



AGENDA REPORT

Meeting Date: June 7, 2012
Item Number: H-8
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING CERTAIN DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

INTRODUCTION

This ordinance will amend the City's municipal code to allow more flexibility in the design of additions to single family homes in the Central Area of the City.

DISCUSSION

At the City Council meeting of May 15, 2012, the City Council conducted a first reading of this ordinance and introduced it as amended.



Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. 12-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING CERTAIN DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

Section 1. On April 12, 2012, the Planning Commission held a duly notice public hearing at the end of which it adopted Resolution No. 1636, recommending that the City Council amend certain development standards in the zoning code for single family properties in the Central Area of the City. On May 15, 2012, the City Council held a duly notice public hearing, received public testimony, and at the end introduced this ordinance.

Section 2. The code 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. It has been determined that adoption of the code amendments would not have a significant environmental impact and are exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of the Ordinance may have a significant effect on the environment, as no specific development is authorized by this Ordinance, and any future development proposed pursuant to these amendments will require separate environmental analysis when the details of those proposals are known.

Section 3. The Ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Goal “LU 2 – Community Character and Quality” strives to improve the built environment by requiring a high level of site planning, while General Plan Policy “LU 2.4 Architectural and Site Design” requires new construction and renovation to exhibit a high level of excellence in site planning. Additionally, the General Plan includes “Implementation Program 2.1 – Update Zoning Code and Development Regulations” which requires that the City’s zoning codes be updated and amended from time to time.

Section 4. The City Council hereby adds a new subsection C. to Section 10-3-2405 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code with all other provisions in Section 10-3-2405 remaining in effect without amendment:

“C. Rear Setback Extension: If a legally constructed existing building does not conform to the setback requirement of this section, enlarging the building through extending the existing nonconforming rear setback can be permitted provided that:

1. The existing rear setback is maintained, and the addition is not less than fifteen feet (15’) from the rear property line;
2. The existing principal residential building, the addition and any accessory structure do not cover more than fifty percent of the rear yard area, excluding porches or decks that are attached to the building, and constructed in accordance with subsection 10-3-2409C of this article; and
3. The height of the addition located within the rear yard area does not exceed fourteen feet (14’) in height and the floor area of the extension is the lesser of one thousand (1,000) square feet or twenty percent (20%) of the existing floor area, inclusive of any floor area granted pursuant to subsection 10-3-2406C of this chapter; and the height of any porch or deck attached to a principal residential building and located within the rear setback is not more than three feet (3’) above natural grade or higher than the finished floor of the first story whichever is lower.
 - a. If an extension of a principal residential building meets the criteria of C1 and C2, but does not meet the criteria of C3, then the extension

may be permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter.”

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

“C. Side Setback Extension: If a legally constructed existing building does not conform to the setback requirements of this section, the building may be enlarged through the extension of the existing, nonconforming side setback provided that:

1. The existing setback is not less than three feet (3') and
2. The enlarged portion of the building does not exceed fourteen feet (14') in height.

a. Minor Accommodation: If the existing setback is not less than three feet (3') and the extension exceeds fourteen feet (14') in height, then the extension may be permitted by a minor accommodation permit issued pursuant to article 36 of this chapter provided that the floor area of the extension is less than one thousand (1,000) square feet and less than twenty percent (20%) of the existing floor area-inclusive of the area of any rear yard setback extension concurrently or previously approved pursuant to section 10-3-2405C of this chapter, and provided that the reviewing authority finds that the extension will not have any adverse impact on:

- (1) The scale and massing of the streetscape,
- (2) Neighbors' access to light and air,
- (3) Neighbors' privacy, and
- (4) The garden quality of the city.

Extension of a non-conforming side setback permissible by a minor accommodation at the same time as extension of a non-conforming rear set back pursuant to section 10-3-2405 shall be reviewed as one project and may be permitted by a single Central R1 permit issued pursuant to article 24.5 of this chapter.

- b. Central R-1 Permit: If the existing setback is not less than three feet (3'), the extension exceeds fourteen feet (14') in height, and the area of the extension, inclusive of any rear yard setback extension approved pursuant to section 10-3-2405 of this chapter, exceeds one thousand (1,000) square feet or twenty percent (20%) of the existing floor area, then the extension may be permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter.”

Section 6. The City Council hereby amends subsections A and F of Section 10-3-2408 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other provisions in Section 10-3-2408 remaining in effect without amendment:

- “A. A fence, gate, or wall that otherwise complies with the requirements of this code, including but not limited to, subsection F of this section;” and,
- “F. Architectural projections that project more than six inches (6”) into the yard but no more than ten percent (10%) of the setback depth provided that the following conditions are met:
 - 1. Walls, fences, or hedges located in the front yard shall be limited to three feet (3') in height unless approved pursuant to article 44 (R-1 Design Review) of this chapter; and”

Section 7. The City Council hereby amends subsection D of Section 10-3-2418 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other provisions in Section 10-3-2418 remaining in effect without amendment:

- “D. Rear Setback Adjustment For Corner Lots South Of Santa Monica Boulevard: Subject to the requirements set forth in article 24.5 of this chapter, the planning commission may permit, through a Central R-1 permit, a reduced rear setback for an addition to an existing building located on a corner lot provided all of the following requirements are satisfied:
 - 1. The corner lot in question is located south of Santa Monica Boulevard;
 - 2. The rear lot line of the corner lot is located along an alley;
 - 3. The corner lot has a minimum width of fifty four feet (54');

4. A minimum five foot (5') street side setback is provided by the existing principal residential building and the proposed addition;
5. The height of the existing principal residential building on the corner lot complies with the maximum building height requirements set forth in section 10-3-2403 of this article;
6. The height of the addition does not exceed the height of the existing principal residential building;
7. The existing principal residential building and the addition do not cover more than fifty percent (50%) of the required rear yard area, excluding porches and decks that are attached to the building and constructed in accordance with subsection 10-3-2409C of this article;
8. Rear Setback. For the first floor or up to fourteen feet (14') in height the proposed addition maintains a minimum eight foot (8') rear setback, unless the addition contains a two car garage at a minimum that is not accessed from the alley, in which case no rear setback shall be required. The second floor or any portion of the addition over fourteen feet (14') in height shall be well modulated with stepbacks or architectural details or a combination thereof, unless the Planning Commission finds that the modulation would be inconsistent with the architectural style of the primary residential building and is not necessary to maintain privacy; and
9. Street Side Modulation Requirement. In addition to the street side setback and rear setback required by this section, the street side façade of the proposed addition shall be well modulated with stepbacks or architectural details or a combination thereof, unless the Planning Commission finds that the modulation would be inconsistent with the architectural style of the primary residential building.”

Section 8. The City Council hereby adds new subsections I and J to Section 10-3-2450 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other provisions in Section 10-3-2450 remaining in effect without amendment by revising the existing code language as follows:

“I. Non-Conforming Rear Setback Extension. Extend the existing non-conforming rear setback where the extension is not less than fifteen feet (15') from the rear property line and either: the extension exceeds fourteen feet (14') in height; or the area of the extension exceeds one thousand (1,000) square feet or twenty percent (20%) of the existing floor area, inclusive of any

floor area granted pursuant to subsection 10-3-2406C of this chapter; or the height of any porch or deck attached to a primary structure and located within the rear setback is more than three feet (3') above natural grade or higher than the finished floor of the first story whichever is lower; pursuant to section 10-3-2405C of this chapter.

- J. Corner Lots South of Santa Monica Boulevard. Establish the minimum rear setback and street side setback for a principal residential building located within the rear yard setback area of corner lot properties south of Santa Monica Boulevard, pursuant to section 10-3-2418 of this chapter.”

Section 9. **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. To the extent that the discretionary process to approve a convenience store conditional use permit, or any part thereof, is determined to be invalid, the prohibition against high impact convenience stores shall remain valid.

Section 10. **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 11. 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:

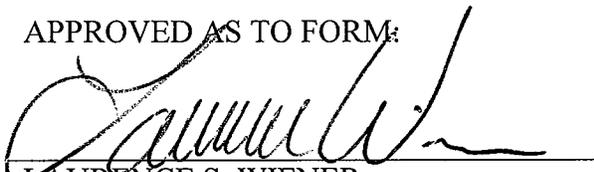
Effective:

WILLIAM W. BRIEN, MD
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager


SUSAN HEALY KEENE
Director of Community Development