the following knowledge and credentials:

- a) Ability to drive a car and possession of a valid driver's license
- b) Dog and Cat CPR Training
- c) At least 6 months experience at a facility that boards pets

It is not necessary that one person meet all three criteria, however, the collective staff on site at any given time must meet the criteria-;

20. Interior space that includes adequate air conditioning and ventilation as to not require the opening of windows to avoid potential noise impacts;

21. No more than three pets shall be walked by one caretaker at one time. The Planning Commission may impose conditions related to the route for dog walking-;

22. The applicant shall submit the dog walking route(s) being proposed to the City for review and approval. Any dog walking route for a pet boarding facility located in the Business Triangle shall proceed immediately to South Santa Monica Boulevard or Crescent Drive and take the shortest route possible along these streets to an area outside of and away from the Business Triangle.

23. The pet boarding facility shall not be allowed in retail establishments that are immediately adjacent to residential properties or that are occupied with any nonconforming uses.

C. Findings. In addition to the findings outlined in Article 38, a conditional use permit shall only be issued if the planning commission finds that:

1. The proposed use is compatible with the area and surrounding uses;
2. Adequate loading and unloading space exists for the purpose of dropping off and picking up pets; and,
3. Traffic entering or existing from the proposed pet boarding facility will not cause traffic or pedestrian hazards or undue congestion in the surrounding areas.

D. Maximum number of animals: The planning commission, during its review of the conditional use permit, shall establish a maximum number of animals that may be in the pet boarding facility at one time, provided that such number shall not exceed 40 animals.

E. Parking: The addition of an ancillary pet boarding facility shall not increase the required parking above the parking required for the primary use. If valet parking is required by the conditional use permit, signage shall be located both on the inside and outside of the premises identifying the location of the valet parking. Proof of such signage shall be provided to the City upon request.

F. Business Triangle: Only one pet boarding facility shall be allowed in the Business Triangle. For purposes of this section, "Business Triangle" is defined as the area bounded by the centerline of Wilshire Boulevard, the centerline of Santa Monica Boulevard North Roadway, and the centerline of Crescent Drive.

G. ~~F.~~ Review or Revocation: A conditional use permit that has been issued for the purpose of establishing a pet boarding facility may be reviewed by the planning commission and revoked if it is found that any one or more of the following has occurred:

1. The permittee has failed to maintain the premises in a clean, safe, and sanitary condition;
2. The permittee is not adhering to the standards outlined in 10-3-1620.3B;
3. The permittee failed to provide any animal in his or her control with adequate care, nutritious food in appropriate quantities suitable for the animal, free and easy access to potable water, and appropriate shelter; or
4. Documented evidence is submitted showing violations of any conditions of the approval that result in substantial noise, odor, or other disturbance of occupants or patrons of adjoining or nearby businesses and residences.

H. ~~G.~~ Sunset: The provisions allowing and regulating pet boarding facilities shall remain in effect for one year after adoption. The city council or planning commission may take action pursuant to this section on applications filed on or before December 1, 2017, and timely applications may be processed to conclusion. Unless the city council extends this section, the section shall be repealed as of 12:01 a.m. on December 1, 2017. Conditional Use Permits granted during the effectiveness of these provisions may continue operating in conformance with the conditions of approval, and be extended as authorized in the conditional use permit, unless the conditional use permit is revoked by the City after a duly noticed hearing for failure to comply with the conditions of approval or because of unforeseen impacts of the use.

**Section 9.** The City Council hereby amends Section 10-3-2003 to Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code adding one new conditionally permitted

use with all other provisions in Article 16 of Chapter 3 of Title 10 remaining in effect without amendment:

“Pet Boarding Facility” is added between “Off site parking pursuant to section 10-3-2733 of this chapter” and “Private screening rooms appurtenant to commercial office uses” as they presently appear in Section 10-3-2003, to read as follows:

“Pet boarding facility pursuant to section 10-3-1620.3 of this chapter.”

**Section 10.** **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 11.** **Publication.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

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

Adopted:  
Effective:

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JOHN A. MIRISCH  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_  
(SEAL)

BYRON POPE  
~~BYRON POPE~~  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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LAURENCE S. WIENER  
City Attorney

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MAHDI ALUZRI  
City Manager

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SUSAN HEALY KEENE  
Director of Community Development

Document comparison by Workshare Professional on Thursday, December 01, 2016  
11:45:43 AM

Input:	
Document 1 ID	interwovenSite://RWGDMS2/RWGIMAN1/2014398/2
Description	#2014398v2<RWGIMAN1> - (Clean) Pet Boarding Ordinance FINAL 11-15-16
Document 2 ID	interwovenSite://RWGDMS2/RWGIMAN1/2014398/3
Description	#2014398v3<RWGIMAN1> - (Larry and Lolly revisions) Pet Boarding Ordinance, as amended 12-6-16
Rendering set	standard

Legend:	
<a href="#">Insertion</a>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved-deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	13
Deletions	9
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	22