

Item No. D-1D

**Ordinance Establishing a Mixed-Use Planned
Development Overlay Zone and Regulations Pertaining
Thereto, Amending the Beverly Hills Municipal Code
and Applying the Overlay Zone to Property Located at
8600 Wilshire Boulevard**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO, AMENDING THE BEVERLY HILLS MUNICIPAL CODE AND APPLYING THE OVERLAY ZONE TO PROPERTY LOCATED AT 8600 WILSHIRE BOULEVARD

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

Section 1. Article 19.8 is hereby added to Chapter 3, Title 10 of the Beverly Hills Municipal Code to read as follows:

**“Article 19.8
Mixed-Use Planned Development Overlay Zone (M-PD-3)**

- 10-3.1980. M-PD-3 Zone created.**
- 10-3.1980.01 Application of M-PD-3 Zone.**
- 10-3.1980.02 Objectives of the M-PD-3 Zone.**
- 10-3.1980.03 Definitions.**
- 10-3.1980.04 Uses permitted.**
- 10-3.1980.05 Restrictions.**
- 10-3.1980.06 Applicability of underlying zone regulations.**
- 10-3.1980.07 Height limitations.**
- 10-3.1980.08 Density.**
- 10-3.1980.09 Parking, access & circulation.**
- 10-3.1980.10 Setbacks.**
- 10-3.1980.11 Loading and ancillary facilities.**
- 10-3.1980.12 Outdoor living space required.**
- 10-3.1980.13 Rooftop uses.**
- 10-3.1980.14 Compatibility standards.**
- 10-3.1980.15 Application of transitional operational standards.**

10-3.1980. M-PD-3 Zone created.

There is hereby created an overlay zone designated as the Mixed-Use Planned Development Overlay Zone (M-PD-3).

10-3.1980.01. Application of M-PD-3 Zone.

The M-PD-3 Zone shall apply to the following areas, as shown on the Mixed-Use Planned Development Map, a copy of which is on file in the Department of Planning and Community Development and attached as Exhibit A to this Ordinance:

All those parcels located on the southwest corner of Wilshire Boulevard and Stanley Drive, bounded by Wilshire Boulevard on the north, Stanley Drive on the east, Charleville Boulevard on the South.

10-3.1980.02. Objectives of the M-PD-3 Zone.

The objectives of the M-PD-3 Zone shall be as follows:

(A) To ensure that mixed-use development in the M-PD-3 Zone will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

(B) To provide for mixed-use development that is compatible with the scale and massing of the surrounding neighborhood, through appropriate height, modulation, upper-story setbacks, other similar measures, or any combination thereof.

(C) To provide pedestrian-friendly amenities along the street level, and setbacks that are generally consistent with other development along Wilshire Boulevard and along Stanley Drive between Wilshire Boulevard and Charleville Boulevard, and along Charleville Boulevard between Stanley Drive and Carson Road.

(D) To ensure that mixed-use development in the M-PD-3 Zone will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety.

(E) To foster uniform planning and development of all parcels in the M-PD-3 Zone to ensure unified development in the overlay zone.

(F) To protect the public health, safety, or welfare.

10-3.1980.03. Definitions.

Unless the context plainly requires otherwise, the following definitions shall govern this Article:

(A) 'Planned development' shall mean a development that is approved pursuant to the procedures of Article 18.4 of this Chapter.

(B) 'Entertainment use' shall mean any entertainment, other than live musical accompaniment to dining as defined in Section 10-3-2703 of this Chapter, and shall include, but not be limited to, movie theaters, playhouses, video arcades, cabarets, nightclubs, adult entertainment businesses, and similar uses.

10-3.1980.04. Uses permitted.

No lot, premises, building or portion thereof in the M-PD-3 Zone shall be used for any purpose except those approved by the Planning Commission as part of a planned development pursuant to Article 18.4 of this Chapter.

10-3.1980.05. Restrictions.

The following restrictions shall apply to mixed-use developments in the M-PD-3 Zone:

(A) No establishments whose primary purpose or business is to sell alcoholic beverages for on-site consumption, otherwise referred to as bars, may be included in a mixed-use development.

(B) No medical uses may be included in a mixed-use development.

(C) No entertainment uses including, but not limited to, cabarets, nightclubs, and adult entertainment businesses, may be included in a mixed-use development.

(D) Residential uses included as part of a mixed-use development shall be permitted in all portions of the development regardless of the underlying zone, except that residential uses shall not be permitted within the first forty feet (40') of the first floor facing arterial roadways such as Wilshire Boulevard, measured from the building facade.

(E) Commercial uses included, as part of a mixed-use development shall only be permitted in those portions of the development in which the underlying zone is a commercial zone.

(F) Notwithstanding any other provision of this Title, the Planning Commission may permit the combination of residential uses and residential and commercial parking facilities on a lot in either the R-1 or C-3 Zone in conjunction with the approval of a mixed-use development through a planned development permit pursuant to Article 18.4 of this Chapter.

(G) The Planning Commission shall have authority through conditions imposed on a Planned Development to prohibit other uses as, on a use by use basis, if it deems appropriate.

10-3.1980.06. Applicability of underlying zone regulations.

Except as otherwise specifically provided in this Article for mixed-use developments, development in an M-PD-3 Zone shall comply with the zoning regulations applicable to the underlying zone.

Nothing in this Article shall require a development to comply with the provisions of the M-PD-3 overlay zone if the development fully conforms to the requirements of the underlying zone.

10-3.1980.07. Height limitations.

No mixed-use development shall be constructed, altered, or enlarged in the M-PD-3 zone except in accordance with the following height restrictions:

(A) Commercial Component. No building, structure, improvement, or any part thereof, erected constructed or maintain as part of the commercial component of a mixed-use development in the M-PD-3 Zone shall not exceed sixty-one feet (61') in height, measured as set forth in this Chapter, or five (5) stories, whichever is less.

(B) Residential Component. No building, structure, improvement, or any part thereof, erected constructed or maintain on any part of the project in the R-1 Underlay Zone shall exceed thirty three feet (33') in height, with a pitched roof, measured as set forth in this Chapter, or three (3) stories, whichever is less.

(C) Unoccupied Architectural Features. Notwithstanding any other provision of this Code, unoccupied architectural features in portions of the project subject to the C-3 underlying Zone such as skylights and clerestories may exceed the height limits established by this Section by not more than ten feet (10') in height if such unoccupied architectural features are approved by the Planning Commission as part of a planned development pursuant to Article 18.4 of this Chapter and do not exceed thirty-three percent (33%) of the roof area upon which they are located and no such feature exceeds or intersects a line projecting from the perimeter of the roof upward at an angle of forty-five degrees (45°) from the horizontal.

10-3.1980.08. Density.

(A) Maximum Floor Area Ratio. Notwithstanding any other provision of this Code, a mixed-use development in the M-PD-3 Zone, including all components, shall have a maximum aggregate floor area ratio no greater than 2.0:1. Above-grade parking facilities shall not be considered when calculating the floor area ratio of a mixed-use development pursuant to this Section, provided the parking complies with the requirements of Section 10-3.1980.09(C) of this Article.

(B) Maximum Commercial Floor Area. The maximum permitted floor area devoted to commercial uses in the M-PD-3 Zone shall be six thousand, three hundred and sixty-three (6,383) square feet.

(C) Maximum Number of Residential Units. The number of residential units that may be included in a mixed-use development in the M-PD-3 Zone shall not exceed three dwelling units with a maximum floor area of 8500 square feet in totality (approximately 2,800 square feet per unit) in an area with an underlying zone of R-1, and twenty-one (21) dwelling units in an area with an underlying zone of C-3. Notwithstanding, in the area with an underlying zone of C-3, a project may incorporate two additional residential units, if those residential units are deed restricted units available for moderate income households for the longest term feasible, with a minimum size of 750 square feet per affordable unit, for a total number of 23 units in 33,230 square feet of area in the underlying zone of C-3.

10-3.1980.09. Parking, Access & Circulation.

Notwithstanding any other provision of this Code, parking for mixed-use developments located in the M-PD-3 Zone shall be provided in accordance with this Section.

(A) A mixed-use development shall provide parking for the commercial and residential components that can be physically separated. Notwithstanding the foregoing, the Planning Commission may permit, as part of a Planned Development, access between parking facilities for the commercial and residential components if it finds that such access would advance the objectives of the M-PD-3 Zone as set forth in Section 10-3.1980.02 of this Article.

(B) Parking for all uses in a mixed use development shall be provided in accordance with the applicable provisions of this Chapter, unless otherwise modified by the Planning Commission through a Planned Development.

(C) If parking is provided above ground, all parking, except for driveways and access to loading areas, shall be located behind building space that is dedicated to a permitted use other than parking, which building space shall be a minimum of forty (40) feet deep as measured from the building facades facing public streets, to

prevent direct visibility from adjacent streets unless otherwise approved by the Planning Commission through a Planned Development.

(D) The parking component of a mixed-use development in the M-PD-3 Zone shall be as approved as part of a Planned Development.

10-3.1980.10. Setbacks.

Mixed-use developments in the M-PD-3 Zone shall maintain the following setbacks:

(A) Wilshire Boulevard (front) setback. No minimum setback shall be required from the property line along the Wilshire Boulevard frontage of the commercial component of a mixed-use development in the M-PD-3 Zone. Any encroachment into the public right-of-way for planters or architectural features shall require approval from the City Council.

(B) Stanley Drive (street side) setback. A minimum setback of nine feet, eleven and 7/8 inches (9' 11-7/8") shall be required from the street side property line along the Stanley Drive frontage of the residential (R-1 underlay zone) component of a mixed-use development in the M-PD-3 Zone, and there shall be no minimum setback required along the Stanley Drive frontage of the commercial component of the mixed use development.

(C) Charleville Boulevard (street side) setback. A minimum setback of ten feet, three and 3/4 inches (10' 3-3/4") shall be required from the street side property line along the Charleville Boulevard frontage of a mixed-use development in the M-PD-3 Zone.

(D) Side setback fronting Charleville. The side setback for any residential uses fronting Charleville adjacent to R-1 property to the west shall be a minimum of thirty feet, three inches (30'-3") inches from the western property line.

10-3.1980.11. Loading Facilities.

Except as otherwise provided in this Section, loading facilities for mixed-use developments in the M-PD-3 Zone shall be provided in accordance with Sections 10-3.2740 through 10-3.2744 inclusive of this Chapter, or as otherwise approved as part of a Planned Development.

10-3.1980.12. Outdoor living space required.

The residential components of all mixed-use developments in the M-PD-3 zone shall provide outdoor living space in accordance with the requirements of Section 10-3.2803 of this Chapter, or as otherwise approved as part of a Planned Development.

10-3.1980.13. Rooftop Uses.

Roof top uses shall be prohibited.

10-3.1980.14. Compatibility Standards.

The following design standards shall be incorporated into all mixed-use developments in the M-PD-3 Zone:

(A) Noise Attenuation:

- (1) All dwelling units shall be constructed with double-glazed glass windows.
- (2) The exterior walls of all dwelling units, and any interior walls or floor/ceilings that separate dwelling units from commercial uses shall comply with the sound transmission standards set forth in Sections 1208 and 1208A of the Uniform Building Code, as amended by the 1998 California Building Code, or their successors.
- (3) All dwelling units shall be equipped with internal air conditioning, and state of the art air cleaning/filtering devices.

(B) Odors:

Air conditioning systems for the residential component shall be located and designed in a manner sufficient to prevent adverse impacts from odors generated by the commercial component.

10-3.1980.15. Application of transitional operational standards.

Unless otherwise provided in this Article, all uses in a mixed-use development shall comply with the general operational requirements set forth in Section 10-3.1956 of Article 19.5 of this Chapter.”

Section 2. The proposed ordinance has 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 City’s Local CEQA Guidelines. An Environmental Impact Report was prepared in connection with the project of which this Ordinance is a part. The City Council has certified the Final Environmental Impact Report (“FEIR”) and made environmental findings in connection with the Ordinance in Resolution No. _____, including adopting a Mitigation Monitoring Program, and those findings are incorporated herein by this reference.

Section 3. The official zoning map of the City is hereby amended to apply the Mixed-Use Planned Development Overlay Zone (M-PD-3) to the property known as 8600 Wilshire Boulevard, Beverly Hills, as described in the legal description attached hereto as Exhibit A, and incorporated herein by reference.

Section 4. 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 deemed repealed and the underlying zone shall control as to each property to which the Mixed-Use Planned Development Overlay Zone (M-PD-3) has been applied.

Section 5. 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 her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

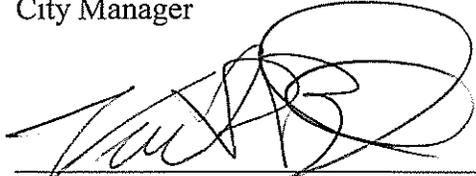
APPROVED AS TO FORM:



ROXANNE M. DIAZ
Chief Assistant City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager



VINCENT P. BERTONI, AICP
Director of Planning & Community
Development

EXHIBIT A

[Legal Description]

The land referred to in this policy is described as follows:

Real property in the City of Beverly Hills, County of Los Angeles, State of California, described as follows:

PARCEL A:

Lots 686, 687 and 688 of Tract No. 4988, in the City of Beverly Hills, as per map recorded in Book 54 Pages 98 and 99 of Maps, in the Office of the County Recorder of said County.

PARCEL B:

Lot 689 of Tract No. 4988, in the City of Beverly Hills, as per map recorded in Book 54 Pages 98 and 99 of Maps, in the Office of the County Recorder of said County.

APN: 4333-018-033 and 4333-018-032