



## AGENDA REPORT

**Meeting Date:** December 21, 2010  
**Item Number:** F-5  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PERMIT SINGLE FAMILY RESIDENTIAL LOTS LOCATED ON THE EAST SIDE OF SPALDING DRIVE SOUTH OF OLYMPIC BOULEVARD AND WEST OF ROXBURY DRIVE THAT MEET CERTAIN STANDARDS TO APPLY FOR CENTRAL R-1 PERMITS REGARDING SECOND UNITS AS SET FORTH IN SECTION 10-3-409 OF THE BEVERLY HILLS MUNICIPAL CODE

**Attachments:** 1. Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

### INTRODUCTION

This ordinance amends Section 10-3-409 of the Municipal Code regarding second units to correct an inconsistency in the Code that has resulted in differing height regulations for second units and accessory structures on certain lots on Spalding Drive adjacent to Roxbury Park. The text amendment would correct this inconsistency, allowing owners of certain lots on Spalding Drive to apply to the Planning Commission for a Central R-1 Permit for a second unit at a height already allowed by Central R-1 Permits for accessory structures.

### DISCUSSION

At the meeting of November 30, 2010 the City Council conducted a first reading of this ordinance.

### FISCAL IMPACT

This ordinance will have no material financial impact on the City.

  
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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 10-O- \_\_\_\_\_

ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO  
PERMIT SINGLE FAMILY RESIDENTIAL LOTS LOCATED  
ON THE EAST SIDE OF SPALDING DRIVE SOUTH OF  
OLYMPIC BOULEVARD AND WEST OF ROXBURY DRIVE  
THAT MEET CERTAIN STANDARDS TO APPLY FOR  
CENTRAL R-1 PERMITS REGARDING SECOND UNITS AS  
SET FORTH IN SECTION 10-3-409 OF THE BEVERLY HILLS  
MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY

ORDAINS AS FOLLOWS:

Section 1. The City Council considered this Ordinance at a duly noticed public hearing on November 30, 2010, and at the conclusion of the hearing introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. This project 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. Staff has determined that the proposed ordinance is exempt from CEQA review requirements pursuant to Section 15282(h) of Title 14 of the California Code of Regulations that exempts by statute an ordinance that designates areas within the city where second units may be permitted. Therefore, under the authority provided by the CEQA Guidelines, no significant environmental impacts are anticipated.

Section 3. City Council hereby adds a new paragraph c. to subsection A. 6. of Section 10-3-409 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, with all other

provisions of Section 10-3-409 remaining in effect without amendment, regarding maximum height of second units to read as follows:

“ 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 subsection A. 6. of this section, to allow a detached second 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 a second unit to exceed fourteen feet (14') in height if the Planning Commission finds that the proposed second 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 on the scale and massing as viewed from adjacent properties, the impact of the second unit on available light in neighboring yards, and the cumulative impact to adjacent properties from the proposed second unit in combination with existing accessory structures and second units in the vicinity. Under no circumstances shall the height of structure second unit 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."

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 remain in full force and effect.

Section 5. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 6. 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 7. This Ordinance shall go into effect and be in full force and effect at

12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

Effective:

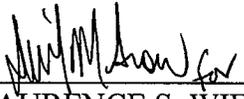
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JIMMY DELSHAD  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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(SEAL)

BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY KOLIN  
City Manager  
  
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SUSAN HEALY KEENE, AICP  
Director of Community Development