



## AGENDA REPORT

**Meeting Date:** October 3, 2013  
**Item Number:** F-5  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

The City Attorney recommends that the City Council move to waive the full reading of the ordinance entitled "An Ordinance of the City of Beverly Hills Amending Sections 10-2-804 and 10-2-805 of the Municipal Code Regarding Lot Line Adjustments for Legally Nonconforming Lots" and adopt the ordinance.

### INTRODUCTION

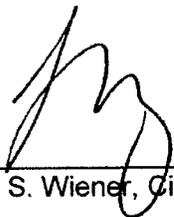
This ordinance would allow owners of legally nonconforming lots to request a lot line adjustment.

### DISCUSSION

At the City Council meeting of September 24, 2013, the City Council introduced this ordinance.

### FISCAL IMPACT

The proposed ordinance has no fiscal impact.

  
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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 13-O-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE  
MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS  
FOR LEGALLY NONCONFORMING LOTS.

WHEREAS, on August 12, 2013 the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the standards for Lot Line Adjustments as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on September 24, 2013, the City Council conducted a duly noticed public hearing to consider proposed amendments to the standards for Lot Line Adjustments and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment 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 the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and that the project is exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The exemption is applicable because the proposed Zone Text Amendment and Lot Line Adjustment would not result in physical changes to the subject properties other than the

relocation of property lines, and no potential for causing a significant effect on the environment exists.

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

Section 1. Subsection 10-2-804 (Compliance With Minimum Requirements)  
of Article 8 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code is amended to read as  
follows:

“10-2-804: COMPLIANCE WITH MINIMUM REQUIREMENTS:

Except as otherwise provided in section 10-2-805 of this article regarding  
nonconforming lots, all lots proposed to be altered pursuant to the provisions of  
this article shall conform to the minimum requirements for subdivisions set forth  
in article 3 of this chapter and to the minimum requirements set forth in the city's  
zoning provisions.”

Section 2. Subsection 10-2-805 (Approval of Lot Line Adjustments) of  
Article 8 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code is amended to read as  
follows:

“10-2-805: APPROVAL OF LOT LINE ADJUSTMENTS:

Upon receipt of the map, the planning director shall examine it to see whether it complies  
with all the requirements of this article and whether:

- A. The proposed lot line adjustments will not deny access to any parcel;
- B. The proposed lot line adjustment will not result in a conflict with any public or private easement; and
- C. The proposed lot configurations meet all standards of the zoning, subdivision, and building ordinance provisions, except that existing, legally nonconforming lots need not meet all standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of any existing nonconformity, and will not create a new nonconformity.

If the planning director makes these findings, the planning director shall approve the adjustment. The planning director may forward the application to the planning commission for its review.”

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.”

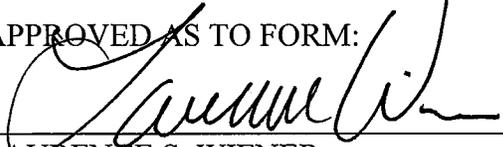
Section 5.     Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

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JOHN A. MIRISCH  
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 C. KOLIN  
City Manager  
  
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SUSAN HEALY KEENE  
Director of Community Development