



AGENDA REPORT

Meeting Date: December 20, 2016

Item Number: E-4

To: Honorable Mayor & City Council

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

Subject:

- A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO UPDATE SECOND UNIT REGULATIONS PURSUANT TO CHANGES IN STATE LAW, INCLUDING TERMINOLOGY FROM SECOND UNITS TO ACCESSORY DWELLING UNITS
- B. AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO UPDATE SECOND UNIT REGULATIONS PURSUANT TO CHANGES IN STATE LAW, INCLUDING TERMINOLOGY FROM SECOND UNITS TO ACCESSORY DWELLING UNITS

Attachments:

- 1. Ordinance
- 2. Urgency Ordinance
- 3. Planning Commission Resolution and Draft Ordinance
- 4. AB 2299 Language

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 UPDATE SECOND UNIT REGULATIONS PURSUANT TO CHANGES IN STATE LAW, INCLUDING TERMINOLOGY FROM SECOND UNITS TO ACCESSORY DWELLING UNITS" be introduced and read by title only, and that the City Council consider the associated urgency version of the ordinance that would take effect immediately upon adoption.

INTRODUCTION

The State of California recently enacted Assembly Bill 2299 and Senate Bill 1069, which limit the ability of cities to regulate accessory dwelling units (ADUs)¹. The attached ordinance proposes changes to the Beverly Hills Municipal Code (BHMC) that would bring city regulations into compliance with the new state legislation (this ordinance would become effective 31 days after the second reading). The urgency version of the ordinance would go into effect immediately in order to meet state timelines for such ordinances. This report summarizes the new state legislation as well as the attached draft ordinance amendments. The Planning Commission considered the draft ordinance at a meeting on December 8 and voted 3-0 to recommend the ordinance to the City Council (Commissioners Block and Fisher were absent).

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 is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

PUBLIC OUTREACH AND NOTIFICATION

Public notice was provided for the City Council hearing in the form of newspaper publication on Friday, December 9 and Thursday December 15. The Planning Commission also held a duly noticed public hearing on December 8, which was noticed twice in local newspapers.

As of the writing of this report, staff has not received any comments regarding this ordinance.

BACKGROUND & ANALYSIS

Second Units and State Law

Second units, or ADUs, are seen by many as a viable way to increase the housing stock in the state. The analysis of SB 1069 notes that local regulations could prevent the construction of ADUs by making construction difficult or costly. The state legislation is intended to eliminate some of the regulatory barriers that exist at the local level in order to make it easier for homeowners to construct ADUs².

There are currently state restrictions on local government regulation of second dwelling units in Government Code Section 65852.2. While the current state regulations do allow cities to impose certain standards on such units state law also requires cities to ministerially process applications for units that meet certain criteria. SB 1069 and AB 2299 amend this government code section to address several of the identified barriers to the construction of ADUs and further restrict local government control over the regulation of such units.

¹ Also known as “second units”. Throughout the report these units will be referred to as Accessory Dwelling Units or ADUs.

² Senate Floor Analysis of SB 1069, August 30, 2016, prepared by Alison Dinmore

Current City Regulation

Standards for ADUs in the City of Beverly Hills are located in several sections throughout the municipal code, but primarily in section 10-3-409 “Second Units.” Existing code language that governs second units was written in order to comply with previous state laws related to local regulation of second units. The code outlines a two-tier system for second units – those that are allowed by-right, and those that may be approved through a discretionary permit. Currently, second units that meet certain criteria, as outlined by the state, are allowed by-right; however, the city provides additional flexibility to applicants through a discretionary review process for applicants that wish to deviate from the by-right criteria.

In the City of Beverly Hills, a unit is required to provide complete, independent facilities for sleeping, sanitation, living, and cooking in order to be considered an ADU. This differs from guest houses or other accessory buildings that may not contain kitchen or bathroom facilities, which are subject to different regulations and would not be impacted by the changes proposed in the attached draft ordinance. ADUs can be located in accessory buildings (separate from the main residence) or located in the main residential structure, accessed by a separate entrance. Two story ADUs are not allowed south of Santa Monica Boulevard, but can be built north of Santa Monica Boulevard and in a defined area located south of Olympic Boulevard and west of Roxbury drive with discretionary approval.

SB 1069 and AB 2299

The newly adopted state legislation further restricts the ability of cities to regulate ADUs by outlining maximum standards that a city may impose on ADUs on residential lots. Local ADU ordinances are required to:

- Designate areas in the jurisdiction where ADUs are permitted in the ordinance;
- Impose standards on ADUs related to parking, height, setback, lot coverage, architectural review, and maximum size of the unit, with some restrictions on those standards (restrictions are explained below);

Further, under the new state laws, a jurisdiction must consider permits within 120 days of submittal of a complete building permit application; and, ministerially approve a building permit for ADUs that meet certain state required standards.

Proposed Changes to City Regulations

Proposed changes to the BHMC are outlined in the attached ordinance. A majority of the language included in this attachment consists of changes that are required in order to “clean up” old language (such as changing the term “second unit” to “accessory dwelling unit”) to ensure consistency throughout the code. The substantive changes to regulations are generally contained in §10-3-409.

The proposed changes to the BHMC do not change the two-tier process that is currently in place for the approval of ADUs in the City. Although some of the criteria for ADUs will change, in order to comply with state law, the code would still outline the criteria for ADUs that must be allowed by-right pursuant to state law, as well as provide for additional flexibility through discretionary review for applicants wishing to deviate from these standards.

The majority of the substantive changes proposed relate to the criteria for ADUs that must be allowed by-right. These changes are illustrated in the following table along with an explanation of what is currently allowed.

Change Required by State Law	Existing Regulations
Allowing ADUs converted from existing garages or other accessory structures to have no setback requirement (except those required for building and safety reasons);	The code outlines required minimum setbacks that vary depending on the property and area of the City in which an accessory structure is proposed.
Allowing an ADU on an R-4 lot that houses a single-family dwelling unit;	No current code language that expressly prohibits this. Language would be added to the code to indicate that this is an allowed use.
<p>Amending parking requirements for ADUs to not exceed one space per bedroom and exempt the following ADUs from parking requirements:</p> <ul style="list-style-type: none"> • Located within one-half mile of public transit • Located within an architecturally and historically significant district • Part of the existing primary residence or an existing accessory structure (conversion) • Located within one block of a car-share vehicle; or • Located in an area where the city requires on-street permits but does not offer the permits to the ADU occupant; 	The current code requires parking to be provided for all new ADUs, regardless of where they are located and does not provide for parking exemptions.
Allowing parking for ADUs to be provided on an existing driveway (including in the front setback)	The code does not presently allow required parking to be provided in the front setback.
Requiring that an ADU attached to a single family home does not exceed 50 percent of the existing living area, or 1,200 square feet (whichever is less) ³ ;	The code does not currently place restrictions on the size of attached ADUs.
Allowing the replacement of parking after the demolition of a garage for an ADU to be located in any configuration including covered or uncovered spaces, tandem spaces or vertical spaces with mechanical lifts;	The code currently requires garages to be replaced if they are demolished or converted to construct a second unit. Further, the code does not currently allow mechanical lifts to count toward required parking.

³ Detached ADUs would still be limited to 650 square feet, unless a discretionary permit is issued.

<p>Requiring that the city must approve an ADU that meets all of the following requirements:</p> <ul style="list-style-type: none"> ○ Located on a single-family residential lot ○ Is the only ADU on the lot ○ Is contained within an existing residence or accessory structure ○ Has independent exterior access and ○ Has side and rear setbacks sufficient for fire safety; 	<p>There is currently no language in the code that requires the city to approve ADUs that meet these requirements, although there are currently by-right provisions that are generally consistent with these requirements.</p>
<p>Requiring that the city approve or deny by-right ADU applications ministerially within 120 days of receipt of application;</p>	<p>This is not currently addressed in the code.</p>
<p>Requiring ADUs that could impact an historic resource to comply with the Secretary of Interior's Standards;</p>	<p>This is not expressly addressed in the code at this time. Language would be added to make this requirement clear.</p>
<p>Prohibiting the requirement of fire sprinklers for ADUs if they are not required for the primary residence; and</p>	<p>Current regulations would require new ADUs to contain automatic fire sprinkler systems.</p>
<p>Prohibiting the requirement that an applicant install a new or separate utility connection or impose a connection fee or capacity charge for the ADU.</p>	<p>Currently applicants are not required to install a separate utility connection for ADUs. The construction of an ADU on a site could result in the need for extra capacity, which could require upsizing a meter and an associated capacity charge.</p>

Staff is not proposing substantive changes to the following existing regulations of ADUs, as they are consistent with state law:

- Prohibition on the sale of ADUs separately from the primary dwelling;
- Prohibition on the short term rental of ADUs (the municipal code currently restricts the ability of a property owner to rent out units in the City for short periods of time. The municipal code currently requires leases that are a minimum of 6 months long in single-family zones, with two exceptions each year)

General Plan Consistency

The proposed changes are consistent with the City's General Plan including the following goals and policies:

- LU 5 Complete, Livable, and Quality Neighborhoods. Neighborhoods that in the aggregate provide a variety of housing types, densities, forms and designs and a mix of uses and services that support the needs of residents.
- LU 5.2 Infill and Replacement Housing. Accommodate new and renovated housing within existing neighborhoods that is consistent with contextual parcel sizes, densities, built form and scale.

- LU 6.4 Second Units. Allow second units in single-family residential districts in accordance with State law.

Implications of Not Adopting ADU Ordinance and Urgency Ordinance

The legislation adopted by the state requires cities to adopt ADU ordinances by January 1, 2017. On January 1, 2017 any second unit ordinance that does not comply with the new state regulations is void and the city must approve or deny ADUs based solely on the ownership, zoning, density, parking, and size standards included in the state statute, until the city adopts a new ordinance. If the city adopts a new ordinance that complies with the state regulations then the city may approve or deny ADUs based on the standards in the city ordinance. In either instance, the city must approve or deny by right ADU applications ministerially within 120 days of receipt.

The attached urgency version of the Ordinance would take effect immediately to ensure that the City has regulations in place by January 1, 2017 that meet state requirements.

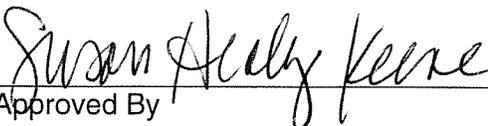
Planning Commission Discussion

The Planning Commission discussed the attached draft ordinance at a public hearing on December 8, 2016 and voted 3-0 to recommend the ordinance to the City Council for adoption (Commissioners Block and Fisher were absent). Members of the Commission expressed concern that residents in the City who rent out ADUs are not aware that they are required to disclose this to the City and pay applicable business tax on these rentals. During this discussion, the Planning Commission directed staff to include information regarding this concern in the City Council Staff Report. The Planning Commission requests that the City Council consider directing staff to conduct outreach to the community on the business tax requirements related to the renting of ADUs. As a result of this conversation, staff will incorporate language on tax requirements into conditions of approval for ADUs and covenants that are recorded when any ADU is constructed.

FISCAL IMPACT

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

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
UPDATE SECOND UNIT REGULATIONS PURSUANT TO
CHANGES IN STATE LAW, INCLUDING TERMINOLOGY
FROM SECOND UNITS TO ACCESSORY DWELLING UNITS

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

Section 1. On December 8, 2016, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1795 recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to update and establish standards and entitlement procedures related to second units, hereafter referred to as accessory dwelling units, pursuant to recently adopted State legislation. (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 City Council finds that adoption of the Amendments is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or 65852.2 of the Government Code.” This ordinance is adopted to implement recent changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan, including the following goals and policies:

- LU 5 Complete, Livable, and Quality Neighborhoods. Neighborhoods that in the aggregate provide a variety of housing types, densities, forms and designs and a mix of uses and services that support the needs of residents.
- LU 5.2 Infill and Replacement Housing. Accommodate new and renovated housing within existing neighborhoods that is consistent with contextual parcel sizes, densities, built form and scale.
- LU 6.4 Second Units. Allow second units in single-family residential districts in accordance with State law.

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 deleting the definition of the term “SECOND UNIT” and adding a new definition of “ACCESSORY DWELLING UNIT” before the term “ACCESSORY STRUCTURE AREA” as it presently appears in Section 10-3-100, with all other definitions in the section remaining unchanged, to read as follows:

“ACCESSORY DWELLING UNIT: An attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. An accessory dwelling unit shall not include an accessory structure lawfully constructed prior to September 26, 2003, which provides independent living facilities, provided the use of the accessory structure is restricted by a covenant as described in section 10-3-403 of this chapter or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction.”

Section 5. The City Council hereby amends Subsection A of Section 10-3-253 of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other Subsections of Section 10-3-253 remaining in place without amendment:

“10-3-253: NOTIFICATION REQUIREMENTS:

The following methods of notice are required for each planning application:

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	<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	
<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>		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"> • Accessory Dwelling Unit Use Permit • <u>(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 Trowsdale • R4 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	Hillside & Trowsdale: 300 ft. radius Central Area: 100 ft. radius + block-face
		Commission/Council Level	Yes	Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code) Conditional Maps (Tentative, and Parcel) Specific Plan Use Permit Variance	Hillside & Trowsdale: 500 ft. radius Central Area: 500 ft. radius + block-face

Notes:

1. Special noticing requirements apply, see subsection B of this section.
2. Applications reviewed at the commission/council level only.”

Section 6. The City Council hereby amends Section 10-3-302 of Article 3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-302: PERMITTED AND CONDITIONALLY PERMITTED USES FOR RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAY:

The following charts establish permitted uses and conditionally permitted uses in all residential zoning districts and zoning district overlays:

A. Single-Family Residential Zones: Except as otherwise provided in this article, no lot, premises, building or portion thereof in a single-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

ALLOWED USES AND PERMIT REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

P = Permitted use		UP = Use permit			CUP = Conditional use permit				
		R-1	R-1.X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R-1.7X	R-1.8X
Single-family dwelling		P	P	P	P	P	P	P	P
Accessory Dwelling Units (subject to section 10-3-409 of this chapter)		P	P	P	P	P	P	P	P
Transitional and supportive housing ¹ :									
	Single-family structure	P	P	P	P	P	P	P	P
Family daycare home:									
	Small	P	P	P	P	P	P	P	P

	Large (subject to section 10-3-408 of this chapter)	UP	UP	UP	UP	UP	UP	UP	UP
Community care facility ² (state licensed):									
	Small (serving 6 or fewer)	P	P	P	P	P	P	P	P
Educational institutions		CUP	CUP ³	CUP		CUP ³			
Museums		CUP	CUP	CUP					
Public utility uses (except as provided in section 10-3-2754 of this chapter)		CUP	CUP	CUP					
Religious institutions		CUP		CUP					
Public libraries						CUP			
Publicly owned playgrounds						CUP			
Home occupations (subject to section 10-3-4303 of this chapter)		P	P	P	P	P	P	P	
Single-family transient use ⁴		P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴

Notes:

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a single-family residence, it is regulated as such and is subject to all regulations applied to residences in the single-family residential zone where it is located.
2. For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
3. Public educational institutions only.
4. A single-family transient use of a "single-family residence" or "Accessory Dwelling Unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence 2 times per calendar year for each single-family residence or Accessory Dwelling Unit. Use of a single-family residence or Accessory Dwelling Unit for a single-family transient use more than twice per calendar year is prohibited.

B. Multiple-Family Residential Zones: Except as otherwise provided in this article, no lot, premises, building or portion thereof in a multiple-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTIPLE-FAMILY RESIDENTIAL ZONES AND ZONING DISTRICT OVERLAYS

P = Permitted use		CUP = Conditional use permit						
		R-4	RMCP	Special Needs Housing Overlay Zone ⁴	R-4X1	R-4X2	R-3	R-4-P
Single-family dwelling, and an Accessory Dwelling Unit (subject to section 10-3-409 of this chapter)		P	P		P	P	P	
Multiple-family dwellings		P	P		P	P	P	P
Transitional and supportive housing:								
	Single-family structure	P ¹	P ¹			P ¹	P ¹	
	Multi-family structure	P ¹	P ¹			P ¹	P ¹	P ¹
Emergency shelters (subject to section 10-3-1275 of this chapter)				P				
Single room occupancy housing (SRO)				CUP				
Community care facilities ³ (state licensed):								
	Small (6 or fewer)	P	P			P	P	
	Large (7 or more)	CUP	CUP			CUP	CUP	CUP

Public library	P	P			P		
Childcare uses licensed pursuant to state law	CUP	CUP			CUP		CUP
Educational institutions	CUP	CUP			CUP		CUP
Multiple-family congregate housing for the elderly or disabled pursuant to article 12.8 of this chapter			CUP				
Multiple-family housing for the elderly or disabled pursuant to article 12.5 of this chapter	CUP	CUP			CUP		CUP
Museums	CUP	CUP			CUP		CUP
Public utility uses ²	CUP	CUP			CUP		CUP
Religious institutions	CUP	CUP			CUP		CUP
Restaurants located in nonconforming hotels (subject to section 10-3-1207 of this chapter)	CUP	CUP			CUP		CUP
Convenience retail uses (subject to section 10-3-1233 of this chapter)		CUP					
Public parking uses		CUP					
Ancillary retail uses ⁵							P
Ancillary parking facilities ⁵							P

Notes:

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a multiple-family residence, it is regulated as such and is subject to all regulations applied to residences in the multiple-family residential zone where it is located.
2. Except as provided in section 10-3-2754 of this chapter.
3. For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
4. Uses allowed in the special needs housing overlay zone are in addition to any use allowed in the underlying zoning district.

5. If approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter.”

Section 7. The City Council hereby amends Section 10-3-401 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-401: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "Accessory Dwelling Unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or Accessory Dwelling Unit. Use of a single-family residence or Accessory Dwelling Unit for a single-family transient use more than twice per calendar year is prohibited”

Section 8. The City Council hereby amends Section 10-3-403 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-403: RESTRICTIONS ON ACCESSORY BUILDINGS:

- A. No other buildings except the usual accessory buildings, including private garages, private stables, and detached guest suites or pool houses which are appurtenant to and are, or are intended to be, used together with a public school, public library, public playground, or private one-family residence or dwelling shall be placed upon, erected, constructed, built upon, enlarged, altered, used, or occupied on any lot or parcel of land in zone R-1 except as otherwise provided in this chapter. Unenclosed accessory structures may contain kitchen facilities provided the structure does not also include bathroom facilities. For the purposes of this chapter, "unenclosed accessory structure" shall mean any accessory structure that has at least one open side (no more than 3 solid walls in a square or rectangular structure), and shall not include structures where the open wall is fitted with a sliding glass partition capable of fully enclosing the structure. Fully enclosed accessory structures shall not contain kitchen facilities.

- B. Notwithstanding the provisions of subsection A of this section, an accessory building lawfully constructed prior to September 26, 2003, may provide complete, independent living facilities (including kitchen facilities) without otherwise conforming to the Accessory Dwelling Unit standards set forth in section 10-3-409 of this article, provided the property owner has recorded a covenant in a form satisfactory to the city attorney restricting the use of the site to one bona fide housekeeping unit or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction. Notwithstanding any other provision of this code, any such accessory structure may be maintained indefinitely and may be altered or expanded without otherwise complying with the regulations applicable to Accessory Dwelling Units.”

Section 9. The City Council hereby amends Section 10-3-409 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-409: ACCESSORY DWELLING UNITS:

A. Standards: Notwithstanding sections 10-3-401 and 10-3-402 of this chapter, an Accessory Dwelling Unit shall be permitted in an R-1 zone and in an R-4 zone on a property developed with an existing single-family dwelling unit provided the proposed Accessory Dwelling Unit meets the following standards and requirements:

1. Location: The lot or parcel on which the proposed Accessory Dwelling Unit will be constructed contains not more than one single-family dwelling unit. The Accessory Dwelling Unit may be either: a) attached to the primary one-family residence and located within the living area of the residence, or b) detached from the primary one-family residence and located on the same site area as the residence. If the Accessory Dwelling Unit is detached, it must be located to the rear of the primary dwelling unit on the site.

2. Site Area: The site area on which the Accessory Dwelling Unit will be located is a minimum of six thousand (6,000) square feet.

3. Unit Size:

(a) Attached Accessory Dwelling Units: An attached Accessory Dwelling Unit shall not be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute and shall not exceed the lesser of fifty percent (50%) of the existing floor area of the primary dwelling unit or 1,200 square feet.

(b) Detached Accessory Dwelling Units: A detached Accessory Dwelling Unit shall not be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the

California Health And Safety Code or any successor statute and shall not exceed a maximum floor area of six hundred fifty (650) square feet.

4. FAR Calculations: The floor area of the Accessory Dwelling Unit shall be included for purposes of determining the floor area of buildings on the site when calculating floor area for any purpose under this code, including the determination of floor area ratio.

5. Number Of Accessory Structures Permitted:

(a) Sites Less Than Eight Thousand Five Hundred Square Feet: Where the site area is less than eight thousand five hundred (8,500) square feet, no accessory structure shall be permitted on the site area except for one Accessory Dwelling Unit and a garage.

(b) Sites Equal To Or Greater Than Eight Thousand Five Hundred Square Feet and Less than Twenty Four Thousand (24,000) Square Feet: Where the site area is equal to or in excess of eight thousand five hundred (8,500) square feet and less than twenty four thousand (24,000) square feet, no more than one accessory structure in addition to one Accessory Dwelling Unit and a garage shall be permitted on the site area.

(c) Sites of At Least Twenty Four Thousand (24,000) Square Feet: There is no restriction on the number of accessory structures on estate lots of at least twenty four thousand (24,000) square feet, however only one Accessory Dwelling Unit shall be permitted.

6. Height:

(a) Detached Accessory Dwelling Units: A detached Accessory Dwelling Unit shall be located on the ground floor and shall not exceed a maximum height of fourteen feet (14'). Notwithstanding the foregoing, a detached Accessory Dwelling Unit located on an estate lot of at least twenty four thousand (24,000) square feet may be located on the second floor and shall comply with the maximum height limit applicable to the primary dwelling structure on the site.

(b) Attached Accessory Dwelling Units: An attached Accessory Dwelling Unit may be located on either the ground floor or the second floor of the primary dwelling unit and shall be subject to the same height limitations applicable to the primary structure.

(c) Central R-1 Permits: Notwithstanding any other provision of this section, for those lots located south of Olympic Boulevard and west of Roxbury Drive, the planning commission may, through the issuance of a Central R-1 permit pursuant to article 24.5 of this chapter, modify the height limitations set forth in this subsection A6, to allow a detached Accessory Dwelling Unit to be located above the ground floor, provided the rear lot line of the subject lot abuts an alley and provided further that the elevation of the subject lot slopes downhill from the front (street) lot line of the property to the rear (alley) lot line with a minimum difference in elevation of at least twenty feet (20') between the street and the alley. In addition to the findings required by section 10-3-2453 of this chapter, the planning commission may issue a Central R-1 permit to allow an

Accessory Dwelling Unit to exceed fourteen feet (14') in height if the planning commission finds that the proposed Accessory Dwelling Unit will not have a substantial adverse impact on adjacent properties or the public welfare. In making this determination, the planning commission may look at such factors as the impact of the Accessory Dwelling Unit on the scale and massing as viewed from adjacent properties, the impact of the Accessory Dwelling Unit on available light in neighboring yards, and the cumulative impact to adjacent properties from the proposed Accessory Dwelling Unit in combination with existing accessory structures and Accessory Dwelling Units in the vicinity. Under no circumstances shall the height of an Accessory Dwelling Unit structure be permitted to exceed the following:

(1) Twelve feet (12') as measured from the lowest finished elevation along the perimeter of the primary structure; and

(2) Twenty five feet (25') for structures with a flat roof and thirty feet (30') for structures with a sloped roof, with a maximum plate height of twenty two feet (22') as measured from the lowest existing grade.

(d) If an Accessory Dwelling Unit is constructed above a garage pursuant to paragraphs (a) or (c) above, the required side and rear setbacks shall not exceed five (5) feet. However, nothing prohibits an applicant from proposing greater rear and side setbacks.

7. Demolition of Garages, Carports or Covered Parking Structures. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the offstreet parking spaces lost as a result of the demolition shall be replaced on-site. The replacement parking spaces may be located in any configuration on the same lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

8. Rental And Transfer: The Accessory Dwelling Unit may be rented, subject to the limitations on single family transient use, but shall not be sold, transferred or assigned separately from the primary single-family dwelling.

9. Parking: Notwithstanding any other provisions in this Chapter, parking for a Accessory Dwelling Unit shall be provided at the following ratios and in accordance with following standards:

(a) One parking space in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with zero or one separate bedrooms;

(b) Two (2) parking spaces in addition to the parking spaces required for the primary dwelling for an Accessory Dwelling Unit with two, three or four separate bedrooms;

(c) Three (3) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with five (5) bedrooms;

(d) Four (4) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with six (6) or more bedrooms.

All required parking spaces shall be provided behind the front setback line for the site area.

(e) Notwithstanding the foregoing requirements, no parking shall be required for any Accessory Dwelling Unit in any of the following circumstances:

(1) The Accessory Dwelling Unit is located within one-half mile of public transit.

(2) The Accessory Dwelling Unit is located within an historic district.

(3) The Accessory Dwelling Unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

(5) When there is a City-approved and dedicated parking space for a car share vehicle located within one block of the Accessory Dwelling Unit.

(f) Standards: Any required parking for an Accessory Dwelling Unit may be provided as tandem parking on an existing driveway, including driveway areas within setback areas.

10. Architectural Compatibility: The Accessory Dwelling Unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures.

11. Side Setbacks: : Except as provided below, the Accessory Dwelling Unit shall comply with all side setback requirements applicable to the primary dwelling unit on the site.

(a) Garage Conversions. No additional side setback beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.

12. Rear Setback:

(a) Garage Conversions. No additional rear setback beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.

(b) A new Accessory Dwelling Unit shall comply with the rear setback requirement applicable to the primary dwelling unit on the site. Notwithstanding the foregoing, an Accessory Dwelling Unit located on a site whose rear lot line abuts an alley or a commercially zoned parcel may be located within the rear setback.

13. Entrances: A separate entrance shall be provided for attached Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street. On corner lots, a separate entrance shall be provided for attached Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street on which the primary residential structure fronts.

14. Required Features: The Accessory Dwelling Unit must provide complete, independent living facilities for sleeping, sanitation, and cooking.

15. Covenant Required: The owner of record shall record a deed restriction in a form satisfactory to the city attorney within thirty (30) days following the issuance of a building permit for the Accessory Dwelling Unit. Within thirty (30) days of the issuance of building permit for a Accessory Dwelling Unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which shall place future buyers on notice of the maximum size of the Accessory Dwelling Unit is as set forth in this subsection A, the required amount of off street parking to be provided for the Accessory Dwelling Unit, that the Accessory Dwelling Unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the office of the city clerk.

16. An Accessory Dwelling Unit shall not be required to provide fire sprinklers if they are not required for the primary residence.

17. Accessory Dwelling Units shall not be considered new residential uses for purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

18. Utility Connections:

(a) The applicant for any Accessory Dwelling Unit approved pursuant to Section 10-3-409 A. 20 of this Article, shall not be required to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility or impose a related connection fee or capacity charge.

(b) The applicant for any Accessory Dwelling Unit that is not described in Section 10-3-409 A. 20 of this Article, may be required to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, and consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed Accessory Dwelling Unit upon the water or sewer system, based upon either its size or the number of its plumbing fixtures.

19. Historic Resources. Any Accessory Dwelling Unit that has the potential to adversely impact an historical resource listed on the National Register, California Register of Historic

Places, or the City of Beverly Hills Register of Historic Properties, shall comply with the Secretary of Interior shall be designed and constructed in accordance with *The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"* found at 36 CFR 68.3, as amended from time to time.

20. Conversion of Existing Space of a Residence or Accessory Structure. Conversion of existing space within a single-family residence or within an accessory structure to an Accessory Dwelling Unit shall be permitted by right, provided that the proposed Accessory Dwelling Unit has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

B. Accessory Dwelling Unit Use Permits: Notwithstanding any other provision of this article, Accessory Dwelling Units north of Santa Monica Boulevard that do not meet all of the standards set forth in subsection A of this section but comply with the standards set forth in this subsection may be permitted in an R-1 zone pursuant to an Accessory Dwelling Unit use permit issued under the authority set forth in this subsection.

1. Standards: Upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may, subject to the findings provisions of this subsection B, issue a Accessory Dwelling Unit use permit for the development of a Accessory Dwelling Unit in an R-1 zone if the proposed Accessory Dwelling Unit meets the following standards and requirements:

(a) Location: The lot or parcel on which the proposed Accessory Dwelling Unit will be constructed contains not more than one additional single-family dwelling unit. The Accessory Dwelling Unit may be either: 1) attached to the primary one-family residence and located within the living area of the residence, or 2) detached from the primary one-family residence and located on the same site area as the residence. If the Accessory Dwelling Unit is detached, is must be located to the rear of the primary dwelling unit on the site.

(b) Site Area: The site area on which the Accessory Dwelling Unit will be located is a minimum of six thousand (6,000) square feet.

(c) Unit Size: The square footage of the Accessory Dwelling Unit, when combined with the floor area of the other structures on the site, shall not exceed the maximum allowable FAR for the site, and may exceed 650 square feet in size for a detached Accessory Dwelling Unit or 1200 square feet in size for an attached Accessory Dwelling Unit if approved through an Accessory Dwelling Unit Use Permit. No Accessory Dwelling Unit shall be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute.

(d) FAR Calculations: The floor area of the Accessory Dwelling Unit shall be included for purposes of determining the floor area of buildings on the site when calculating floor area for any purpose under this code, including the determination of floor area ratio.

(e) Number Of Accessory Structures Permitted:

(1) Sites Less Than Eight Thousand Five Hundred Square Feet: Where the site area is less than eight thousand five hundred (8,500) square feet, no accessory structure shall be permitted on the site area except the Accessory Dwelling Unit and a garage.

(2) Sites Equal Or Greater Than Eight Thousand Five Hundred Square Feet and Less than Twenty Four Thousand (24,000) Square Feet: Where the site area is equal to or in excess of eight thousand five hundred (8,500) square feet and less than twenty four thousand (24,000) square feet, no more than one accessory structure in addition to the Accessory Dwelling Unit and a garage shall be permitted on the site area.

(3) Sites of At Least Twenty Four Thousand (24,000) Square Feet: The restrictions on the number of accessory structures on a site set forth in this subsection shall not apply to estate lots of at least twenty four thousand (24,000) square feet, however only one Accessory Dwelling Unit shall be permitted.

(f) Height: The Accessory Dwelling Unit shall be subject to the same height limitations as other accessory structures on the site area. In addition to an application for an Accessory Dwelling Unit use permit, a separate application for an R-1 permit must be submitted to allow for an increase in the applicable height limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

(g) Garage Conversion Prohibited: No garage may be demolished or converted in order to construct a second unit, unless a garage of at least equal size is replaced concomitantly on the site area. Any garage that has been demolished or converted to any other accessory use within the three (3) year period prior to the issuance of a building permit for a second unit must be replaced with a garage of at least equal size as a condition to the issuance of the building permit for a second unit.

(h) Rental And Transfer: The Accessory Dwelling Unit may be rented but shall not be sold, transferred or assigned separately from the primary single-family dwelling.

(i) Parking: Parking for a Accessory Dwelling Unit shall be provided at the following ratios and in accordance with following standards:

(1) One parking space in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with zero or one separate bedrooms;

(2) Two (2) parking spaces in addition to the parking spaces required for the primary dwelling for an Accessory Dwelling Unit with two, three or four separate bedrooms;

(3) Three (3) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with five (5) bedrooms;

(4) Four (4) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with six (6) or more bedrooms.

All required parking spaces shall be provided behind the front and street-side setback line for the site area.

(j) Architectural Compatibility: The Accessory Dwelling Unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures. A landscape plan which provides for adequate screening of the Accessory Dwelling Unit from neighboring properties to the satisfaction of the director of planning and community development is required as a condition to the issuance of an Accessory Dwelling Unit use permit.

(k) Side Setbacks: The Accessory Dwelling Unit shall be subject to the same side setback limitations as other accessory structures on the site area.

In addition to an application for an Accessory Dwelling Unit use permit, a separate application for an R-1 permit must be submitted to allow for a reduction in the side setback limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

(l) Rear Setback:

The Accessory Dwelling Unit shall be subject to the same rear setback limitations as other accessory structures on the site area. In addition to an application for a second unit use permit, a separate application for an R-1 permit must be submitted to allow for a reduction in the rear setback limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

(m) Entrances: A separate entrance shall be provided for attached Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street. On corner lots, a separate entrance shall be provided for attached accessory dwelling units, which entrance shall not be located on the front of the primary residential structure or facing the street on which the primary residential structure fronts.

(n) Required Features: The accessory dwelling unit must provide complete, independent living facilities for sleeping, sanitation, and cooking.

(o) Covenant Required: The owner of record shall record a deed restriction in a form satisfactory to the city attorney to this effect within thirty (30) days following the issuance of a building permit for the accessory dwelling unit. Within thirty (30) days of the issuance of building permit for a accessory dwelling unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which

shall place future buyers on notice of the approved size of the accessory dwelling unit, the required number of off street parking spaces to be provided for the accessory dwelling unit, that the accessory dwelling unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the city's planning department.

(p) Historic Resources. Any Accessory Dwelling Unit that has the potential to adversely impact an historical resource listed on the National Register, California Register of Historic Places, or the City of Beverly Hills Register of Historic Properties, shall comply with the Secretary of Interior shall be designed and constructed in accordance with *The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"* found at 36 CFR 68.3, as amended from time to time.

2. Reviewing Authority: Unless otherwise specified, the reviewing authority for a accessory dwelling unit use permit shall be the director of planning and community development. If, in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission, and the planning commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the requested accessory dwelling unit use permit.

If the application for a accessory dwelling unit use permit accompanies an application for any other type of discretionary permit for the same site area, the reviewing authority and the administrative review process applicable to that other type of discretionary permit shall apply to the accessory dwelling unit use permit application. However, the standards for the granting or denial of the accessory dwelling unit use permit application shall continue to be those set forth in this section or any of its successors.

3. Notice: Noticing shall be completed in accordance with article 2.5 of this chapter and the city's public notice guidelines.

4. Required Findings: The reviewing authority shall not issue a accessory dwelling unit use permit unless the reviewing authority finds that the proposed accessory dwelling unit will not have a substantial adverse impact on or be detrimental to:

- (a) The scale and massing of the streetscape;
- (b) The scale and massing of the neighborhood as viewed from neighboring properties;
- (c) Neighbors' access to light and air;
- (d). Neighbors' privacy;
- (e) The garden quality of the city; and

(f) Adjacent properties or the public welfare.

5. Appeals From Decisions: The applicant or any person aggrieved by any decision regarding a accessory dwelling unit use permit by a reviewing authority other than the city council may appeal to the city council as provided in title 1, chapter 4, article 1 of this code.

C. Conversion Of Existing Accessory Structures: For any accessory structure constructed prior to September 26, 2003, that contains a kitchen, the property owner may apply for a building permit pursuant to subsection A of this section or a accessory dwelling unit use permit pursuant to subsection B of this section to convert the accessory structure to a accessory dwelling unit. All applications for conversion must comply with the standards and regulations set forth in subsection A or B of this section, as appropriate. If the conversion is permitted, any covenant previously recorded by the property owner, or his or her predecessor, restricting the use of the site to one bona fide housekeeping unit shall be released by the city.”

Section 10. The City Council hereby amends Section 10-3-501 of Article 5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-501: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 11. The City Council hereby amends Section 10-3-503.5 of Article 5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-503.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.X provided the criteria set forth

in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 12. The City Council hereby amends Section 10-3-601 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-601: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited”

Section 13. The City Council hereby amends Section 10-3-603.5 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-603.5: ACCESSORY DWELLING UNITS:

“Accessory dwelling units shall be permitted in zone R-1.5 provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 14. The City Council hereby amends Section 10-3-604 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-604: RESTRICTIONS ON ACCESSORY BUILDINGS:

A. No other buildings except the usual accessory buildings, including private garages, private stables, and detached guest suites or pool houses which are appurtenant to and are, or are intended to be, used together with a public school, public library, public playground, or private one-family residence or dwelling shall be placed upon, erected,

constructed, built upon, enlarged, altered, used, or occupied on any lot or parcel of land in zone R-1.5 except as otherwise provided in this chapter. Unenclosed accessory structures may contain kitchen facilities provided the structure does not also include bathroom facilities. For the purposes of this chapter, "unenclosed accessory structure" shall mean any accessory structure that has a least one open side (no more than 3 solid walls in a square or rectangular structure), and shall not include structures where the open wall is fitted with a sliding glass partition capable of fully enclosing the structure. Fully enclosed accessory structures shall not contain kitchen facilities.

B. Notwithstanding the provisions of subsection A of this section, an accessory building lawfully constructed prior to September 26, 2003, may provide complete, independent living facilities (including kitchen facilities) without otherwise conforming to the accessory dwelling unit standards set forth in section 10-3-409 of this chapter, provided the property owner has recorded a covenant in a form satisfactory to the city attorney restricting the use of the site to one bona fide housekeeping unit or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction. Notwithstanding any other provision of this code, any such accessory structure may be maintained indefinitely and may be altered or expanded without otherwise complying with the regulations applicable to accessory dwelling units.”

Section 15. The City Council hereby amends Section 10-3-701 of Article 7 of Chapter

3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-701: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 16. The City Council hereby amends Section 10-3-702.5 of Article 7 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-702.5: ACCESSORY DWELLING UNITS:

“Accessory dwelling units shall be permitted in zone R-1.5X provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 17. The City Council hereby amends Section 10-3-801 of Article 8 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-801: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X2 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 18. The City Council hereby amends Section 10-3-803.5 of Article 8 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-803.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.5X2 provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 19. The City Council hereby amends Section 10-3-901 of Article 9 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-901: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.6X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 20. The City Council hereby amends Section 10-3-902.5 of Article 9 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-902.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.6X provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 21. The City Council hereby amends Section 10-3-1001 of Article 10 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1001: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.7X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single

housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 22. The City Council hereby amends Section 10-3-1002.5 of Article 10 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

10-3-1002.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.7X provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 23. The City Council hereby amends Section 10-3-1101 of Article 11 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1101: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.8X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 24. The City Council hereby amends Section 10-3-1102.5 of Article 11 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1102.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.8X provided the criteria set forth

in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4”

Section 25. The City Council hereby amends Section 10-3-1202 of Article 12 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1202: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-4 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose other than as a public library, a single- or multiple-family dwelling and the usual and customary accessory and appurtenant uses thereto including one Accessory Dwelling Unit on a lot developed only with a single-family dwelling subject to the criteria in Section 10-3-409 of this Chapter; a small community care facility; or transitional or supportive housing structured as a single-family residence or as a multiple-family dwelling.”

Section 26. 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 27. Publication. The City Clerk shall cause a summary of this Ordinance, with the names of the City Council Members voting for and against the 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. The City Clerk shall also post in the City Clerk’s office a certified copy of

the full text of the adopted Ordinance with the names of the Council Members voting for and against the Ordinance.

Section 28. 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.

Section 29. Certification. The City Clerk shall certify to the adoption of this Ordinance.

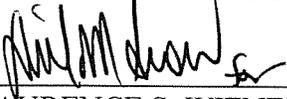
Adopted:
Effective:

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

ATTEST:

BYRON POPE
City Clerk

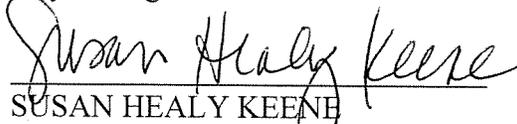
APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT

MAHDI ALUZRI
City Manager



SUSAN HEALY KEENE
Director of Community Development

Attachment 2

Urgency Ordinance

ORDINANCE NO. 16-O-_____

AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO UPDATE SECOND UNIT REGULATIONS PURSUANT TO CHANGES IN STATE LAW, INCLUDING TERMINOLOGY FROM SECOND UNITS TO ACCESSORY DWELLING UNITS

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

Section 1. On December 8, 2016, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1795 recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to update and establish standards and entitlement procedures related to second units, hereafter referred to as accessory dwelling units, pursuant to recently adopted State legislation. (collectively, the “Amendments”). On December 20, 2016, the City Council held a duly noticed public hearing, received public testimony, and thereafter adopted this Urgency 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 City Council finds that adoption of the Amendments is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or 65852.2 of the Government Code.” This ordinance is adopted to implement recent changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan, including the following goals and policies:

- LU 5 Complete, Livable, and Quality Neighborhoods. Neighborhoods that in the aggregate provide a variety of housing types, densities, forms and designs and a mix of uses and services that support the needs of residents.
- LU 5.2 Infill and Replacement Housing. Accommodate new and renovated housing within existing neighborhoods that is consistent with contextual parcel sizes, densities, built form and scale.
- LU 6.4 Second Units. Allow second units in single-family residential districts in accordance with State law.

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 deleting the definition of the term “SECOND UNIT” and adding a new definition of “ACCESSORY DWELLING UNIT” before the term “ACCESSORY STRUCTURE AREA” as it presently appears in Section 10-3-100, with all other definitions in the section remaining unchanged, to read as follows:

“ACCESSORY DWELLING UNIT: An attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. An accessory dwelling unit shall not include an accessory structure lawfully constructed prior to September 26, 2003, which provides independent living facilities, provided the use of the accessory structure is restricted by a covenant as described in section 10-3-403 of this chapter or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction.”

Section 5. The City Council hereby amends Subsection A of Section 10-3-253 of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other Subsections of Section 10-3-253 remaining in place without amendment:

“10-3-253: NOTIFICATION REQUIREMENTS:

The following methods of notice are required for each planning application:

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				
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.	Director	None	None	None
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.	Commission	Only projects in Multi-Family Residential Zones	None	None
Cultural Heritage				
Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director's Determination of Ineligibility.	Director	Certificate of appropriateness for designated landmarks and contributing properties: See section 10-3-3219 of this chapter		
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.	Commission	Certificate of ineligibility: See section 10-3-3221 of this chapter Landmark or historic district designation: See section 10-3-3215 of this chapter Certificate of economic hardship: See section 10-3-3220 of this chapter		
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	
<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>		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"> • Accessory Dwelling Unit Use Permit • <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 • <u>Specific Plan</u> • Tree Removal Permit* • <u>Variance</u> • View Restoration* <p><u>Underlined Applications</u> are reviewed at the Commission/Council level only *Special noticing requirements apply, See 10-3-253(B)</p>		Director Level	Yes	No	Hillside & Trousdale: 300 ft. radius Central Area: 100 ft. radius + block-face
		Commission/Council Level	Yes	Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code) Conditional Maps (Tentative, and Parcel) Specific Plan Use Permit Variance	Hillside & Trousdale: 500 ft. radius Central Area: 500 ft. radius + block-face

Notes:

1. Special noticing requirements apply, see subsection B of this section.
2. Applications reviewed at the commission/council level only.”

Section 6. The City Council hereby amends Section 10-3-302 of Article 3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-302: PERMITTED AND CONDITIONALLY PERMITTED USES FOR RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAY:

The following charts establish permitted uses and conditionally permitted uses in all residential zoning districts and zoning district overlays:

A. Single-Family Residential Zones: Except as otherwise provided in this article, no lot, premises, building or portion thereof in a single-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

ALLOWED USES AND PERMIT REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

P = Permitted use		UP = Use permit			CUP = Conditional use permit				
		R-1	R-1.X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R-1.7X	R-1.8X
Single-family dwelling		P	P	P	P	P	P	P	P
Accessory Dwelling Units (subject to section 10-3-409 of this chapter)		P	P	P	P	P	P	P	P
Transitional and supportive housing ¹ :									
	Single-family structure	P	P	P	P	P	P	P	P
Family daycare home:									
	Small	P	P	P	P	P	P	P	P

	Large (subject to section 10-3-408 of this chapter)	UP	UP	UP	UP	UP	UP	UP	UP
Community care facility ² (state licensed):									
	Small (serving 6 or fewer)	P	P	P	P	P	P	P	P
Educational institutions		CUP	CUP ³	CUP		CUP ³			
Museums		CUP	CUP	CUP					
Public utility uses (except as provided in section 10-3-2754 of this chapter)		CUP	CUP	CUP					
Religious institutions		CUP		CUP					
Public libraries						CUP			
Publicly owned playgrounds						CUP			
Home occupations (subject to section 10-3-4303 of this chapter)		P	P	P	P	P	P	P	
Single-family transient use ⁴		P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴

Notes:

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a single-family residence, it is regulated as such and is subject to all regulations applied to residences in the single-family residential zone where it is located.
2. For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
3. Public educational institutions only.
4. A single-family transient use of a "single-family residence" or "Accessory Dwelling Unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence 2 times per calendar year for each single-family residence or Accessory Dwelling Unit. Use of a single-family residence or Accessory Dwelling Unit for a single-family transient use more than twice per calendar year is prohibited.

B. Multiple-Family Residential Zones: Except as otherwise provided in this article, no lot, premises, building or portion thereof in a multiple-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTIPLE-FAMILY RESIDENTIAL ZONES AND ZONING DISTRICT OVERLAYS

P = Permitted use		CUP = Conditional use permit						
		R-4	RMCP	Special Needs Housing Overlay Zone ⁴	R-4X1	R-4X2	R-3	R-4-P
Single-family dwelling, and an Accessory Dwelling Unit (subject to section 10-3-409 of this chapter)		P	P		P	P	P	
Multiple-family dwellings		P	P		P	P	P	P
Transitional and supportive housing:								
	Single-family structure	P ¹	P ¹			P ¹	P ¹	
	Multi-family structure	P ¹	P ¹			P ¹	P ¹	P ¹
Emergency shelters (subject to section 10-3-1275 of this chapter)				P				
Single room occupancy housing (SRO)				CUP				
Community care facilities ³ (state licensed):								
	Small (6 or fewer)	P	P			P	P	
	Large (7 or more)	CUP	CUP			CUP	CUP	CUP

Public library	P	P			P		
Childcare uses licensed pursuant to state law	CUP	CUP			CUP		CUP
Educational institutions	CUP	CUP			CUP		CUP
Multiple-family congregate housing for the elderly or disabled pursuant to article 12.8 of this chapter			CUP				
Multiple-family housing for the elderly or disabled pursuant to article 12.5 of this chapter	CUP	CUP			CUP		CUP
Museums	CUP	CUP			CUP		CUP
Public utility uses ²	CUP	CUP			CUP		CUP
Religious institutions	CUP	CUP			CUP		CUP
Restaurants located in nonconforming hotels (subject to section 10-3-1207 of this chapter)	CUP	CUP			CUP		CUP
Convenience retail uses (subject to section 10-3-1233 of this chapter)		CUP					
Public parking uses		CUP					
Ancillary retail uses ⁵							P
Ancillary parking facilities ⁵							P

Notes:

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a multiple-family residence, it is regulated as such and is subject to all regulations applied to residences in the multiple-family residential zone where it is located.
2. Except as provided in section 10-3-2754 of this chapter.
3. For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
4. Uses allowed in the special needs housing overlay zone are in addition to any use allowed in the underlying zoning district.

5. If approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter.”

Section 7. The City Council hereby amends Section 10-3-401 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-401: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "Accessory Dwelling Unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or Accessory Dwelling Unit. Use of a single-family residence or Accessory Dwelling Unit for a single-family transient use more than twice per calendar year is prohibited”

Section 8. The City Council hereby amends Section 10-3-403 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-403: RESTRICTIONS ON ACCESSORY BUILDINGS:

- A. No other buildings except the usual accessory buildings, including private garages, private stables, and detached guest suites or pool houses which are appurtenant to and are, or are intended to be, used together with a public school, public library, public playground, or private one-family residence or dwelling shall be placed upon, erected, constructed, built upon, enlarged, altered, used, or occupied on any lot or parcel of land in zone R-1 except as otherwise provided in this chapter. Unenclosed accessory structures may contain kitchen facilities provided the structure does not also include bathroom facilities. For the purposes of this chapter, "unenclosed accessory structure" shall mean any accessory structure that has at least one open side (no more than 3 solid walls in a square or rectangular structure), and shall not include structures where the open wall is fitted with a sliding glass partition capable of fully enclosing the structure. Fully enclosed accessory structures shall not contain kitchen facilities.

- B. Notwithstanding the provisions of subsection A of this section, an accessory building lawfully constructed prior to September 26, 2003, may provide complete, independent living facilities (including kitchen facilities) without otherwise conforming to the Accessory Dwelling Unit standards set forth in section 10-3-409 of this article, provided the property owner has recorded a covenant in a form satisfactory to the city attorney restricting the use of the site to one bona fide housekeeping unit or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction. Notwithstanding any other provision of this code, any such accessory structure may be maintained indefinitely and may be altered or expanded without otherwise complying with the regulations applicable to Accessory Dwelling Units.”

Section 9. The City Council hereby amends Section 10-3-409 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-409: ACCESSORY DWELLING UNITS:

A. Standards: Notwithstanding sections 10-3-401 and 10-3-402 of this chapter, an Accessory Dwelling Unit shall be permitted in an R-1 zone and in an R-4 zone on a property developed with an existing single-family dwelling unit provided the proposed Accessory Dwelling Unit meets the following standards and requirements:

1. Location: The lot or parcel on which the proposed Accessory Dwelling Unit will be constructed contains not more than one single-family dwelling unit. The Accessory Dwelling Unit may be either: a) attached to the primary one-family residence and located within the living area of the residence, or b) detached from the primary one-family residence and located on the same site area as the residence. If the Accessory Dwelling Unit is detached, it must be located to the rear of the primary dwelling unit on the site.

2. Site Area: The site area on which the Accessory Dwelling Unit will be located is a minimum of six thousand (6,000) square feet.

3. Unit Size:

(a) Attached Accessory Dwelling Units: An attached Accessory Dwelling Unit shall not be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute and shall not exceed the lesser of fifty percent (50%) of the existing floor area of the primary dwelling unit or 1,200 square feet.

(b) Detached Accessory Dwelling Units: A detached Accessory Dwelling Unit shall not be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the

California Health And Safety Code or any successor statute and shall not exceed a maximum floor area of six hundred fifty (650) square feet.

4. FAR Calculations: The floor area of the Accessory Dwelling Unit shall be included for purposes of determining the floor area of buildings on the site when calculating floor area for any purpose under this code, including the determination of floor area ratio.

5. Number Of Accessory Structures Permitted:

(a) Sites Less Than Eight Thousand Five Hundred Square Feet: Where the site area is less than eight thousand five hundred (8,500) square feet, no accessory structure shall be permitted on the site area except for one Accessory Dwelling Unit and a garage.

(b) Sites Equal To Or Greater Than Eight Thousand Five Hundred Square Feet and Less than Twenty Four Thousand (24,000) Square Feet: Where the site area is equal to or in excess of eight thousand five hundred (8,500) square feet and less than twenty four thousand (24,000) square feet, no more than one accessory structure in addition to one Accessory Dwelling Unit and a garage shall be permitted on the site area.

(c) Sites of At Least Twenty Four Thousand (24,000) Square Feet: There is no restriction on the number of accessory structures on estate lots of at least twenty four thousand (24,000) square feet, however only one Accessory Dwelling Unit shall be permitted.

6. Height:

(a) Detached Accessory Dwelling Units: A detached Accessory Dwelling Unit shall be located on the ground floor and shall not exceed a maximum height of fourteen feet (14'). Notwithstanding the foregoing, a detached Accessory Dwelling Unit located on an estate lot of at least twenty four thousand (24,000) square feet may be located on the second floor and shall comply with the maximum height limit applicable to the primary dwelling structure on the site.

(b) Attached Accessory Dwelling Units: An attached Accessory Dwelling Unit may be located on either the ground floor or the second floor of the primary dwelling unit and shall be subject to the same height limitations applicable to the primary structure.

(c) Central R-1 Permits: Notwithstanding any other provision of this section, for those lots located south of Olympic Boulevard and west of Roxbury Drive, the planning commission may, through the issuance of a Central R-1 permit pursuant to article 24.5 of this chapter, modify the height limitations set forth in this subsection A6, to allow a detached Accessory Dwelling Unit to be located above the ground floor, provided the rear lot line of the subject lot abuts an alley and provided further that the elevation of the subject lot slopes downhill from the front (street) lot line of the property to the rear (alley) lot line with a minimum difference in elevation of at least twenty feet (20') between the street and the alley. In addition to the findings required by section 10-3-2453 of this chapter, the planning commission may issue a Central R-1 permit to allow an

Accessory Dwelling Unit to exceed fourteen feet (14') in height if the planning commission finds that the proposed Accessory Dwelling Unit will not have a substantial adverse impact on adjacent properties or the public welfare. In making this determination, the planning commission may look at such factors as the impact of the Accessory Dwelling Unit on the scale and massing as viewed from adjacent properties, the impact of the Accessory Dwelling Unit on available light in neighboring yards, and the cumulative impact to adjacent properties from the proposed Accessory Dwelling Unit in combination with existing accessory structures and Accessory Dwelling Units in the vicinity. Under no circumstances shall the height of an Accessory Dwelling Unit structure be permitted to exceed the following:

(1) Twelve feet (12') as measured from the lowest finished elevation along the perimeter of the primary structure; and

(2) Twenty five feet (25') for structures with a flat roof and thirty feet (30') for structures with a sloped roof, with a maximum plate height of twenty two feet (22') as measured from the lowest existing grade.

(d) If an Accessory Dwelling Unit is constructed above a garage pursuant to paragraphs (a) or (c) above, the required side and rear setbacks shall not exceed five (5) feet. However, nothing prohibits an applicant from proposing greater rear and side setbacks.

7. Demolition of Garages, Carports or Covered Parking Structures. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the offstreet parking spaces lost as a result of the demolition shall be replaced on-site. The replacement parking spaces may be located in any configuration on the same lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

8. Rental And Transfer: The Accessory Dwelling Unit may be rented, subject to the limitations on single family transient use, but shall not be sold, transferred or assigned separately from the primary single-family dwelling.

9. Parking: Notwithstanding any other provisions in this Chapter, parking for a Accessory Dwelling Unit shall be provided at the following ratios and in accordance with following standards:

(a) One parking space in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with zero or one separate bedrooms;

(b) Two (2) parking spaces in addition to the parking spaces required for the primary dwelling for an Accessory Dwelling Unit with two, three or four separate bedrooms;

(c) Three (3) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with five (5) bedrooms;

(d) Four (4) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with six (6) or more bedrooms.

All required parking spaces shall be provided behind the front setback line for the site area.

(e) Notwithstanding the foregoing requirements, no parking shall be required for any Accessory Dwelling Unit in any of the following circumstances:

(1) The Accessory Dwelling Unit is located within one-half mile of public transit.

(2) The Accessory Dwelling Unit is located within an historic district.

(3) The Accessory Dwelling Unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

(5) When there is a City-approved and dedicated parking space for a car share vehicle located within one block of the Accessory Dwelling Unit.

(f) Standards: Any required parking for an Accessory Dwelling Unit may be provided as tandem parking on an existing driveway, including driveway areas within setback areas.

10. Architectural Compatibility: The Accessory Dwelling Unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures.

11. Side Setbacks: : Except as provided below, the Accessory Dwelling Unit shall comply with all side setback requirements applicable to the primary dwelling unit on the site.

(a) Garage Conversions. No additional side setback beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.

12. Rear Setback:

(a) Garage Conversions. No additional rear setback beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.

(b) A new Accessory Dwelling Unit shall comply with the rear setback requirement applicable to the primary dwelling unit on the site. Notwithstanding the foregoing, an Accessory Dwelling Unit located on a site whose rear lot line abuts an alley or a commercially zoned parcel may be located within the rear setback.

13. Entrances: A separate entrance shall be provided for attached Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street. On corner lots, a separate entrance shall be provided for attached Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street on which the primary residential structure fronts.

14. Required Features: The Accessory Dwelling Unit must provide complete, independent living facilities for sleeping, sanitation, and cooking.

15. Covenant Required: The owner of record shall record a deed restriction in a form satisfactory to the city attorney within thirty (30) days following the issuance of a building permit for the Accessory Dwelling Unit. Within thirty (30) days of the issuance of building permit for a Accessory Dwelling Unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which shall place future buyers on notice of the maximum size of the Accessory Dwelling Unit is as set forth in this subsection A, the required amount of off street parking to be provided for the Accessory Dwelling Unit, that the Accessory Dwelling Unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the office of the city clerk.

16. An Accessory Dwelling Unit shall not be required to provide fire sprinklers if they are not required for the primary residence.

17. Accessory Dwelling Units shall not be considered new residential uses for purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

18. Utility Connections:

(a) The applicant for any Accessory Dwelling Unit approved pursuant to Section 10-3-409 A. 20 of this Article, shall not be required to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility or impose a related connection fee or capacity charge.

(b) The applicant for any Accessory Dwelling Unit that is not described in Section 10-3-409 A. 20 of this Article, may be required to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, and consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed Accessory Dwelling Unit upon the water or sewer system, based upon either its size or the number of its plumbing fixtures.

19. Historic Resources. Any Accessory Dwelling Unit that has the potential to adversely impact an historical resource listed on the National Register, California Register of Historic

Places, or the City of Beverly Hills Register of Historic Properties, shall comply with the Secretary of Interior shall be designed and constructed in accordance with *The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"* found at 36 CFR 68.3, as amended from time to time.

20. Conversion of Existing Space of a Residence or Accessory Structure. Conversion of existing space within a single-family residence or within an accessory structure to an Accessory Dwelling Unit shall be permitted by right, provided that the proposed Accessory Dwelling Unit has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

B. Accessory Dwelling Unit Use Permits: Notwithstanding any other provision of this article, Accessory Dwelling Units north of Santa Monica Boulevard that do not meet all of the standards set forth in subsection A of this section but comply with the standards set forth in this subsection may be permitted in an R-1 zone pursuant to an Accessory Dwelling Unit use permit issued under the authority set forth in this subsection.

1. Standards: Upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may, subject to the findings provisions of this subsection B, issue a Accessory Dwelling Unit use permit for the development of a Accessory Dwelling Unit in an R-1 zone if the proposed Accessory Dwelling Unit meets the following standards and requirements:

(a) Location: The lot or parcel on which the proposed Accessory Dwelling Unit will be constructed contains not more than one additional single-family dwelling unit. The Accessory Dwelling Unit may be either: 1) attached to the primary one-family residence and located within the living area of the residence, or 2) detached from the primary one-family residence and located on the same site area as the residence. If the Accessory Dwelling Unit is detached, is must be located to the rear of the primary dwelling unit on the site.

(b) Site Area: The site area on which the Accessory Dwelling Unit will be located is a minimum of six thousand (6,000) square feet.

(c) Unit Size: The square footage of the Accessory Dwelling Unit, when combined with the floor area of the other structures on the site, shall not exceed the maximum allowable FAR for the site, and may exceed 650 square feet in size for a detached Accessory Dwelling Unit or 1200 square feet in size for an attached Accessory Dwelling Unit if approved through an Accessory Dwelling Unit Use Permit. No Accessory Dwelling Unit shall be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute.

(d) FAR Calculations: The floor area of the Accessory Dwelling Unit shall be included for purposes of determining the floor area of buildings on the site when calculating floor area for any purpose under this code, including the determination of floor area ratio.

(e) Number Of Accessory Structures Permitted:

(1) Sites Less Than Eight Thousand Five Hundred Square Feet: Where the site area is less than eight thousand five hundred (8,500) square feet, no accessory structure shall be permitted on the site area except the Accessory Dwelling Unit and a garage.

(2) Sites Equal Or Greater Than Eight Thousand Five Hundred Square Feet and Less than Twenty Four Thousand (24,000) Square Feet: Where the site area is equal to or in excess of eight thousand five hundred (8,500) square feet and less than twenty four thousand (24,000) square feet, no more than one accessory structure in addition to the Accessory Dwelling Unit and a garage shall be permitted on the site area.

(3) Sites of At Least Twenty Four Thousand (24,000) Square Feet: The restrictions on the number of accessory structures on a site set forth in this subsection shall not apply to estate lots of at least twenty four thousand (24,000) square feet, however only one Accessory Dwelling Unit shall be permitted.

(f) Height: The Accessory Dwelling Unit shall be subject to the same height limitations as other accessory structures on the site area. In addition to an application for an Accessory Dwelling Unit use permit, a separate application for an R-1 permit must be submitted to allow for an increase in the applicable height limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

(g) Garage Conversion Prohibited: No garage may be demolished or converted in order to construct a second unit, unless a garage of at least equal size is replaced concomitantly on the site area. Any garage that has been demolished or converted to any other accessory use within the three (3) year period prior to the issuance of a building permit for a second unit must be replaced with a garage of at least equal size as a condition to the issuance of the building permit for a second unit.

(h) Rental And Transfer: The Accessory Dwelling Unit may be rented but shall not be sold, transferred or assigned separately from the primary single-family dwelling.

(i) Parking: Parking for a Accessory Dwelling Unit shall be provided at the following ratios and in accordance with following standards:

(1) One parking space in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with zero or one separate bedrooms;

(2) Two (2) parking spaces in addition to the parking spaces required for the primary dwelling for an Accessory Dwelling Unit with two, three or four separate bedrooms;

(3) Three (3) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with five (5) bedrooms;

(4) Four (4) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with six (6) or more bedrooms.

All required parking spaces shall be provided behind the front and street-side setback line for the site area.

(j) Architectural Compatibility: The Accessory Dwelling Unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures. A landscape plan which provides for adequate screening of the Accessory Dwelling Unit from neighboring properties to the satisfaction of the director of planning and community development is required as a condition to the issuance of an Accessory Dwelling Unit use permit.

(k) Side Setbacks: The Accessory Dwelling Unit shall be subject to the same side setback limitations as other accessory structures on the site area.

In addition to an application for an Accessory Dwelling Unit use permit, a separate application for an R-1 permit must be submitted to allow for a reduction in the side setback limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

(l) Rear Setback:

The Accessory Dwelling Unit shall be subject to the same rear setback limitations as other accessory structures on the site area. In addition to an application for a second unit use permit, a separate application for an R-1 permit must be submitted to allow for a reduction in the rear setback limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

(m) Entrances: A separate entrance shall be provided for attached Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street. On corner lots, a separate entrance shall be provided for attached accessory dwelling units, which entrance shall not be located on the front of the primary residential structure or facing the street on which the primary residential structure fronts.

(n) Required Features: The accessory dwelling unit must provide complete, independent living facilities for sleeping, sanitation, and cooking.

(o) Covenant Required: The owner of record shall record a deed restriction in a form satisfactory to the city attorney to this effect within thirty (30) days following the issuance of a building permit for the accessory dwelling unit. Within thirty (30) days of the issuance of building permit for a accessory dwelling unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which

shall place future buyers on notice of the approved size of the accessory dwelling unit, the required number of off street parking spaces to be provided for the accessory dwelling unit, that the accessory dwelling unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the city's planning department.

(p) Historic Resources. Any Accessory Dwelling Unit that has the potential to adversely impact an historical resource listed on the National Register, California Register of Historic Places, or the City of Beverly Hills Register of Historic Properties, shall comply with the Secretary of Interior shall be designed and constructed in accordance with *The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"* found at 36 CFR 68.3, as amended from time to time.

2. Reviewing Authority: Unless otherwise specified, the reviewing authority for a accessory dwelling unit use permit shall be the director of planning and community development. If, in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission, and the planning commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the requested accessory dwelling unit use permit.

If the application for a accessory dwelling unit use permit accompanies an application for any other type of discretionary permit for the same site area, the reviewing authority and the administrative review process applicable to that other type of discretionary permit shall apply to the accessory dwelling unit use permit application. However, the standards for the granting or denial of the accessory dwelling unit use permit application shall continue to be those set forth in this section or any of its successors.

3. Notice: Noticing shall be completed in accordance with article 2.5 of this chapter and the city's public notice guidelines.

4. Required Findings: The reviewing authority shall not issue a accessory dwelling unit use permit unless the reviewing authority finds that the proposed accessory dwelling unit will not have a substantial adverse impact on or be detrimental to:

- (a) The scale and massing of the streetscape;
- (b) The scale and massing of the neighborhood as viewed from neighboring properties;
- (c) Neighbors' access to light and air;
- (d). Neighbors' privacy;
- (e) The garden quality of the city; and

(f) Adjacent properties or the public welfare.

5. Appeals From Decisions: The applicant or any person aggrieved by any decision regarding a accessory dwelling unit use permit by a reviewing authority other than the city council may appeal to the city council as provided in title 1, chapter 4, article 1 of this code.

C. Conversion Of Existing Accessory Structures: For any accessory structure constructed prior to September 26, 2003, that contains a kitchen, the property owner may apply for a building permit pursuant to subsection A of this section or a accessory dwelling unit use permit pursuant to subsection B of this section to convert the accessory structure to a accessory dwelling unit. All applications for conversion must comply with the standards and regulations set forth in subsection A or B of this section, as appropriate. If the conversion is permitted, any covenant previously recorded by the property owner, or his or her predecessor, restricting the use of the site to one bona fide housekeeping unit shall be released by the city.”

Section 10. The City Council hereby amends Section 10-3-501 of Article 5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-501: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 11. The City Council hereby amends Section 10-3-503.5 of Article 5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-503.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.X provided the criteria set forth

in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 12. The City Council hereby amends Section 10-3-601 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-601: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited”

Section 13. The City Council hereby amends Section 10-3-603.5 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-603.5: ACCESSORY DWELLING UNITS:

“Accessory dwelling units shall be permitted in zone R-1.5 provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 14. The City Council hereby amends Section 10-3-604 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-604: RESTRICTIONS ON ACCESSORY BUILDINGS:

A. No other buildings except the usual accessory buildings, including private garages, private stables, and detached guest suites or pool houses which are appurtenant to and are, or are intended to be, used together with a public school, public library, public playground, or private one-family residence or dwelling shall be placed upon, erected,

constructed, built upon, enlarged, altered, used, or occupied on any lot or parcel of land in zone R-1.5 except as otherwise provided in this chapter. Unenclosed accessory structures may contain kitchen facilities provided the structure does not also include bathroom facilities. For the purposes of this chapter, "unenclosed accessory structure" shall mean any accessory structure that has a least one open side (no more than 3 solid walls in a square or rectangular structure), and shall not include structures where the open wall is fitted with a sliding glass partition capable of fully enclosing the structure. Fully enclosed accessory structures shall not contain kitchen facilities.

B. Notwithstanding the provisions of subsection A of this section, an accessory building lawfully constructed prior to September 26, 2003, may provide complete, independent living facilities (including kitchen facilities) without otherwise conforming to the accessory dwelling unit standards set forth in section 10-3-409 of this chapter, provided the property owner has recorded a covenant in a form satisfactory to the city attorney restricting the use of the site to one bona fide housekeeping unit or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction. Notwithstanding any other provision of this code, any such accessory structure may be maintained indefinitely and may be altered or expanded without otherwise complying with the regulations applicable to accessory dwelling units.”

Section 15. The City Council hereby amends Section 10-3-701 of Article 7 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-701: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 16. The City Council hereby amends Section 10-3-702.5 of Article 7 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-702.5: ACCESSORY DWELLING UNITS:

“Accessory dwelling units shall be permitted in zone R-1.5X provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 17. The City Council hereby amends Section 10-3-801 of Article 8 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-801: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X2 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 18. The City Council hereby amends Section 10-3-803.5 of Article 8 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-803.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.5X2 provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 19. The City Council hereby amends Section 10-3-901 of Article 9 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-901: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.6X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 20. The City Council hereby amends Section 10-3-902.5 of Article 9 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-902.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.6X provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 21. The City Council hereby amends Section 10-3-1001 of Article 10 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1001: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.7X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single

housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 22. The City Council hereby amends Section 10-3-1002.5 of Article 10 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

10-3-1002.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.7X provided the criteria set forth in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4.”

Section 23. The City Council hereby amends Section 10-3-1101 of Article 11 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1101: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.8X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or accessory dwelling unit. Use of a single-family residence or accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited.”

Section 24. The City Council hereby amends Section 10-3-1102.5 of Article 11 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1102.5: ACCESSORY DWELLING UNITS:

Accessory dwelling units shall be permitted in zone R-1.8X provided the criteria set forth

in article 4 of this chapter are satisfied or a accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4”

Section 25. The City Council hereby amends Section 10-3-1202 of Article 12 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1202: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-4 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose other than as a public library, a single- or multiple-family dwelling and the usual and customary accessory and appurtenant uses thereto including one Accessory Dwelling Unit on a lot developed only with a single-family dwelling subject to the criteria in Section 10-3-409 of this Chapter; a small community care facility; or transitional or supportive housing structured as a single-family residence or as a multiple-family dwelling.”

Section 26. 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 27. Urgency Findings. The City Council finds as follows:

- (a) Effective January 1, 2017, Assembly Bill 2299 (“AB 2299”) and Senate Bill 1069 (“SB 1069”) amend Government Code Section 65852.2 to limit the types of standards cities may impose on second units (now referred to as “accessory dwelling units”).
- (b) As amended, Government Code Section 65852.2 requires that the City’s Accessory Dwelling Units ordinance incorporate State-mandated standards for certain types of accessory dwelling units.

- (c) In addition, Government Code Section 65852.2 allows the City to establish certain objective standards related to parking, height, setback, lot coverage, landscaping, and certain architectural requirements, which must be applied ministerially except where a property owner is seeking an exception to such standards.
- (d) In the absence of a State-compliant ordinance on January 1, 2017, the City's existing second unit standards would be considered null and void pursuant to Government Code Section 65852.2(a)(4) and the City would be required to approve any accessory dwelling unit meeting minimal state criteria.
- (e) Therefore, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. If this Ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, ambiguity and confusion regarding the applicability of the City's second unit/accessory dwelling unit standards could result, with inconsistent and unfair results for City residents. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

Section 28. 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 the city Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 29. Effective Date. This Ordinance is adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b), and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption by a minimum 4/5 vote of the City Council.

Section 30. Certification. The City Clerk shall certify to the adoption of this Ordinance.

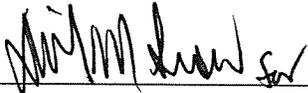
Adopted:
Effective:

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

ATTEST:

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 3

**Planning Commission Resolution and
Draft Ordinance**

RESOLUTION NO. 1795

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS
RECOMMENDING AMENDMENTS TO THE
BEVERLY HILLS MUNICIPAL CODE PROVISIONS
REGARDING SECOND DWELLING UNITS

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 December 8, 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 pursuant to recently enacted State law and 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 Planning Commission finds that the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

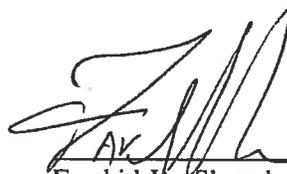
Section 2. As proposed, the Amendments to the Beverly Hills Municipal Code in Exhibit A include modifications to the Beverly Hills Municipal Code to ensure compliance with newly adopted state law (SB 1069 and AB 2299) pertaining to regulation and permitting of Accessory Dwelling Units, and to replace the term “second unit” as used in the Municipal Code with a new term “accessory dwelling unit”. Changes resulting from the Ordinance would include modifications to accessory dwelling unit parking requirements, modification to procedures for review of applications for accessory dwelling units, and regulations pertaining to the charging of utility connection fees for certain accessory dwelling units, among other things.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “Land Use 5 – Complete, Livable, and Quality Neighborhoods” and General Plan Policies “Land Use 2.5 Infill and Replacement Housing” and “Land Use 6.4 Second Units” call for the accommodation of new housing within existing neighborhoods and encourage second units in single-family residential districts in accordance with state law.

Section 4. The Planning Commission does hereby recommend that any ordinance that addresses Accessory Dwelling Units include the standards substantially set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

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: December 8, 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

10-3-100: Existing second unit definition deleted:

~~SECOND UNIT: An attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. A second unit shall not include an accessory structure lawfully constructed prior to September 26, 2003, which provides independent living facilities, provided the use of the accessory structure is restricted by a covenant as described in section 10-3-403 of this chapter or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction.~~

New Definition added:

ACCESSORY DWELLING UNIT: An attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. An accessory dwelling unit shall not include an accessory structure lawfully constructed prior to September 26, 2003, which provides independent living facilities, provided the use of the accessory structure is restricted by a covenant as described in section 10-3-403 of this chapter or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction."

10-3-253: NOTIFICATION REQUIREMENTS:

The following methods of notice are required for each planning application:

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:			
Director: Director level projects can be processed	None	None	None

<p>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: Commission level projects must be reviewed by the city's architectural commission (AC) and include: sign accommodations, most commercial signs, facade remodels for commercial and multi-family buildings, new construction of commercial and multi-family buildings, and landscaping for commercial and multi-family projects.</p>	<p>Only projects in multi-family residential zones</p>	<p>None</p>	<p>None</p>
<p>Cultural heritage:</p>			
<p>Director: Director level projects can be processed administratively and include director level certificate of appropriateness and certificate of ineligibility.</p>	<p>Certificate of appropriateness for designated landmarks and contributing properties: See section 10-3-3219 of this chapter</p>		
<p>Commission: 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</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>		

contributing properties, certificates of ineligibility, and certificates of economic hardship.			
Design review:			
Director: 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".	None	None	Owner/applicant
Commission: Commission level applications include projects that are reviewed by the city's design review commission (DRC) including single-family home facade remodels and new homes in the Central Area of the city that are determined to be "track 2".	Yes	None	Central Area: 100 foot radius + block face
Planning review:			
Director Level: Director level includes applications that can be reviewed and approved by staff.	Yes	No	Hillside and Trousdale: 300 foot radius Central Area: 100 foot radius + block face
Development plan review			
Game court fence			
In lieu parking			
Large family daycare permit ¹			
Lot line adjustment			
Minor accommodation			
Open air dining			
Overnight stay permit			

Planned development review			
R-1: Hillside, Central and Trousdale			
R-4 permit			
Reasonable accommodation ¹			
Resolution of public convenience and necessity ¹			
Second unit <u>Accessory Dwelling Unit</u> use permit			
Tree removal permit ¹			
View restoration ¹			
Commission/Council Level: 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:	Yes	Amendments (general plan, streets master plan, specific plan, zone text, zoning code) Conditional use permit	Hillside and Trousdale: 500 foot radius Central Area: 300-500 foot radius + block face
Amendment (general plan, streets master plan, specific plan, zone text, zoning code) ²		Maps (tentative and parcel) Specific plan	
Common interest development ^{1,2}		Variance	
Conditional use permit ²			
Density bonus permit ²			
Development plan review			
Extended hours permit ²			
Game court fence			
Game court location ²			

	In lieu parking		
	Large family daycare permit ¹		
	Lot line adjustment		
	Maps: tentative and parcel ²		
	Minor accommodation		
	Open air dining		
	Overnight stay permit		
	Planned development review		
	R-1: Hillside, Central and Trousdale		
	R-4 permit		
	Reasonable accommodation ¹		
	Resolution of public convenience and necessity ¹		
	Second unit <u>Accessory Dwelling Unit</u> use permit		
	Specific plan ²		
	Tree removal permit ¹		
	Variance ²		
	View restoration ¹		

Notes:

1. Special noticing requirements apply, see subsection B of this section.
2. Applications reviewed at the commission/council level only. B.Special Notice Requirements:

Development Application	Public Notice Posting Requirements
The following applications have unique noticing requirements:	

Common interest development	With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by this code and state law.
	1. Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. For the purposes of this article, the "legal requirements for service by mail" shall mean the requirements set forth in California Code Of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under this code and state law.
	2. Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant 10 days' advance written notice that an application for a public report will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
	3. Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(b) or any successor statute, the subdivider shall provide each tenant written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
	4. Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least 180 days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required

	by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
	5. Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least 10 days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development or his or her designee and shall contain, as a minimum, the following information:
	a. An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction;
	b. An explanation of the tenant's rights and benefits if the conversion is approved; and
	c. The grounds upon which the planning commission can deny the request for conversion.
	6. Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted.
Large family daycare permit	Not less than 10 days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the subject site area.
Reasonable accommodation	At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation. Written notice of a hearing to consider the application shall be mailed 10 calendar days prior to the meeting to the applicant and adjacent property

	owners.
Resolution of public convenience or necessity	Notice of a public hearing shall be mailed to property owners and occupants within 300 feet of the premises for which a determination is requested. At least 10 days prior to the public hearing a written notice shall be published in the newspaper.
Tree removal permit	Notice of any hearing on such a permit before the planning commission shall be mailed to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.
View restoration	1. Public Hearing Notice: Notice of any hearing held pursuant to this section shall be mailed at least 30 days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.
	2. Notice Of Decision: Within 5 days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:
	a. The view owner, using the mailing address set forth in the application;
	b. Each foliage owner that is named on the application, as listed on a current tax assessor's roll and to the occupant of the foliage owner's property if the foliage owner's address is different than the property on which the foliage is located.
	The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

(Ord. 14-O-2661, eff. 6-20-2014; amd. Ord. 14-O-2670, eff. 1-2-2015; Ord. 15-O-2682, eff. 11-19-2015)

10-3-302: PERMITTED AND CONDITIONALLY PERMITTED USES FOR RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS:

The following charts establish permitted uses and conditionally permitted uses in all residential zoning districts and zoning district overlays:

A. Single-Family Residential Zones: Except as otherwise provided in this article, no lot, premises, building or portion thereof in a single-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

ALLOWED USES AND PERMIT REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

	R-1	R-1.X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R-1.7X	R-1.8X
Single-family dwelling	P	P	P	P	P	P	P	P
Second-unit <u>Accessory Dwelling Units</u> (subject to section 10-3-409 of this chapter)	P	P	P	P	P	P	P	P
Transitional and supportive housing ¹ :								
Single-family structure	P	P	P	P	P	P	P	P
Family daycare home:								
Small	P	P	P	P	P	P	P	P
Large (subject to section 10-3-408 of this chapter)	UP	UP	UP	UP	UP	UP	UP	UP
Community care facility ² (state licensed):								
Small (serving 6 or fewer)	P	P	P	P	P	P	P	P
Educational institutions	CUP	CUP ³	CUP		CUP ³			
Museums	CUP	CUP	CUP					
Public utility uses (except as provided in section 10-3-2754 of this chapter)	CUP	CUP	CUP					

Religious institutions	CUP		CUP					
Public libraries					CUP			
Publicly owned playgrounds					CUP			
Home occupations (subject to section 10-3-4303 of this chapter)	P	P	P	P	P	P	P	
Single-family transient use ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴

Notes:

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a single-family residence, it is regulated as such and is subject to all regulations applied to residences in the single-family residential zone where it is located.

2. For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.

3. Public educational institutions only.

4. A single-family transient use of a "single-family residence" or "~~second-unit~~ Accessory Dwelling Unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence 2 times per calendar year for each single-family residence or ~~second-unit~~ Accessory Dwelling Unit. Use of a single-family residence or ~~second-unit~~ Accessory Dwelling Unit for a single-family transient use more than twice per calendar year is prohibited.

B. Multiple-Family Residential Zones: Except as otherwise provided in this article, no lot, premises, building or portion thereof in a multiple-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTIPLE-FAMILY RESIDENTIAL ZONES AND ZONING DISTRICT OVERLAYS

P = Permitted use CUP = Conditional use permit

	R-4	RMCP	Special Needs Housing Overlay Zone ⁴	R-4X1	R-4X2	R-3	R-4-P
Single-family dwelling, <u>and an Accessory Dwelling Unit</u>	P	P		P	P	P	

<u>(subject to section 10-3-409 of this chapter)</u>							
Multiple-family dwellings	P	P		P	P	P	P
Transitional and supportive housing:							
Single-family structure	P ¹	P ¹			P ¹	P ¹	
Multi-family structure	P ¹	P ¹			P ¹	P ¹	P ¹
Emergency shelters (subject to section 10-3-1275 of this chapter)			P				
Single room occupancy housing (SRO)			CUP				
Community care facilities ³ (state licensed):							
Small (6 or fewer)	P	P			P	P	
Large (7 or more)	CUP	CUP			CUP	CUP	CUP
Public library	P	P			P		
Childcare uses licensed pursuant to state law	CUP	CUP			CUP		CUP
Educational institutions	CUP	CUP			CUP		CUP
Multiple-family congregate housing for the elderly or disabled pursuant to article 12.8 of this chapter			CUP				
Multiple-family housing for the elderly or disabled pursuant to article 12.5 of this chapter	CUP	CUP			CUP		CUP
Museums	CUP	CUP			CUP		CUP
Public utility uses ²	CUP	CUP			CUP		CUP

Religious institutions	CUP	CUP			CUP		CUP
Restaurants located in nonconforming hotels (subject to section 10-3-1207 of this chapter)	CUP	CUP			CUP		CUP
Convenience retail uses (subject to section 10-3-1233 of this chapter)		CUP					
Public parking uses		CUP					
Ancillary retail uses ⁵							P
Ancillary parking facilities ⁵							P

Notes:

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a multiple-family residence, it is regulated as such and is subject to all regulations applied to residences in the multiple-family residential zone where it is located.
2. Except as provided in section 10-3-2754 of this chapter.
3. For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
4. Uses allowed in the special needs housing overlay zone are in addition to any use allowed in the underlying zoning district.
5. If approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter.

(Ord. 12-O-2633, eff. 11-23-2012; amd. Ord. 14-O-2654, eff. 3-21-2014)

10-3-401: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "~~second unit~~ Accessory Dwelling Unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or ~~second unit~~ Accessory Dwelling Unit. Use of a single-family residence or ~~second unit~~ Accessory Dwelling Unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-403: RESTRICTIONS ON ACCESSORY BUILDINGS:

A. No other buildings except the usual accessory buildings, including private garages, private stables, and detached guest suites or pool houses which are appurtenant to and are, or are intended to be, used together with a public school, public library, public playground, or private one-family residence or dwelling shall be placed upon, erected, constructed, built upon, enlarged, altered, used, or occupied on any lot or parcel of land in zone R-1 except as otherwise provided in this chapter. Unenclosed accessory structures may contain kitchen facilities provided the structure does not also include bathroom facilities. For the purposes of this chapter, "unenclosed accessory structure" shall mean any accessory structure that has at least one open side (no more than 3 solid walls in a square or rectangular structure), and shall not include structures where the open wall is fitted with a sliding glass partition capable of fully enclosing the structure. Fully enclosed accessory structures shall not contain kitchen facilities.

B. Notwithstanding the provisions of subsection A of this section, an accessory building lawfully constructed prior to September 26, 2003, may provide complete, independent living facilities (including kitchen facilities) without otherwise conforming to the ~~second unit~~Accessory Dwelling Unit standards set forth in section 10-3-409 of this article, provided the property owner has recorded a covenant in a form satisfactory to the city attorney restricting the use of the site to one bona fide housekeeping unit or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction. Notwithstanding any other provision of this code, any such accessory structure may be maintained indefinitely and may be altered or expanded without otherwise complying with the regulations applicable to ~~second unit~~Accessory Dwelling Units. (1962 Code § 10-203; amd. Ord. 02-O-2403, eff. 9-6-2002; Ord. 03-O-2427, eff. 9-26-2003)

10-3-409: ~~SECOND UNIT~~ACCESSORY DWELLING UNITS:

A. Standards: Notwithstanding sections 10-3-401 and 10-3-402 of this chapter, an ~~second unit~~Accessory Dwelling Unit shall be permitted in an R-1 zone and in an R-4 zone on a property developed with an existing single-family dwelling unit provided the proposed ~~second unit~~Accessory Dwelling Unit meets the following standards and requirements:

1. Location: The lot or parcel on which the proposed ~~second unit~~Accessory Dwelling Unit will be constructed contains not more than one ~~additional~~ single-family dwelling unit. The ~~second unit~~Accessory Dwelling Unit may be either: a) attached to the primary one-family residence and located within the living area of the residence, or b) detached from the primary one-family residence and located on the same site area as the residence. If the ~~second unit~~Accessory Dwelling Unit is detached, it must be located to the rear of the primary dwelling unit on the site.

2. Site Area: The site area on which the ~~second unit~~Accessory Dwelling Unit will be located is a minimum of six thousand (6,000) square feet.

3. Unit Size:

(a) Attached Accessory Dwelling Units: An attached~~The second unit~~Accessory Dwelling Unit shall not be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute and shall not exceed the lesser of fifty percent (50%) of the existing floor area of the primary dwelling unit or 1,200 square feet. ~~a maximum floor area of six hundred fifty (650) square feet.~~

(b) Detached Accessory Dwelling Units: A detached Accessory Dwelling Unit shall not be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute and shall not exceed a maximum floor area of six hundred fifty (650) square feet.

4. FAR Calculations: The floor area of the ~~second-unit~~Accessory Dwelling Unit shall be included for purposes of determining the floor area of buildings on the site when calculating floor area for any purpose under this code, including the determination of floor area ratio.

5. Number Of Accessory Structures Permitted:

a. Sites Less Than Eight Thousand Five Hundred Square Feet: Where the site area is less than eight thousand five hundred (8,500) square feet, no accessory structure shall be permitted on the site area except ~~for the one second-unit~~Accessory Dwelling Unit and a garage.

b. Sites Equal To Or Greater Than Eight Thousand Five Hundred Square Feet and Less than Twenty Four Thousand (24,000) Square Feet: Where the site area is equal to or in excess of eight thousand five hundred (8,500) square feet and less than twenty four thousand (24,000) square feet, no more than one accessory structure in addition to ~~the one second-unit~~Accessory Dwelling Unit and a garage shall be permitted on the site area.

c. Sites of At Least Twenty Four Thousand (24,000) Square Feet: There is no restrictions on the number of accessory structures on a site set forth in this subsection shall not apply to estate lots of at least twenty four thousand (24,000) square feet, however only one Accessory Dwelling Unit shall be permitted.

6. Height:

a. Detached ~~Second-Unit~~Accessory Dwelling Units: A detached ~~second-unit~~Accessory Dwelling Unit shall be located on the ground floor and shall not exceed a maximum height of fourteen feet (14'). Notwithstanding the foregoing, a detached ~~second-unit~~Accessory Dwelling Unit located on an estate lot of at least twenty four thousand (24,000) square feet may be located on the second floor and shall comply with the maximum height limit applicable to the primary dwelling structure on the site.

b. Attached ~~Second-Unit~~Accessory Dwelling Units: An attached ~~second-unit~~Accessory Dwelling Unit may be located on either the ground floor or the second floor of the primary dwelling unit and shall be subject to the same height limitations applicable to the primary structure.

c. Central R-1 Permits: Notwithstanding any other provision of this section, for those lots located south of Olympic Boulevard and west of Roxbury Drive, the planning commission may, through the issuance of a Central R-1 permit pursuant to article 24.5 of this chapter, modify the height limitations set forth in this subsection A6, to allow a detached ~~second-unit~~Accessory Dwelling Unit to be located above the ground floor, provided the rear lot line of the subject lot abuts an alley and provided further that the elevation of the subject lot slopes downhill from the front (street) lot line of the property to the rear (alley) lot line with a minimum difference in elevation of at least twenty feet (20') between the street and the alley. In addition to the findings required by section 10-3-2453 of this chapter, the planning commission may issue a Central R-1 permit to allow an second-unitAccessory Dwelling Unit to exceed fourteen feet (14') in height if the planning commission finds that the proposed ~~second-unit~~Accessory Dwelling Unit will not have a substantial adverse impact on adjacent properties or the public welfare. In making this determination, the planning commission may look at such factors as the impact of the ~~second-unit~~Accessory Dwelling Unit on the scale and massing as viewed from adjacent properties, the impact of the ~~second-unit~~Accessory Dwelling Unit on available

light in neighboring yards, and the cumulative impact to adjacent properties from the proposed ~~second-unit~~Accessory Dwelling Unit in combination with existing accessory structures and ~~second unit~~Accessory Dwelling Units in the vicinity. Under no circumstances shall the height of ~~an structure~~second-unitAccessory Dwelling Unit structure be permitted to exceed the following:

(1) Twelve feet (12') as measured from the lowest finished elevation along the perimeter of the primary structure; and

(2) Twenty five feet (25') for structures with a flat roof and thirty feet (30') for structures with a sloped roof, with a maximum plate height of twenty two feet (22') as measured from the lowest existing grade.

d. If an Accessory Dwelling Unit is constructed above a garage pursuant to paragraphs (a) or (c) above the required side and rear setbacks shall not exceed five (5) feet. However nothing prohibits an applicant from proposing greater rear and side setbacks.

7. Demolition of Garages, Carports or Covered Parking Structures. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the offstreet parking spaces lost as a result of the demolition shall be replaced on-site. The replacement parking spaces may be located in any configuration on the same lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts. Garage Conversion Prohibited: No garage may be demolished or converted in order to construct a second unit, unless a garage of at least equal size is replaced concomitantly on the site area. Any garage that has been demolished or converted to any other accessory use within the three (3) year period prior to the issuance of a building permit for a second unit must be replaced with a garage of at least equal size as a condition to the issuance of the building permit for a second unit.

8. Rental And Transfer: The ~~second-unit~~Accessory Dwelling Unit may be rented, subject to the limitations on single family transient use, but shall not be sold, transferred or assigned separately from the primary single-family dwelling.

9. Parking: Notwithstanding any other provisions in this Chapter, parking for a Accessory Dwelling Unit shall be provided at the following ratios and in accordance with following standards:

(a) One parking space in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with zero or one separate bedrooms;

(b) Two (2) parking spaces in addition to the parking spaces required for the primary dwelling for an Accessory Dwelling Unit with two, three or four separate bedrooms;

(c) Three (3) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with five (5) bedrooms;

(d) Four (4) parking spaces in addition to the parking spaces required for the primary dwelling for a Accessory Dwelling Unit with six (6) or more bedrooms.

All required parking spaces shall be provided behind the front setback line for the site area. Parking: Each second unit shall be provided with one parking space in addition to the parking spaces required for the primary dwelling, which additional parking space shall be provided behind the front setback line of the site area.

(e) Notwithstanding the foregoing requirements, no parking shall be required for any Accessory Dwelling Unit in any of the following circumstances:

(1) The Accessory Dwelling Unit is located within one-half mile of public transi.

(2) The Accessory Dwelling Unit is located within an historic district.

(3) The Accessory Dwelling Unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required buy not offered to the occupant of the Accessory Dwelling Unit.

(5) When there is a City-approved and dedicated parking space for a car share vehicle located within one block of the Accessory Dwelling Unit.

f) Standards: Any required parking for an Accessory Dwelling Unit may be provided as tandem parking on an existing driveway, including driveway areas within setback areas.

10. Architectural Compatibility: The ~~second-unit~~ Accessory Dwelling Unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures.

11. Side Setbacks: : Except as provided below, The the ~~second-unit~~ Accessory Dwelling Unit shall comply with all side setback requirements applicable to the primary dwelling unit on the site.

(a) Garage Conversions. No additional side setback beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.

12. Rear Setback:

(a) Garage Conversions. No additional rear setback beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.

(b)The A new ~~second-unit~~ Accessory Dwelling Unit shall comply with the rear setback requirement applicable to the primary dwelling unit on the site. Notwithstanding the foregoing, an ~~second-unit~~ Accessory Dwelling Unit located on a site whose rear lot line abuts an alley or a commercially zoned parcel may be located within the rear setback.

13. Entrances: A separate entrance shall be provided for attached ~~second-unit~~ Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street. On corner lots, a separate entrance shall be provided for attached ~~second-unit~~ Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street on which the primary residential structure fronts.

14. Required Features: The ~~second unit~~ Accessory Dwelling Unit must provide complete, independent living facilities for sleeping, sanitation, and cooking.

15. Covenant Required: The owner of record shall record a deed restriction in a form satisfactory to the city attorney within thirty (30) days following the issuance of a building permit for the ~~second unit~~ Accessory Dwelling Unit. Within thirty (30) days of the issuance of building permit for a ~~second unit~~ Accessory Dwelling Unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which shall place future buyers on notice of the maximum size of the ~~second unit~~ Accessory Dwelling Unit is as set forth in this subsection A, the required amount of off street parking to be provided for the ~~second unit~~ Accessory Dwelling Unit, that the ~~second unit~~ Accessory Dwelling Unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the office of the city clerk.

16. An Accessory Dwelling Unit shall not be required to provide fire sprinklers if they are not required for the primary residence.

17. Accessory Dwelling Units shall not be considered new residential uses for purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

18. Utility Connections:

a) The applicant for any Accessory Dwelling Unit approved pursuant to Section 10-3-409 A. 20 of this Article, shall not be required to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility or impose a related connection fee or capacity charge.

b) The applicant for any Accessory Dwelling Unit that is not described in Section 10-3-409 A. 20 of this Article, may be required to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, and consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed Accessory Dwelling Unit upon the water or sewer system, based upon either its size or the number of its plumbing fixtures..

19. Historic Resources. Any Accessory Dwelling Unit that has the potential to adversely impact an historical resource listed on the National Register, California Register of Historic Places, or the City of Beverly Hills Register of Historic Properties, shall comply with the Secretary of Interior shall be designed and constructed in accordance with *The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"* found at 36 CFR 68.3, as amended from time to time.

20. Conversion of Existing Space of a Residence or Accessory Structure. Conversion of existing space within a single-family residence or within an accessory structure to an Accessory Dwelling Unit shall be permitted by right, provided that the proposed Accessory Dwelling Unit has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

B. ~~Second Unit~~ Accessory Dwelling Unit Use Permits: Notwithstanding any other provision of this article, ~~second unit~~ Accessory Dwelling Units north of Santa Monica Boulevard that do not meet all of the standards set forth in subsection A of this section but comply with the standards set

forth in this subsection may be permitted in an R-1 zone pursuant to an ~~second unit~~ Accessory Dwelling Unit use permit issued under the authority set forth in this subsection.

1. Standards: Upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may, subject to the findings provisions of this subsection B, issue a ~~second unit~~ Accessory Dwelling Unit use permit for the development of a ~~second unit~~ Accessory Dwelling Unit in an R-1 zone if the proposed ~~second unit~~ Accessory Dwelling Unit meets the following standards and requirements:

a. Location: The lot or parcel on which the proposed ~~second unit~~ Accessory Dwelling Unit will be constructed contains not more than one additional single-family dwelling unit. The ~~second unit~~ Accessory Dwelling Unit may be either: 1) attached to the primary one-family residence and located within the living area of the residence, or 2) detached from the primary one-family residence and located on the same site area as the residence. If the ~~second unit~~ Accessory Dwelling Unit is detached, it must be located to the rear of the primary dwelling unit on the site.

b. Site Area: The site area on which the ~~second unit~~ Accessory Dwelling Unit will be located is a minimum of six thousand (6,000) square feet.

c. Unit Size: The square footage of the ~~second unit~~ Accessory Dwelling Unit, when combined with the floor area of the other structures on the site, shall not exceed the maximum allowable FAR for the site, and may exceed 650 square feet in size for a detached Accessory Dwelling Unit or 1200 square feet in size for an attached Accessory Dwelling Unit if approved through an Accessory Dwelling Unit Use Permit. No Accessory Dwelling Unit shall be less than the minimum size for an efficiency unit, as defined in section 17958.1 of the California Health And Safety Code or any successor statute.

d. FAR Calculations: The floor area of the ~~second unit~~ Accessory Dwelling Unit shall be included for purposes of determining the floor area of buildings on the site when calculating floor area for any purpose under this code, including the determination of floor area ratio.

e. Number Of Accessory Structures Permitted:

(1) Sites Less Than Eight Thousand Five Hundred Square Feet: Where the site area is less than eight thousand five hundred (8,500) square feet, no accessory structure shall be permitted on the site area except the ~~second unit~~ Accessory Dwelling Unit and a garage.

(2) Sites Equal Or Greater Than Eight Thousand Five Hundred Square Feet and Less than Twenty Four Thousand (24,000) Square Feet: Where the site area is equal to or in excess of eight thousand five hundred (8,500) square feet and less than twenty four thousand (24,000) square feet, no more than one accessory structure in addition to the ~~second unit~~ Accessory Dwelling Unit and a garage shall be permitted on the site area.

(3) Sites of At Least Twenty Four Thousand (24,000) Square Feet: The restrictions on the number of accessory structures on a site set forth in this subsection shall not apply to estate lots of at least twenty four thousand (24,000) square feet, however only one Accessory Dwelling Unit shall be permitted.

f. Height: The ~~second unit~~ Accessory Dwelling Unit shall be subject to the same height limitations as other accessory structures on the site area. In addition to an application for an ~~second unit~~ Accessory Dwelling Unit use permit, a separate application for an R-1 permit must be submitted to allow for an increase in the applicable height limitations. Said R-1 permit shall be reviewed pursuant to the

standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

g. Garage Conversion Prohibited: No garage may be demolished or converted in order to construct a second unit, unless a garage of at least equal size is replaced concomitantly on the site area. Any garage that has been demolished or converted to any other accessory use within the three (3) year period prior to the issuance of a building permit for a second unit must be replaced with a garage of at least equal size as a condition to the issuance of the building permit for a second unit.

h. Rental And Transfer: The ~~second unit~~Accessory Dwelling Unit may be rented but shall not be sold, transferred or assigned separately from the primary single-family dwelling.

i. Parking: Parking for a ~~second unit~~Accessory Dwelling Unit shall be provided at the following ratios and in accordance with following standards:

(1) One parking space in addition to the parking spaces required for the primary dwelling for a ~~second unit~~Accessory Dwelling Unit with a floor area of one thousand (1,000) square feet or less with zero or one separate bedrooms;

(2) Two (2) parking spaces in addition to the parking spaces required for the primary dwelling for an Accessory Dwelling Unit with two, three or four separate bedrooms ~~second unit with a floor area in excess of one thousand (1,000) square feet and not more than four (4) bedrooms;~~

(3) Three (3) parking spaces in addition to the parking spaces required for the primary dwelling for a ~~second unit~~Accessory Dwelling Unit with five (5) bedrooms;

(4) Four (4) parking spaces in addition to the parking spaces required for the primary dwelling for a ~~second unit~~Accessory Dwelling Unit with six (6) or more bedrooms.

All required parking spaces shall be provided behind the front and street-side setback line for the site area.

j. Architectural Compatibility: The ~~second unit~~Accessory Dwelling Unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures. A landscape plan which provides for adequate screening of the ~~second unit~~Accessory Dwelling Unit from neighboring properties to the satisfaction of the director of planning and community development is required as a condition to the issuance of an ~~second unit~~Accessory Dwelling Unit use permit.

k. Side Setbacks: The ~~second unit~~Accessory Dwelling Unit shall be subject to the same side setback limitations as other accessory structures on the site area.

In addition to an application for a ~~second unit~~ an Accessory Dwelling Unit use permit, a separate application for an R-1 permit must be submitted to allow for a reduction in the side setback limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

l. Rear Setback:

The ~~second unit~~ Accessory Dwelling Unit shall be subject to the same rear setback limitations as other accessory structures on the site area. In addition to an application for a second unit use permit, a separate application for an R-1 permit must be submitted to allow for a reduction in the rear setback limitations. Said R-1 permit shall be reviewed pursuant to the standards and procedures for accessory structures set forth in article 24.5, 25.5 or 26.5 of this chapter, as appropriate.

m. Entrances: A separate entrance shall be provided for attached ~~second unit~~ Accessory Dwelling Units, which entrance shall not be located on the front of the primary residential structure or facing the street. On corner lots, a separate entrance shall be provided for attached ~~second unit~~ accessory dwelling units, which entrance shall not be located on the front of the primary residential structure or facing the street on which the primary residential structure fronts.

n. Required Features: The ~~second unit~~ accessory dwelling unit must provide complete, independent living facilities for sleeping, sanitation, and cooking.

o. Covenant Required: The owner of record shall record a deed restriction in a form satisfactory to the city attorney to this effect within thirty (30) days following the issuance of a building permit for the ~~second unit~~ accessory dwelling unit. Within thirty (30) days of the issuance of building permit for a ~~second unit~~ accessory dwelling unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which shall place future buyers on notice of the approved size of the ~~second unit~~ accessory dwelling unit, the required number of off street parking spaces to be provided for the ~~second unit~~ accessory dwelling unit, that the ~~second unit~~ accessory dwelling unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the city's planning department.

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p. Historic Resources. Any Accessory Dwelling Unit that has the potential to adversely impact an historical resource listed on the National Register, California Register of Historic Places, or the City of Beverly Hills Register of Historic Properties, shall comply with the Secretary of Interior shall be designed and constructed in accordance with The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings" found at 36 CFR 68.3, as amended from time to time.

2. Reviewing Authority: Unless otherwise specified, the reviewing authority for a ~~second unit~~ accessory dwelling unit use permit shall be the director of planning and community development. If, in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission, and the planning commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the requested ~~second unit~~ accessory dwelling unit use permit.

If the application for a ~~second unit~~ accessory dwelling unit use permit accompanies an application for any other type of discretionary permit for the same site area, the reviewing authority and the administrative review process applicable to that other type of discretionary permit shall apply to the ~~second unit~~ accessory dwelling unit use permit application. However, the standards for the granting

or denial of the ~~second unit~~accessory dwelling unit use permit application shall continue to be those set forth in this section or any of its successors.

3. Notice: Noticing shall be completed in accordance with article 2.5 of this chapter and the city's public notice guidelines.

4. Required Findings: The reviewing authority shall not issue a ~~second unit~~accessory dwelling unit use permit unless the reviewing authority finds that the proposed ~~second unit~~accessory dwelling unit will not have a substantial adverse impact on or be detrimental to:

- a. The scale and massing of the streetscape;
- b. The scale and massing of the neighborhood as viewed from neighboring properties;
- c. Neighbors' access to light and air;
- d. Neighbors' privacy;
- e. The garden quality of the city; and
- f. Adjacent properties or the public welfare.

5. Appeals From Decisions: The applicant or any person aggrieved by any decision regarding a ~~second unit~~accessory dwelling unit use permit by a reviewing authority other than the city council may appeal to the city council as provided in title 1, chapter 4, article 1 of this code.

C. Conversion Of Existing Accessory Structures: For any accessory structure constructed prior to September 26, 2003, that contains a kitchen, the property owner may apply for a building permit pursuant to subsection A of this section or a ~~second unit~~accessory dwelling unit use permit pursuant to subsection B of this section to convert the accessory structure to a ~~second unit~~accessory dwelling unit. All applications for conversion must comply with the standards and regulations set forth in subsection A or B of this section, as appropriate. If the conversion is permitted, any covenant previously recorded by the property owner, or his or her predecessor, restricting the use of the site to one bona fide housekeeping unit shall be released by the city. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003; Ord. 10-O-2599, eff. 1-21-2011; Ord. 14-O-2661, eff. 6-20-2014)

10-3-501: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "~~second unit~~accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or ~~second unit~~accessory dwelling unit. Use of a single-family residence or ~~second unit~~accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-503.5: SECOND-UNIT ACCESSORY DWELLING UNITS:

~~Second-unit~~Accessory dwelling units shall be permitted in zone R-1.X provided the criteria set forth in article 4 of this chapter are satisfied or a ~~second-unit~~accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-601: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "~~second-unit~~accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or ~~second-unit~~accessory dwelling unit. Use of a single-family residence or ~~second-unit~~accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-603.5: SECOND-UNIT ACCESSORY DWELLING UNITS:

~~Second-unit~~Accessory dwelling units shall be permitted in zone R-1.5 provided the criteria set forth in article 4 of this chapter are satisfied or a ~~second-unit~~accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-604: RESTRICTIONS ON ACCESSORY BUILDINGS:

A. No other buildings except the usual accessory buildings, including private garages, private stables, and detached guest suites or pool houses which are appurtenant to and are, or are intended to be, used together with a public school, public library, public playground, or private one-family residence or dwelling shall be placed upon, erected, constructed, built upon, enlarged, altered, used, or occupied on any lot or parcel of land in zone R-1.5 except as otherwise provided in this chapter. Unenclosed accessory structures may contain kitchen facilities provided the structure does not also include bathroom facilities. For the purposes of this chapter, "unenclosed accessory structure" shall mean any accessory structure that has a least one open side (no more than 3 solid walls in a square or rectangular structure), and shall not include structures where the open wall is fitted with a sliding glass partition capable of fully enclosing the structure. Fully enclosed accessory structures shall not contain kitchen facilities.

B. Notwithstanding the provisions of subsection A of this section, an accessory building lawfully constructed prior to September 26, 2003, may provide complete, independent living facilities (including kitchen facilities) without otherwise conforming to the ~~second-unit~~accessory dwelling unit standards set forth in section 10-3-409 of this chapter, provided the property owner has recorded a covenant in a form satisfactory to the city attorney restricting the use of the site to one bona fide housekeeping unit or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction. Notwithstanding any other provision of this

code, any such accessory structure may be maintained indefinitely and may be altered or expanded without otherwise complying with the regulations applicable to second-unit accessory dwelling units. (1962 Code § 10-214; amd. Ord. 91-O-2133, eff. 12-5-1991; Ord. 02-O-2403, eff. 9-6-2002; Ord. 03-O-2427, eff. 9-26-2003)

10-3-701: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "second-unit accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or second-unit accessory dwelling unit. Use of a single-family residence or second-unit accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-702.5: SECOND-UNIT ACCESSORY DWELLING UNITS:

Second-unit Accessory dwelling units shall be permitted in zone R-1.5X provided the criteria set forth in article 4 of this chapter are satisfied or a second-unit accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-801: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X2 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "second-unit accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or second-unit accessory dwelling unit. Use of a single-family residence or second-unit accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-803.5: SECOND-UNIT ACCESSORY DWELLING UNITS:

Second-unit Accessory dwelling units shall be permitted in zone R-1.5X2 provided the criteria set forth in article 4 of this chapter are satisfied or a second-unit accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-901: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.6X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care

facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "~~second-unit~~ accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or ~~second-unit~~ accessory dwelling unit. Use of a single-family residence or ~~second-unit~~ accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-902.5: SECOND UNIT ACCESSORY DWELLING UNITS:

~~Second-unit~~ Accessory dwelling units shall be permitted in zone R-1.6X provided the criteria set forth in article 4 of this chapter are satisfied or a ~~second-unit~~ accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-1001: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.7X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "~~second-unit~~ accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or ~~second-unit~~ accessory dwelling unit. Use of a single-family residence or ~~second-unit~~ accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-1002.5: SECOND UNIT ACCESSORY DWELLING UNITS:

~~Second-unit~~ Accessory dwelling units shall be permitted in zone R-1.7X provided the criteria set forth in article 4 of this chapter are satisfied or a ~~second-unit~~ accessory dwelling unit use permit is issued pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-1101: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.8X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence. A single-family transient use of a "single-family residence" or "~~second-unit~~ accessory dwelling unit", as defined in section 10-3-100 of this chapter, by a single housekeeping unit is permitted to commence two (2) times per calendar year for each single-family residence or ~~second-unit~~ accessory dwelling unit. Use of a single-family residence or ~~second-unit~~ accessory dwelling unit for a single-family transient use more than twice per calendar year is prohibited. (Ord. 14-O-2654, eff. 3-21-2014)

10-3-1102.5: SECOND UNIT ACCESSORY DWELLING UNITS:

~~Second-unit~~ Accessory dwelling units shall be permitted in zone R-1.8X provided the criteria set forth in article 4 of this chapter are satisfied or a ~~second-unit~~ accessory dwelling unit use permit is issued

pursuant to the procedure provided in said article 4. (Ord. 97-O-2285, eff. 12-5-1997; amd. Ord. 03-O-2427, eff. 9-26-2003)

10-3-1202: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-4 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose other than as a public library, a single- or multiple-family dwelling and the usual and customary accessory and appurtenant uses thereto including one Accessory Dwelling Unit on a lot developed only with a single-family dwelling subject to the criteria in Section 10-3-409 of this Chapter; a small community care facility; or transitional or supportive housing structured as a single-family residence or as a multiple-family dwelling.

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. 1795 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on December 8, 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, Vice Chair Gordon, Chair Shooshani.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Block, Fisher.



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

Attachment 4

AB 2299 Language

AB 2299 Section 1.5
“Today’s Law As Amended”

SEC. 1.5.

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a)(1) **Any A** local agency may, by ordinance, provide for the creation of ~~second~~ *accessory dwelling* units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do ~~any all~~ of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second~~ *accessory dwelling* units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second~~ *accessory dwelling* units on traffic ~~flow~~; *flow and public safety*.

(B) (i) Impose standards on ~~second~~ *accessory dwelling* units that include, but are not limited to, parking, height, setback, lot coverage, *landscape*, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) *Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.*

(C) Provide that ~~second~~ *accessory dwelling* units do not exceed the allowable density for the lot upon which the ~~second~~ *accessory dwelling* unit is located, and that ~~second~~ *accessory dwelling* units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) *Require the accessory dwelling units to comply with all of the following:*

(i) *The unit is not intended for sale separate from the primary residence and may be rented.*

(ii) *The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.*

(iii) *The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.*

(iv) *The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.*

(v) *The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.*

(vi) *No passageway shall be required in conjunction with the construction of an accessory dwelling unit.*

(vii) *No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.*

(viii) *Local building code requirements that apply to detached dwellings, as appropriate.*

(ix) *Approval by the local health officer where a private sewage disposal system is being used, if required.*

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days after receiving the application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second units.~~ *an accessory dwelling unit.*

~~(b) (4) (1) An~~ *When* ~~existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it~~ *or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.*

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single family or multifamily use.~~

~~(C) The lot contains an existing single family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

~~(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.~~

~~(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed second units on lots~~ *a proposed accessory dwelling unit on a lot* zoned for residential use ~~which contain that contains~~ an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a)~~, *subdivision*, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~, *owner-occupant or that the property be used for rentals of terms longer than 30 days*.~~

~~(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second units~~ *an accessory dwelling unit* if these provisions are consistent with the limitations of this subdivision.

~~(5) (8) A second unit which conforms to the requirements of~~ *An accessory dwelling unit that conforms* to this subdivision shall *be deemed to be an accessory use or an accessory building and shall* not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is consistent with the existing general plan and zoning designations for the lot. The ~~second units~~ *accessory dwelling unit* shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b) No~~ When a local agency shall adopt an ordinance which totally precludes second units within single family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single family and multifamily zoned areas justify adopting the ordinance, ~~that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(d) (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached~~ *second* accessory dwelling units. No minimum or maximum size for ~~a second~~ an

accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. *Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.*

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

~~*(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.*~~

(f) (1) Fees charged for the construction of ~~second~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~. 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units.~~ *an accessory dwelling unit.*

(h) Local agencies shall submit a copy of the ~~ordinances~~ *ordinance* adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living ~~area,~~ *area*” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) ~~“Second-”~~ *“Accessory dwelling unit”* means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ *An accessory dwelling* unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) *“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.*

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ *accessory dwelling* units.