



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: February 4, 2014
To: Honorable Mayor & City Council
From: Jonathan Lait, AICP, City Planner/Assistant Director, Community Development
Subject: Update On Substantial Compliance Determination

INTRODUCTION

In January 2013 the City Council adopted an amendment to the City's Zoning Code allowing the Director of Community Development to make a determination of substantial compliance with certain zoning standards. At the time of adoption the City Council expressed concerns that the process could be used too frequently and requested a report on use of the process within a year due. To date, there has not been a need to use the substantial compliance determination process. Staff does not recommend any changes to the process at this time.

BACKGROUND

The substantial compliance determination process allows the Director of Community Development to approve minor deviations to zoning code standards if specific findings are met. Beverly Hills Municipal Code Section 10-3-203(G) provides a chart of permissible deviations:

Zoning Standard	Permissible Deviation
Building encroachments into required setback areas	Building walls, architectural projections, balconies, awnings, chimneys, and porches may encroach no more than 10 percent into a required setback.
Fence and wall location, length, and height	In terms of location, height and length, fences and walls may be built no more than 10 percent beyond the applicable zoning code standard or condition of approval unless approved by the planning, design review or architectural commission. In no event shall the fence or wall block an automobile driver's field of vision when exiting a driveway.
Minimum drive aisle width	The width of a drive aisle may be up to 10 percent narrower than the width specified by the city's minimum parking standards or a condition of approval.

Minimum parking stall dimension	The dimension of a parking stall may be up to 10 percent shorter in each direction than specified by the city's minimum parking standards or a condition of approval. No more than 1 parking stall shall be eligible for this deviation. Parking spaces in single-family zones are not eligible for this deviation.
---------------------------------	---

The Director of Community Development may approve a deviation from code requirements for the standards noted in the previous table if the following findings can be met:

1. Requiring strict compliance with the zoning code would create substantial financial hardship for the applicant;
2. The items that deviate from the code would not exceed the permissible deviations stated in the table included in this section;
3. Approval of a substantial compliance determination would not result in substantial, adverse impacts to neighboring properties;
4. Approval of a substantial compliance determination would not pose a threat to life or safety; and,
5. The circumstances surrounding the request for a substantial compliance determination do not indicate that the applicant intended to deviate from the zoning code standards.

DISCUSSION

To date, there has not been a request of the Director to use the substantial compliance determination process.

FISCAL IMPACT

There are no fiscal impacts associated with this report.

RECOMMENDATION

Staff recommends that the City Council receive this item.



Susan Healy Keene, AICP
Director of Community Development