



AGENDA REPORT

Meeting Date: June 3, 2010
Item Number: F-4
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3.2605 AND 10-3-2650 OF THE MUNICIPAL CODE REGARDING THE HEIGHT OF STRUCTURES IN TROUSDALE ESTATES
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the ordinance entitled "An Ordinance of the City of Beverly Hills Amending Sections 10-3.2605 and 10-3-2650 of the Municipal Code Regarding the Height of Structures in Trousdale Estates" be adopted.

INTRODUCTION

This ordinance amends the Municipal Code regarding the height of structures in Trousdale Estates.

DISCUSSION

The City Council introduced this ordinance at the May 18, 2010 City Council meeting.

FISCAL IMPACT

There is no fiscal impact on the City.



Laurence S. Wiener, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING SECTIONS 10-3-2605 AND 10-3-2650 OF THE
MUNICIPAL CODE REGARDING THE HEIGHT OF
STRUCTURES IN TROUSDALE ESTATES

WHEREAS, on April 22, 2010, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to the height of structures in Trousdale Estates as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendments

WHEREAS, on May 18, 2010, the City Council conducted a duly noticed public hearing to consider proposed amendments to the height of structures in Trousdale Estates and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that 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”), and that the Amendments qualify for a Class 5 Categorical Exemption pursuant to Section 15305 of the Guidelines for minor alterations in land use limitations. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that

apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS
DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-3-2605 of Article 2 of Chapter 3 of Title 10 of the
Beverly Hills Municipal Code is amended to read as follows:

“10-3-2605: HEIGHT OF STRUCTURES:

The maximum height of any structure in Trousdale Estates shall be fourteen
feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter,
if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an
addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1
permit issued pursuant to Article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates
which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or
remodeled but shall not exceed the height or envelope of the building as it existed on October 15,
1987, unless permitted by a Trousdale R-1 Permit issued pursuant to Section 10-3-2650 B of this
chapter.”

Section 2. Section 10-3-2650 of Article 2 of Chapter 3 of Title 10 of the
Beverly Hills Municipal Code is amended to read as follows:

“10-3-2650: TROUSDALE R-1 PERMIT:

Notwithstanding any other provision of this chapter, upon application by a
property owner in a form satisfactory to the director of community development, the reviewing

authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

B. Estates Larger Than 5 Acres: A single family residence in Trousdale Estates that is located on a site in existence on April 22, 2010 that is larger than five (5) acres and contains a level building pad of at least one and one-half (1.5) acres, which residence lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled up to the maximum height of the single family residence that existed on such site as of October 15, 1987, without otherwise conforming to the envelope of such single family residence.

In reviewing a request for a R-1 Permit under this subsection B, the reviewing authority may approve the request if it finds the newly constructed single family residence (1) will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987; (2) will not materially impair the view or line of sight of one or more neighboring homes; (3) will not materially change the scale, character or integrity of the area; and (4) will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.

Notwithstanding any other provision of this code, the cumulative floor area of accessory structures located on a site for which a Trousdale R-1 Permit has been issued pursuant this subsection 10-3-2650 B shall, at all times, be limited in floor area so as not to exceed a maximum of 10% of the floor area of the primary residential structure.

C. Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

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

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter.”

Section 3. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City..

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development