



AGENDA REPORT

Meeting Date: December 20, 2016

Item Number: E-3

To: Honorable Mayor & City Council

From: Ryan Gohlich, AICP
Assistant Director of Community Development / City Planner

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PORTE COCHERES SOUTH OF SANTA MONICA BOULEVARD, PUBLIC NOTICING REQUIREMENTS, PAVING IN FRONT YARDS, TIME EXTENSION OF RIGHTS FOR CONDITIONAL USE PERMITS, AND MINOR ACCOMMODATIONS IN THE CENTRAL AREA OF THE CITY.

Attachments:

1. Ordinance
2. Planning Commission Resolution No. 1782

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PORTE COCHERES SOUTH OF SANTA MONICA BOULEVARD, PUBLIC NOTICING REQUIREMENTS, PAVING IN FRONT YARDS, TIME EXTENSION OF RIGHTS FOR CONDITIONAL USE PERMITS, AND MINOR ACCOMMODATIONS IN THE CENTRAL AREA OF THE CITY" be introduced and read by title only.

INTRODUCTION

The proposed ordinance includes several "clean up" items for the current zoning code that staff has identified as being necessary for the proper implementation of existing code provisions. These cleanup items include small semantic changes and correction of typographical errors that will make the original intent of various code sections more clear and do not represent substantive changes to the code. The Planning Commission considered a resolution

recommending the proposed draft ordinance to the City Council on July 28, 2016 and voted unanimously to adopt the resolution. This report will summarize the proposed language changes to the zoning code.

ENVIRONMENTAL ASSESSMENT

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Ordinance represents minor semantic changes to the existing code and does not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Accordingly, the City Council will consider the recommendation to find the Ordinance exempt from the environmental review requirements of CEQA pursuant to Section 15061(3) of Title 14 of the California Code of Regulations.

PUBLIC OUTREACH AND NOTIFICATION

Public notice was provided for the City Council hearing in the form of newspaper publication. Newspaper notices ran in the Beverly Hills Courier on Friday, December 9, and the Beverly Hills Weekly on Thursday, December 15. The Planning Commission also held a duly noticed public hearing on July 28, 2016. As of the writing of this report, staff has not received any public comments on this matter.

BACKGROUND & ANALYSIS

Periodically, Community Development Staff identifies areas of the code that would benefit from minor language changes to fix typos, correct errors, and make code sections clearer. Over the past several months, staff has compiled five areas of the code that require “clean up” language to ensure that they are correctly implemented. These sections are as follows:

- Amendment of BHMC 10-3-2406, BHMC 10-3-2409 and BHMC 10-3-2423 to clarify that a porte cochere covering a driveway is an allowable encroachment within the required nine-foot side property setback area on single family residential lots located south of Santa Monica Boulevard;
- Amendment of BHMC 10-3-253 to correct the public notification mailed notice radius requirements for cases requiring Planning review at the Commission or Council level by removing erroneous wording identifying a 300-foot radius plus block-face requirement and replacing with the intended 500-foot radius plus block-face requirement;
- Amendment of BHMC 10-3-2422E to clarify that a walkway that does not exceed five feet in width is allowed within three feet of the front property line on single family lots located in the Central Area of the City (provided that the total area of paving remains within the maximum allowed in the code),
- Amendment of BHMC 10-3-3805 to correct a typo in the code section regarding conditional use permits referring to a planned development approval instead of a conditional use permit approval; and
- Amendment to BHMC 10-3-3600H removing outdated language referring to a minor accommodation for building height north of Santa Monica Boulevard, as recently

adopted amendments to the Code have made this minor accommodation inapplicable.

The proposed changes are described in further detail below.

Porte Cocheres South of Santa Monica Boulevard
(BHMC 10-3-2406, BHMC 10-3-2409 and BHMC 10-3-2423)

Proposed Change: clarify language in the code to make it clear that porte cocheres covering a driveway are permissible encroachments into side yard setbacks south of Santa Monica boulevard.

Why: In 2014 the City Council approved an Ordinance that included several amendments to the single family development standards in the Central Area of the City to address bulk and mass of single family homes. Recently, it has come to the attention of staff that BHMC §§10-3-2406, 10-3-2409 and 10-3-2423 do not clearly state the intention of the changes adopted by the City Council, and could benefit from clarification. The code sections do not clearly state that the porte cocheres are permissible encroachments in the required nine-foot wide side setback on single family properties south of Santa Monica Boulevard. According to staff review of the Planning Commission and City Council reports and meetings, it is clear that the intention was to continue to allow porte cocheres to cover driveways in this nine foot setback, as they had been allowed previously and there were no specific actions taken by the Planning Commission or City Council to remove porte cocheres from items allowed within the side setback. Staff is therefore recommending several minor changes to clarify this intent.

Front Yard Paving
(BHMC 10-3-2422)

Proposed Change: Add language to clarify that one walkway up to five feet in width is a permitted paved area within three feet of the front property line.

Why: BHMC 10-3-2422 regulates the amount and location of allowed front yard paving for single family properties. The section currently states that a paved driveway and walkway are allowed in the front yard, as long as they do not exceed certain thresholds for a total amount of paving in the front yard area. The code also specifies that within the first three feet of the property (from the sidewalk) a driveway is allowed as paved area. This code section mistakenly omits the allowed walkway as a permitted paved area in the first three feet of the property. This section has been consistently interpreted in the past to allow walkways in the first three feet of the front yard, in order that walkways may connect with the adjacent sidewalk and provide a continuous path from the sidewalk to the residence. Staff is proposing a minor language change to clearly state that a walkway is also allowed within three-feet of the property line, consistent with the current and historic application of the code.

Conditional Use Permit Language
(BHMC 10-3-3805)

Proposed Change: Change a typo in the code section that addresses conditional use permits by replacing the words “planned development approval” with “conditional use permit approval.”

Why: BHMC 10-3-3805 pertains to the time for exercise of rights for conditional use permits. The section contains a typo that refers to a planned development approval instead of a conditional use permit approval. The draft ordinance contains language to address this typo.

Public Notice Requirements
(BHMC 10-3-253)

Proposed Change: Fix the typo in the public notice requirements table to clarify that planning applications reviewed at the Planning Commission or City Council level require a public notice radius for mailed notices of 500 feet plus block face.

Why: In 2014 the City Council adopted new public notice requirements for entitlements processed by the Planning Division. These changes included implementing increased posted notice requirements, increasing the required mailed radius for notices, and including mailing to the entire block-face if a mailed notice is sent to a property on a block. The new notice requirements are set forth in a table located in BHMC 10-3-2.5. Recently, staff has noticed a typo in the current code language that establishes a 300 foot radius where there should be a 500 foot radius (A 500 foot radius was adopted by the City Council and has been consistently applied by staff since the passage of the ordinance). The change is being proposed in the portion of the public notice table that defines notice requirements for planning cases.

Minor Accommodation List Update
(BHMC 10-3-3600)

Proposed Change: Update the list of minor accommodations by removing the minor accommodation for height of buildings north of Santa Monica Boulevard in the Central Area from the list of available minor accommodations in BHMC Section 10-3-3600 to reflect current City regulations.

Why: The ordinance adopted by the City Council in 2014 to address bulk and mass of single family homes in the Central Area of the City changed the zoning regulations regarding height of buildings in the Central Area. Prior to the changes implemented in 2014 a request for additional height for a single family home in the Central Area required a minor accommodation. The ordinance addressing bulk and mass changed the requirements so that a request for additional height is subject to a central R-1 permit instead of a minor accommodation. However, when the code was changed in 2014 an oversight was made and the old minor accommodation was not removed from a list of possible minor accommodations that may be granted. Staff proposes removing the minor accommodation from the list of minor accommodations in BHMC 10-3-3600 since it is no longer applicable.

FISCAL IMPACT

The recommendation in this report does not have significant budget or fiscal impacts for the City.

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PORTE COCHERES SOUTH OF SANTA MONICA BOULEVARD, PUBLIC NOTICING REQUIREMENTS, PAVING IN FRONT YARDS, TIME EXTENSION OF RIGHTS FOR CONDITIONAL USE PERMITS, AND MINOR ACCOMMODATIONS IN THE CENTRAL AREA OF THE CITY" be introduced and read by title only.

Susan Healy Keene, AICP
Director of Community Development



Approved By

Attachment 1

Ordinance

ORDINANCE NO. 16-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PORTE COCHERES SOUTH OF SANTA MONICA BOULEVARD, PUBLIC NOTICING REQUIREMENTS, PAVING IN FRONT YARDS, TIME EXTENSION OF RIGHTS FOR CONDITIONAL USE PERMITS, AND MINOR ACCOMMODATIONS IN THE CENTRAL AREA OF THE CITY.

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

Section 1. On July 28, 2016, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1782, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to correct the public noticing requirements table; clarify language on existing regulations related to porte cocheres south of Santa Monica Boulevard; clarify front setback paving requirements in the Central Area of the City; correct a typographical error in regulations regarding time extension of rights for conditional use permits; and remove a no longer applicable provision from the list of allowable minor accommodations (collectively, the “Amendments”). On December 20, 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 Ordinance represents minor semantic changes to the existing code and does not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Therefore the City Council finds that the Amendments are exempt from CEQA pursuant to Section 15061(b)3 of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 3 – Managed Change” calls for orderly and well-planned change to the community that provides for the needs of existing and future residents and business, effective and equitable provision of public services, and makes efficient use of land and infrastructure. Amending the zoning code to clarify language and correct errors will contribute to creating orderly change to the community by providing clear rules to regulate land use. Additionally, periodic modifications to the code will contribute to the provision of effective public services in that accurate and understandable land use rules will be available for the use in the community. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. Amending the code periodically to address inconsistencies ensures that the code is legible and accurate, which enhances the ability of the public to understand regulations that govern development projects.

Section 4. The City Council hereby amends Section 10-3-253 A of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Section 10-3-253 remaining in effect without amendment:

“A. Standard Requirements:

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
Architectural Review				
<p>Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.</p> <p>Commission level projects must be reviewed by the City’s Architectural Commission (AC) and include: sign accommodations, most commercial signs, façade remodels for commercial and multifamily buildings, and landscaping for commercial and multifamily projects.</p>	Director	None	None	None
	Commission	Only projects in Multi-Family Residential Zones	None	None
Cultural Heritage				
<p>Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</p> <p>Commission level applications include projects that are reviewed by the City’s Cultural Heritage Commission (CHC). The CHC recommends to the City Council on Landmark or Historic District Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness for Designated Landmarks and Contributing Properties, certificates of ineligibility, and certificates of economic hardship.</p>	Director	<p>Certificate of appropriateness for designated landmarks and contributing properties: See section 10-3-3219 of this chapter</p> <p>Certificate of ineligibility: See section 10-3-3221 of this chapter</p> <p>Landmark or historic district designation: See section 10-3-3215 of this chapter</p> <p>Certificate of economic hardship: See section 10-3-3220 of this chapter</p>		
	Commission			
Design Review				
Director level projects can be processed administratively and include single family home remodels and new homes in the Central area of the City that are determined to be “Track 1”.	Director	None	None	Owner/Applicant

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
Commission level applications include projects that are reviewed by the City’s Design Review Commission (DRC) including Single Family Home façade remodels and New homes in the Central area of the City that are determined to be “Track 2”.	Commission	Yes	None	Central Area: 100 ft. radius + block-face
Planning Review				
<p>Director Level includes applications that can be reviewed and approved by staff. Commission/Council, however many of the applications may be referred to the Planning Commission Level applications are reviewed and approved by the Planning Commission or City Council. Applications include:</p> <ul style="list-style-type: none"> • <u>Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</u> • <u>Conditional Use Permit</u> • <u>Common Interest Development*</u> • <u>Density Bonus Permit</u> • Development Plan Review • <u>Extended Hours Permit</u> • Game Court Fence • <u>Game Court Location</u> • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment • <u>Maps: Tentative and Parcel</u> • Minor Accommodation • Open Air Dining • Overnight Stay Permit • Planned Development Review • Reasonable Accommodation* • Resolution of Public Convenience and Necessity* • R1: Hillside, Central and Trousdale • R4 Permit • Second Unit Use Permit • <u>Specific Plan</u> • Tree Removal Permit* • <u>Variance</u> • View Restoration* <p><u>Underlined Applications are reviewed at the Commission/Council level only</u> *Special noticing requirements apply, See 10-3-253(B)</p>	Director Level	Yes	No	<p>Hillside & Trousdale: 300 ft. radius</p> <p>Central Area: 100 ft. radius + block-face</p>
	Commission/Council Level	Yes	<p>Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</p> <p>Conditional Maps (Tentative, and Parcel)</p> <p>Specific Plan Use Permit Variance</p>	<p>Hillside & Trousdale: 500 ft. radius</p> <p>Central Area: 500 ft. radius + block-face</p>

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Section 5. The City Council hereby amends Section 10-3-2406 (B) of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Section 10-3-2406 remaining in effect without amendment:

“B. South Of Santa Monica Boulevard: Except as otherwise provided in this section, the minimum side setback for buildings located south of Santa Monica Boulevard shall be five feet (5') on one side. On the other side, the minimum side setback shall be nine feet (9'). Encroachments in side setbacks otherwise permitted pursuant to section 10-3-2409 of this chapter may not be permitted in this nine foot (9') setback area except for: 1) roof eaves pursuant to subsection 10-3-2409B of this chapter, and 2) encroachments along the side property line for side yard fences, walls, or hedges, provided that a flat area with a minimum width of nine feet (9') is maintained between the side property line wall, fence or hedge, and any structure or building. Parking, including a porte cochere covering said parking may be provided in this nine foot (9') setback area pursuant to section 10-3-2419 of this chapter.

1. Exception: The setback requirements set forth in this subsection B shall not be applicable to: a) any corner lot, b) those site areas located south of Olympic Boulevard and west of Roxbury Drive, nor c) those site areas located south of Olympic Boulevard and east of Doheny Drive.

a. Corner Lots And All Lots South Of Olympic Boulevard And West Of Roxbury Drive: The side setbacks for all corner lots located southerly of Santa Monica Boulevard and those site areas located southerly of Olympic Boulevard and westerly of Roxbury Drive shall be at least five feet (5'). In addition, the sum of the side setbacks adjacent to the two (2) longest side lot lines shall be at least twenty percent (20%) of the lot width.

b. South Of Olympic Boulevard And East Of Doheny Drive: The side setbacks for site areas southerly of Olympic Boulevard and easterly of Doheny Drive shall be five feet (5').

2. Exception; Two Or More Lots: For those buildings located on site areas that consist of two (2) or more lots as subdivided on July 3, 1984, the side setback shall be ten feet (10') plus ten percent (10%) of the width of the lot in excess of one hundred feet (100')."

Section 6. The City Council hereby adds Subsection O to Section 10-3-2409 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code with all other provisions in Section 10-3-2409 remaining in effect without amendment:

“O. For single-family properties south of Santa Monica Boulevard Section 10-3-2406(B) shall control allowable encroachments in the nine foot setback.”

Section 7. The City Council hereby amends Section 10-3-2423 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2423: LANDSCAPING AND LANDSCAPING PLANS:

This section is intended to require design and implementation of a landscaping plan prior to occupancy of a new development in order to ensure that landscaping is not ignored in the design and construction process. However, this section is not intended to require a specific type or standard of landscaping.

For the purposes of this section, "landscaping" shall mean the development of the open space on a property with plantings, such as trees, bushes, shrubs, hedges, lawns, other

live ground cover, or greenery. Landscaping may include nonliving decorative treatment, such as walls, fences, curbs, groupings of rock, or similar accent material, interspersed with plantings, but shall not include paving.

- A. All unpaved portions of a front yard shall be improved and maintained with landscaping.
- B. Each proposal for the construction of a single-family residence shall be accompanied by a landscaping plan that is designed with the goal of maintaining the garden quality of the city of Beverly Hills. Prior to final inspection of a new residence, the property owner shall attest, on a form provided by the city, that the subject site area has been planted in accordance with the landscaping plan.

The landscaping plan shall include a minimum two foot (2') wide landscaped area the length of each required side yard, except in portions of the side yard occupied by approved accessory structures, approved elevators or elevator enclosures, a permitted swimming pool, or a driveway, including a driveway covered by a porte cochere, in accordance with sections 10-3-2419 and 10-3-2422 of this chapter.”

Section 8. The City Council hereby amends Subsection 10-3-2422 E of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Section 10-3-2422 remaining in effect without amendment:

- “E. Setbacks For Paving: No portion of a front yard within three feet (3') of any property line shall be paved, except for a driveway not exceeding the width of its curb cut and a walkway pursuant to 10-3-2422. In addition, 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.”

Section 9. The City Council hereby amends Section 10-3-3805 of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3805: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting a conditional use 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.”

Section 10. The City Council hereby amends Section 10-3-3600 of Article 36 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to repeal subsection H, which concerns the height of buildings north of Santa Monica Boulevard, without renumbering, to read as follows, with all other provisions of Section 10-3-3600 remaining in effect without amendment:

“H. Repealed.”

Section 11. 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 12. 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 13. 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:

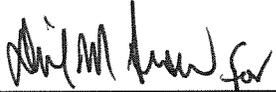
JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:

_____ (SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager



SUSAN HEALY KEENE
Director of Community Development

Attachment 2

Planning Commission Resolution No.
1782

RESOLUTION NO. 1782

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PORTE COCHERES SOUTH OF SANTA MONICA BOULEVARD, PUBLIC NOTICING REQUIREMENTS, PAVING IN FRONT YARDS, TIME EXTENSION OF RIGHTS FOR CONDITIONAL USE PERMITS, AND MINOR ACCOMMODATIONS IN THE CENTRAL AREA OF THE CITY.

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

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 28, 2016, at which time it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that the Amendments are consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendments have been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”). The Amendments represent minor semantic changes to the existing code and do not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. The Planning Commission finds that adoption of the Amendments will not have a significant environmental impact and are exempt from CEQA pursuant to Section 15061(b)3 because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to clarify unclear sections of the Beverly Hills Municipal Code. The Proposed Zone Text Amendment does not change the meaning or interpretation of the Beverly Hills Municipal Code.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 3 – Managed Change” calls for orderly and well-planned change to the community that provides for the needs of existing and future residents and business, effective and equitable provision of public services, and makes efficient use of land and infrastructure. Amending the zoning code to clarify language and correct errors will contribute to creating orderly change to the community by providing clear rules to regulate land use. Additionally, periodic modifications to the code will contribute to the provision of effective public services in that accurate and understandable land use rules will be

available for the use in the community. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. Amending the code periodically to address inconsistencies ensures that the code is legible and accurate, which enhances the ability of the public to understand regulations that govern development projects.

Section 4. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendments substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

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Section 5. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: July 28, 2016



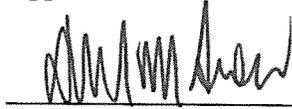
Farshid Joe Shooshani
Chair of the Planning Commission of the
City of Beverly Hills

Attest:



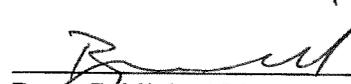
Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved As To Form:



David M. Snow
Assistant City Attorney

Approved As To Content:



Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department

EXHIBIT A

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CLARIFY LANGUAGE ON EXISTING REGULATIONS RELATED TO PORTE COCHERES SOUTH OF SANTA MONICA BOULEVARD, PUBLIC NOTICING REQUIREMENTS, PAVING IN FRONT YARDS, TIME EXTENSION OF RIGHTS FOR CONDITIONAL USE PERMITS, AND MINOR ACCOMMODATIONS IN THE CENTRAL AREA OF THE CITY.

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

Section 1. On July 28, 2016, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No._____, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to correct the public noticing requirements table; clarify language on existing regulations related to porte cocheres south of Santa Monica Boulevard; clarify front setback paving requirements in the Central Area of the City; correct a typographical error in regulations regarding time extension of rights for conditional use permits; and remove a no longer applicable provision from the list of allowable minor accommodations (collectively, the “Amendments”). On _____, 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 Ordinance represents minor semantic changes to the existing code and does not represent substantive changes in meaning or interpretation of the code. It can therefore be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Therefore the City Council finds that the Amendments are exempt from CEQA pursuant to Section 15061(b)3 of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 3 – Managed Change” calls for orderly and well-planned change to the community that provides for the needs of existing and future residents and business, effective and equitable provision of public services, and makes efficient use of land and infrastructure. Amending the zoning code to clarify language and correct errors will contribute to creating orderly change to the community by providing clear rules to regulate land use. Additionally, periodic modifications to the code will contribute to the provision of effective public services in that accurate and understandable land use rules will be available for the use in the community. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. Amending the code periodically to address inconsistencies ensures that the code is legible and accurate, which enhances the ability of the public to understand regulations that govern development projects.

Section 4. The City Council hereby amends Section 10-3-253 A of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 2.5 of Chapter 3 of Title 10 remaining in effect without amendment:

A. Standard Requirements:

Public Notice Requirements for Development Applications		On-Site Posted Notice 10-Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
Architectural Review				
<p>Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.</p> <p>Commission level projects must be reviewed by the City's Architectural Commission (AC) and include: sign accommodations, most commercial signs, façade remodels for commercial and multifamily buildings, new construction of commercial and multifamily buildings, and landscaping for commercial and multifamily projects.</p>	Director	None	None	None
	Commission	Only projects in Multi-Family Residential Zones	None	None
Cultural Heritage				
<p>Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director's Determination of Ineligibility.</p> <p>Commission level applications include projects that are reviewed by the City's Cultural Heritage Commission (CHC). The CHC recommends to the City Council on Landmark or Historic District Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness for Designated Landmarks and Contributing Properties, certificates of ineligibility, and certificates of economic hardship.</p>	Director	Certificate of appropriateness for designated landmarks and contributing properties: See section 10-3-3219 of this chapter		
	Commission	<p>Certificate of ineligibility: See section 10-3-3221 of this chapter</p> <p>Landmark or historic district designation: See section 10-3-3215 of this chapter</p> <p>Certificate of economic hardship: See section 10-3-3220 of this chapter</p>		
Design Review				
<p>Director level projects can be processed administratively and include single family home remodels and new homes in the Central area of the City that are determined to be "Track 1".</p> <p>Commission level applications include projects that are reviewed by the City's Design Review Commission (DRC) including Single Family Home façade remodels and New homes in the Central area of the City that are determined to be "Track 2".</p>	Director	None	None	Owner/Applicant
	Commission	Yes	None	Central Area: 100 ft. radius + block-face

Public Notice Requirements for Development Applications	On-Site Posted Notice 10-Day	Newspaper Notice 10-Day	Mailed Notice 10-Day	
Planning Review				
<p>Director Level includes applications that can be reviewed and approved by staff. Commission/Council, however many of the applications may be referred to the Planning Commission Level applications are reviewed and approved by the Planning Commission or City Council. Applications include:</p> <ul style="list-style-type: none"> • <u>Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</u> • <u>Conditional Use Permit</u> • <u>Common Interest Development*</u> • <u>Density Bonus Permit</u> • Development Plan Review • <u>Extended Hours Permit</u> • Game Court Fence • <u>Game Court Location</u> • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment • <u>Maps: Tentative and Parcel</u> • Minor Accommodation • Open Air Dining • Overnight Stay Permit • Planned Development Review • Reasonable Accommodation* • Resolution of Public Convenience and Necessity* • R1: Hillside, Central and Trousdale • R4 Permit • Second Unit Use Permit • <u>Specific Plan</u> • Tree Removal Permit* • <u>Variance</u> • View Restoration* <p><u>Underlined Applications are reviewed at the Commission/Council level only</u> *Special noticing requirements apply, See 10-3-253(B)</p>	Director Level	Yes	No	<p>Hillside & Trousdale: 300 ft. radius</p> <p>Central Area: 100 ft. radius + block-face</p>
	Commission/Council Level	Yes	<p>Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</p> <p>Conditional Maps (Tentative, and Parcel)</p> <p>Specific Plan Use Permit</p> <p>Variance</p>	<p>Hillside & Trousdale: 500 ft. radius</p> <p>Central Area: 500 ft. radius + block-face</p>

Section 5. The City Council hereby amends Section 10-3-2406 (B) of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 2.5 of Chapter 3 of Title 10 remaining in effect without amendment:

- B. South Of Santa Monica Boulevard: Except as otherwise provided in this section, the minimum side setback for buildings located south of Santa Monica Boulevard shall be five feet (5') on one side. On the other side, the minimum side setback shall be

nine feet (9'). Encroachments in side setbacks otherwise permitted pursuant to section 10-3-2409 of this chapter may not be permitted in this nine foot (9') setback area except for: 1) roof eaves pursuant to subsection 10-3-2409B of this chapter, and 2) encroachments along the side property line for side yard fences, walls, or hedges, provided that a flat area with a minimum width of nine feet (9') is maintained between the side property line wall, fence or hedge, and any structure or building. Parking, including a porte cochere covering said parking may be provided in this nine foot (9') setback area pursuant to section 10-3-2419 of this chapter.

Section 6. The City Council hereby adds Subsection O to Section 10-3-2409 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code with all other provisions in Article 24 of Chapter 3 of Title 10 remaining in effect without amendment:

- O. For single-family properties south of Santa Monica Boulevard Section 10-3-2406(B) shall control allowable encroachments in the nine foot setback.

Section 7. The City Council hereby amends Section 10-3-2423 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

10-3-2423: LANDSCAPING AND LANDSCAPING PLANS:

This section is intended to require design and implementation of a landscaping plan prior to occupancy of a new development in order to ensure that landscaping is not ignored in the design and construction process. However, this section is not intended to require a specific type or standard of landscaping.

For the purposes of this section, "landscaping" shall mean the development of the open

space on a property with plantings, such as trees, bushes, shrubs, hedges, lawns, other live ground cover, or greenery. Landscaping may include nonliving decorative treatment, such as walls, fences, curbs, groupings of rock, or similar accent material, interspersed with plantings, but shall not include paving.

- A. All unpaved portions of a front yard shall be improved and maintained with landscaping.
- B. Each proposal for the construction of a single-family residence shall be accompanied by a landscaping plan that is designed with the goal of maintaining the garden quality of the city of Beverly Hills. Prior to final inspection of a new residence, the property owner shall attest, on a form provided by the city, that the subject site area has been planted in accordance with the landscaping plan.

The landscaping plan shall include a minimum two foot (2') wide landscaped area the length of each required side yard, except in portions of the side yard occupied by approved accessory structures, approved elevators or elevator enclosures, a permitted swimming pool, or a driveway, including a driveway covered by a porte cochere, in accordance with sections 10-3-2419 and 10-3-2422 of this chapter. (Ord. 14-O-2669, eff. 12-5-2014)

Section 8. The City Council hereby amends Section 10-3-2422 E of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 24 of Chapter 3 of Title 10 remaining in effect without amendment:

- E. Setbacks For Paving: No portion of a front yard within three feet (3') of any property line shall be paved, except for a driveway not exceeding the width of its curb cut and a walkway pursuant to 10-3-2422. In addition, 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.

Section 9. The City Council hereby amends Section 10-3-3805 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Article 2.5 of Chapter 3 of Title 10 remaining in effect without amendment:

10-3-3805: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting a conditional use 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)

Section 10. The City Council hereby amends Section 10-3-3600 of Article 36 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to repeal subsection H, which concerns the height of buildings north of Santa Monica Boulevard, without renumbering.

Section 11. 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 12. 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 13. 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:

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

ATTEST:

_____ (SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

MAHDI ALUZRI
City Manager

SUSAN HEALY KEENE
Director of Community Development

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, RYAN GOHLICH, AICP, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1782 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 28, 2016, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Licht, Block, Vice Chair Gordon, Chair Shooshani.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Fisher.



RYAN GOHLICH, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California