

Attachment 1

Ordinance

ORDINANCE NO. 14-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
REVISE THE REQUIREMENTS FOR PUBLIC NOTICING OF
PLANNING APPLICATIONS

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

Section 1. On October 10, 2013, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1712, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to expand public notice requirements for planning entitlement applications as well as legislative changes such as general plan amendments, specific plans and amendments thereto, zone text amendments, and zoning map amendments, whether initiated by an applicant or initiated by the City (collectively, the “Amendments”). On April 22, 2014, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the 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. The City Council finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council further finds that it can be seen with certainty that there is no possibility that the adoption and implementation of the Amendments may have a significant effect on the environment, because no specific development is authorized by the Amendments, which are strictly procedural in nature.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. The General Plan also includes “Implementation Program 8.1 Public Information and Involvement,” which requires the City to continue to make information available to residents and businesses regarding key community issues.

Section 4. The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding two new definitions with all other definitions in the section remaining unchanged.

The term “Block-Face” is added between the terms “Block” and “Bona Fide Housekeeping Unit” as they presently appear in Section 10-3-100, to read as follows:

“BLOCK-FACE: One side of a street between two consecutive intersections.”

The term “Public Notice Guidelines” is added between the terms “Private Training Center” and “Public Street” as they presently appear in Section 10-3-100, to read as follows:

“PUBLIC NOTICE GUIDELINES: Guidelines approved by the Director of Community Development and on file in the Department of Community Development describing implementation of the requirements for public noticing of planning applications set forth in Article 2.5 of Chapter 3 of Title 10 of the Municipal Code.”

Section 5. The City Council hereby adds a new Article 2.5 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 2.5. PUBLIC NOTICE REQUIREMENTS

10-3-250: Purpose. This Article is intended to provide standards for notification of the public regarding pending actions pursuant to Chapters 2, 3, 4, and 8 of Title 10 of the Municipal Code on planning applications, land use proposals, and legislative changes such as general plan amendments, specific plans and amendments thereto, zone text amendments, and zoning map amendments, whether initiated by an applicant or the City. Public hearings shall be preceded by public notice in accordance with this Section and, if applicable, State law.

10-3-251: Types of Notification. The following types of notification may be required as specified in Chapters 2, 3, 4, and 8 of Title 10:

- A. Notice of Application/Pending Action. Notice informing recipients that the Director of Community Development intends to take certain action on an application in advance of a final action.
- B. Notice of Public Hearing. Notice informing recipients that a public hearing will be held before a decision making or reviewing authority.
- C. Notice of Action. Notice informing recipients that a decision making or reviewing authority has taken action on an application, which begins an applicable appeal period.

10-3-252: Notification Methods.

A. On-Site Posted Notice. Any site area requiring a posted sign on-site shall be posted pursuant to the Public Notice Guidelines and the following:

1. Postings Required

- a) Director Level Posted Notice. A Notice of Application/Pending Action shall be posted for all Director Level applications that require a posted notice.
- b) Commission Level Posted Notice. A Notice of Public Hearing with the hearing date correctly stated shall be posted for all Commission Level applications that require a posted notice.

2. Notification Period. On-site posted notices shall be displayed at least ten days in advance of a decision or public hearing and remain through the appeal period.

3. Posting Location. The sign shall be placed on the site in a location determined by the Director as specified in the Public Notice Guidelines.

4. Affidavit and Proof of Posting. The applicant shall submit an affidavit within five days of posting the sign verifying that the sign is posted in compliance with this Section and the Public Notice Guidelines. The applicant shall also submit photographs showing the posted sign to the Community Development Department as outlined in the Public Notice Guidelines.

B. Mailed Notice. The Director shall provide mailed notice as follows, subject to the Public Notice Guidelines:

1. Mailed Notices Required.
 - a) Director-Level Mailed Notices. Director-Level decisions require the following mailed notices:
 - i. Notice of Application/Pending Action. Mailed in accordance with the requirements in this Section and the City's Public Notice Guidelines.
 - ii. Notice of Action. Mailed in accordance with the requirements in this Section and the City's Public Notice Guidelines.
 - b) Commission-Level Mailed Notice: Commission-Level decisions require the following mailed notices:
 - i. Notice of Public Hearing. Mailed in accordance with the requirements in this Section and the City's Public Notice Guidelines. In addition, any notice of City Council hearing shall be mailed in accordance with the requirements for Commission mailing in this section and published in accordance with the newspaper mailing guidelines of this Chapter.
2. Notification Period.
 - a) Notices of Application/Pending Action and Notices of Public Hearing subject to this section shall be mailed at least ten days prior to such action or hearing by the reviewing authority.
 - b) Notices of Action subject to this section shall be mailed within five days after issuance of a decision by the reviewing authority. The

mailing of a notice of action denotes the beginning of the appeal period.

3. Notification Radius. Mailed notice shall be sent to properties in accordance with Section 10-3-253. In the event that a portion of the radius captures properties both in the Hillside or Trousdale Areas and the Central Area of the City, noticing of the blockface shall not be required for those properties located in the Hillside or Trousdale Areas.
4. Recipients. All mailed notices shall be delivered by United States mail, postage paid, to the following:
 - a) All property owners of record and residential occupants of property within the notification area given in Section 10-3-253(A) of this Article, measured from the exterior boundaries of the property involved in the application.
 - b) Any person or group who has filed a written request for notice regarding the specific application.
 - c) If the project involves a subdivision map, mailed notice shall be given to any owner of mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code, as required by Government Code Section 65091(a)(2).
 - d) If considering an adoption or amendment of policies that affect drive-through facilities, notice shall be given to the blind, aged,

and disabled communities as required by Government Code Section 65090(d).

5. Notification List. The applicant shall provide a list of property owners and occupants within the notification area given in Section 10-3-253(A) and shall sign an affidavit verifying that the list has been prepared in accordance with the procedures outlined in this Section and the City's Public Noticing Guidelines. Applicants for subdivisions shall also provide a list of all owners of mineral rights who have recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.

a) Property Owner Notice. The last known name and address of each property owner as contained in the records of the Los Angeles County Assessor shall be used.

b) Occupant/Tenant Notice. The addresses of each residential occupants/tenants shall be used. The notice may be addressed to "occupant" or "tenant".

C. Newspaper Notice. Where a newspaper notice is required by this section, before the date of a public hearing the Director shall cause to be published a notice in at least one newspaper of general circulation in the City at least ten days prior to the public hearing.

D. Electronic Notice. Notice may also be provided by electronic means such as emailed notice, posted notice on the city's website, or other means determined by the Director.

10-3-253: Notification Requirements. The following methods of notice are required for each planning application.

A. Standard Requirements:

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
Architectural Review				
<p>Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.</p> <p>Commission level projects must be reviewed by the City’s Architectural Commission (AC) and include: sign accommodations, most commercial signs, façade remodels for commercial and multifamily buildings, new construction of commercial and multifamily buildings, and landscaping for commercial and multifamily projects.</p>	Director	None	None	None
	Commission	Only projects in Multi-Family Residential Zones	None	None
Cultural Heritage				
<p>Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.</p> <p>Commission level applications include projects that are reviewed by the City’s Cultural Heritage Commission (CHC). The CHC recommends to the City Council on Landmark or Historic District Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness for Designated Landmarks and Contributing Properties*. * Special noticing requirements apply, See Table 10-3-253 (B)</p>	Director	None	None	None
	Commission	None	None	Owner/Applicant
Design Review				
<p>Director level projects can be processed administratively and include single family home remodels and new homes in the Central area of the City that are determined to be “Track 1”.</p> <p>Commission level applications include projects that are reviewed by the City’s Design Review Commission (DRC) including Single Family Home façade remodels and New homes in the Central area of the City that are determined to be “Track 2”.</p>	Director	None	None	Owner/Applicant
	Commission	Yes	None	Central Area: 100 ft. radius + block-face
Planning Review				

Public Notice Requirements for Development Applications	On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
<p>Director Level includes applications that can be reviewed and approved by staff. Commission/Council, however many of the applications may be referred to the Planning Commission Level applications are reviewed and approved by the Planning Commission or City Council. Applications include:</p> <ul style="list-style-type: none"> • <u>Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</u> • <u>Conditional Use Permit</u> • <u>Common Interest Development*</u> • <u>Density Bonus Permit</u> • Development Plan Review • <u>Extended Hours Permit</u> • Game Court Fence • <u>Game Court Location</u> • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment • <u>Maps: Tentative and Parcel</u> • Minor Accommodation • Open Air Dining • Overnight Stay Permit • Planned Development Review • Reasonable Accommodation* • Resolution of Public Convenience and Necessity* • R1: Hillside, Central and Trousdale • R4 Permit • Second Unit Use Permit • <u>Specific Plan</u> • Tree Removal Permit* • <u>Variance</u> • View Restoration* 	Director Level	Yes	No
<ul style="list-style-type: none"> • <u>Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</u> • <u>Conditional Use Permit</u> • <u>Common Interest Development*</u> • <u>Density Bonus Permit</u> • Development Plan Review • <u>Extended Hours Permit</u> • Game Court Fence • <u>Game Court Location</u> • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment • <u>Maps: Tentative and Parcel</u> • Minor Accommodation • Open Air Dining • Overnight Stay Permit • Planned Development Review • Reasonable Accommodation* • Resolution of Public Convenience and Necessity* • R1: Hillside, Central and Trousdale • R4 Permit • Second Unit Use Permit • <u>Specific Plan</u> • Tree Removal Permit* • <u>Variance</u> • View Restoration* <p><u>Underlined Applications are reviewed at the Commission/Council level only</u></p> <p>*Special noticing requirements apply, See 10-3-253(B)</p>	Commission/Council Level	Yes	<p>Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</p> <p>Conditional Maps (Tentative, and Parcel)</p> <p>Specific Plan Use Permit Variance</p>

B. Special Notice Requirements:

Development Application	Public Notice Posting Requirements
The following applications have unique noticing requirements:	
Common Interest Development	<p>With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by the Beverly Hills municipal code and state law.</p> <p>a) Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least sixty (60) days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. For the purposes of this article, the "legal requirements for service by mail" shall mean the requirements set forth in California Code of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under the Beverly Hills municipal code and state law.</p> <p>b) Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant ten (10) days' advance written notice that an application for a public report will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.</p> <p>c) Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(b) or any successor statute, the subdivider shall provide each tenant written notification within ten (10) days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.</p> <p>d) Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least one hundred eighty (180) days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.</p> <p>e) Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least ten (10) days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development or his or her designee and shall contain, as a minimum, the following information:</p> <p style="margin-left: 40px;">I An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction;</p> <p style="margin-left: 40px;">II An explanation of the tenant's rights and benefits if the conversion is approved; and</p> <p style="margin-left: 40px;">III The grounds upon which the planning commission can deny the request for conversion.</p> <p>f) Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted.</p>

Development Application	Public Notice Posting Requirements
Certificate of Appropriateness: Designated Landmark and Contributing Properties	The time, place, and purpose of the public hearing on the proposed certificate of appropriateness shall be given by mailing written notice to the owner or owner's representative at least ten (10) days prior to the date of the hearing. Notice to the owner or the owner's representative shall be sent via certified mail, return receipt requested.
Large Family Daycare Permit	Not less than ten (10) days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within one hundred feet (100') of the exterior boundaries of the subject site area.
Reasonable Accommodation	A At least ten (10) calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation. Written notice of a hearing to consider the application shall be mailed ten (10) calendar days prior to the meeting to the applicant and adjacent property owners.
Resolution of Public Convenience or Necessity	Notice of a public hearing shall be mailed to property owners and occupants within three hundred feet (300') of the premises for which a determination is requested. At least ten days prior to the public hearing a written notice shall be published in the newspaper.
Tree Removal Permit	Notice of any hearing on such a permit before the planning commission shall be mailed to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.
View Restoration	<p>a) Public Hearing Notice Notice of any hearing held pursuant to this section shall be mailed at least thirty (30) days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.</p> <p>b) Notice of Decision Notice Of Decision: Within five (5) days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:</p> <p>I. The view owner, using the mailing address set forth in the application;</p> <p>II. Each foliage owner that is named on the application, as listed on a current tax assessor's roll and to the occupant of the foliage owner's property if the foliage owner's address is different than the property on which the foliage is located.</p> <p>The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.</p>
Landmark and Historic District Designation	Written notice of the date, time, place, and purpose of a public hearing to formally consider an application shall be given by first class, prepaid mail not less than ten (10) days prior to said hearing to the applicant and all owner(s) of the property proposed for nomination. A public hearing notice regarding designation of a historic district shall be provided to all owners within the proposed district. Failure to send notice by mail to any such owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. When the owner(s) petition the city for designation, it is the petitioner's obligation to furnish to the director a current list of names and legal mailing addresses of all owners to be notified, and to pay such fee to cover the costs of providing notification as shall be established by resolution of the city council. When the proposed designation is by city initiative, the community development department shall be responsible for preparing the notification list. The commission may also direct that other notice be provided as it deems appropriate.

10-3-254: Notification Required by State Law. In addition to the requirements set forth in this Section, all planning applications must be noticed in accordance with state law.

10-3-255: Contents of Notices. All required public notices, including posted signs and mailed notices, shall include the information specified in the Public Notice Guidelines.

10-3-256: Multiple Applications. When multiple applications are under review for the same site area or project, the City may issue a single notice for all related applications. Notification requirements for multiple applications for the same site area or project shall be the notification requirements for the application with the greatest noticing requirement.

10-3-257: Appeals. Unless otherwise provided, public hearings for appeals shall be noticed using the same procedures applicable to the original applications.

10-3-258: Revocation and Modification of Permits. Public notice for hearings for the revocation or modification of permits shall be completed in accordance with the standards set forth in section 10-3-2.5 for the permit in question.

10-3-259: Extension of Time. Public hearings held for extensions of the time limits for actions granting any discretionary approval authorized in Chapters 2, 3, 4 and 8 of this Title of the Municipal Code shall be noticed using the same procedures applicable to the approval of the original application.

10-3-260: Failure of Person or Entity to Receive Notice; Substantial Compliance.

- A. The failure of any person or entity to receive notice given pursuant to the City's noticing requirements shall not constitute grounds for any court to invalidate the actions for which the notice was given.
- B. The noticing provisions of this Chapter shall not be construed in any manner that results in the invalidation of an action because of the alleged inadequacy of the notice content if there has been substantial compliance with the notice content requirements.

Section 6. The City Council hereby amends Section 10-2-710 of Article 7 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-2-710 remaining in effect without amendment:

“10-2-710: TENANT NOTIFICATION:

With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by the Beverly Hills municipal code in accordance with Title 10, Chapter 3, Article 2.5 and state law.”

Section 7. The City Council hereby amends paragraph 5 of subsection G of Section 10-3-203 of Article 2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-203 remaining in effect without amendment:

“5. That the circumstances surrounding the request for a substantial compliance determination do not indicate that the applicant intended to deviate from the zoning code standards.

Nothing in this section shall allow the amount of front yard paving, the floor area of a building, or the height of a building to exceed the limitations in the zoning code.

The reviewing authority for a substantial compliance determination shall be the director of community development. If, in the opinion of the director an application merits review by the planning commission, the director may refer such application to the planning commission and the planning commission shall serve as the reviewing authority for such application and shall conduct a noticed public hearing regarding the requested substantial compliance determination.

Notice of a public hearing, an intended decision and action shall be provided in accordance with Article 2.5 of this chapter.

The applicant or any person aggrieved by any decision regarding a substantial compliance determination may appeal to the planning commission, if the original decision was made by the director, or to the city council, if the original decision was made by the planning commission, as provided in title 1, chapter 4, article 1 of this code.

Zoning	Permissible Deviation
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Standard	
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.

Section 8. The City Council hereby amends subsections A and B of Section 10-3-207 of Article 2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-207 remaining in effect without amendment:

“A. Time of exercise of rights for projects that consist solely of approvals granted pursuant to this chapter:

Unless otherwise provided in this chapter or a resolution, development agreement or other action granting any discretionary approval authorized by this chapter, the exercise of rights granted in such approval shall be commenced within three (3) years after the date of approval.

Unless otherwise provided in a resolution, development agreement or other action granting any discretionary approval authorized by this chapter, the reviewing authority may grant up to two (2) one-year extensions of the time limit contained in this section if an application therefor is made at least thirty (30) days prior to the expiration of the time limit, or any extension thereof. Such extension may be granted after a duly noticed public hearing held pursuant to the same procedures applicable to the approval of the original application as outlined in Article 2.5 of this chapter and the City's Public Notice Guidelines, if the reviewing authority determines that conditions and regulations affecting development in the city have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval and the extension of the approval will not unreasonably delay efforts to advance the objectives of the zone. The reviewing authority may impose conditions on an extension to ensure that the extension will not be contrary to the findings made at the time of original approval.

Except as otherwise provided in this chapter, no time limit imposed pursuant to this subsection may be extended beyond five (5) years after the initial action granting the original approval. Any decision regarding an extension pursuant to this subsection may be appealed in the same manner and to the same appellate body as an appeal of the approval of the original application or, if no appeal procedures are specified, to the city council in the manner provided by title 1, chapter 4, article 1 of this code.

The failure to exercise any right granted by the original approval within the time limit provided, or any extension thereof, shall constitute an abandonment of the original approval and all rights conveyed by the approval shall lapse and expire.

The procurement of a building permit for or the commencement of any use authorized by a discretionary permit or approval shall constitute the exercise of the rights granted by such approval. However, all rights conveyed by the approval shall lapse and expire upon expiration of such building permit unless such building permit is extended pursuant to title 9 of this code.

B. Time of exercise of rights for projects that include a tentative subdivision map pursuant to chapter 2 of this title:

Unless otherwise provided in this chapter or a resolution, development agreement or other action granting any discretionary approval authorized by this chapter, the exercise of rights granted in such approval shall be commenced within two (2) years from the date of approval if the approval is granted in conjunction with a tentative subdivision map approved pursuant to chapter 2 of this title.

The reviewing authority may grant extensions of the time limit contained in this subsection such that the time in which to exercise the discretionary approval rights is the same as the time in which to exercise the rights of the tentative map approval. In addition to the granting of extensions pursuant to the foregoing sentence, the reviewing authority may also grant an extension of the time limit in which to exercise the discretionary approval rights granted pursuant to this chapter by one year from the date of final map approval.

Extensions of the time limit provided in this subsection may be granted if an application therefor is made at least thirty (30) days prior to the expiration of the time limit, or any extension therefor. Such extension may be granted after a duly noticed public hearing held pursuant to the same procedures applicable to the approval of the original application as outlined in Article 2.5 of this chapter and the City's Public Notice Guidelines, if the reviewing authority determines that conditions and regulations affecting development in the city have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval and the extension of the approval will not

unreasonably delay efforts to advance the objectives of the zone. The reviewing authority may impose conditions on an extension of the approvals granted pursuant to this chapter to ensure that the extension will not be contrary to the findings made at the time of original approval.

Any decision regarding an extension pursuant to this section may be appealed in the same manner and to the same appellate body as an appeal of the approval of the original application or, if no appeal procedures are specified, to the city council in the manner provided by title 1, chapter 4, article 1 of this code.

The failure to exercise any right granted by the original approval within the time limit provided, or any extension thereof, shall constitute an abandonment of the original approval and all rights conveyed by the approval shall lapse and expire.

The procurement of a building permit for or the commencement of any use authorized by a discretionary permit or approval granted pursuant to this chapter shall constitute the exercise of the rights granted by such approval. However, all rights conveyed by the approval shall lapse and expire upon expiration of such building permit unless such building permit is extended pursuant to title 9 of this code.”

Section 9. The City Council hereby amends paragraph 1 of subsection B of Section 10-3-408 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-408 remaining in effect without amendment:

“1. Notice: Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 10. The City Council hereby amends subsection 3 of subsection B of Section 10-3-409 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-409 remaining in effect without amendment:

“3. Notice: Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 11. The City Council hereby amends Section 10-3-1525 of Article 15.2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1525: REVIEW OF APPLCIATION:

The planning commission shall process the application for a density bonus permit in the same manner as, and concurrently with, the application for a development plan review that is required by article 31 of this chapter for development of a density bonus project. Public Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 12. The City Council hereby amends Section 10-3-1843 of Article 18.4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1843: PUBLIC HEARING:

The planning commission shall hold a public hearing regarding any application for a planned development. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 13. The City Council hereby amends subsection B of Section 10-3-1958 of Article 19.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-1958 remaining in effect without amendment:

“B. Public Hearing. A public hearing shall be held by the planning commission on all applications for an extended hours permit. The planning commission shall conduct such hearing, and shall issue a decision concerning the application, within ninety (90) days following the date an application is deemed complete. The deadline may be extended upon the request of the applicant. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 14. The City Council hereby amends subsection C of Section 10-3-1959 of Article 19.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-1959 remaining in effect without amendment:

“C. At least ten (10) days prior to any hearing by the planning commission, notice of the time, place, and purpose of the public hearing shall be sent by first class mail in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.

Section 15. The City Council hereby amends subsection E of Section 10-3-3219 of Article 32 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3219 remaining in effect without amendment:

“E. Commission Review: When a certificate of appropriateness application is referred to the commission for review, a complete application shall be one that includes a report from a qualified historic preservation consultant detailing the project's compliance with, and potential deviation from the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings".

When a certificate of appropriateness is requested for demolition or relocation of a landmark or contributing property, additional supporting materials and justification shall be required as specified in the city's administrative guidelines.

Upon receipt of a complete application, the commission shall act on the certificate of appropriateness within seventy five (75) days. The time limits in this section shall be extended by the director when necessary to comply with the provisions of CEQA or with the written consent of the owner. A public hearing shall be scheduled and notice provided in accordance with Article 2.5 of this chapter and CEQA where applicable. Notice to the owner or the owner's representative shall be sent via certified mail, return receipt requested.

The applicant for a certificate of appropriateness may make submissions to the community development department of any or all relevant information. Based on this and any other relevant information, the

commission shall take into consideration the reasonable economic, environmental, and technical feasibility of the work in determining whether to issue a certificate of appropriateness.

The commission shall issue a certificate of appropriateness if it finds that the work:

1. Complies with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings"; or

2. Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a landmark or contributing property; or

3. Meets the criteria established for demolition, alteration, or relocation of a resource in the city's administrative guidelines.”

Section 16. The City Council hereby amends subsection B of Section 10-3-2452 of Article 24.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2452 remaining in effect without amendment:

“B. Notice of any hearing held pursuant to this section shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 17. The City Council hereby amends subsection B of Section 10-3-2552 of Article 25.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2552 remaining in effect without amendment:

“B. Notice of any hearing held pursuant to this section shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 18. The City Council hereby amends subsection B of Section 10-3-2652 of Article 26.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2652 remaining in effect without amendment:

“B. Notice of any hearing held pursuant to this section shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 19. The City Council hereby amends Subsection F of Section 10-3-2730 of Article 27 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2730 remaining in effect without amendment:

“F. The planning commission may hold a public hearing, noticed in accordance with Section 1-3-2.5 and the City’s Public Notice Guidelines to authorize the joint use of parking facilities under the following conditions

1. Up to fifty percent (50%) of the parking facilities of a use considered to be primarily a daytime use may be used to satisfy the parking facilities required by this article for a use considered to be primarily a nighttime use.

2. A covenant as described in section 10-3-2734 of this chapter shall be recorded in the office of the county recorder, which covenant may include such reasonable conditions as the planning commission may impose.”

Section 20. The City Council hereby amends Section 10-3-2852 of Article 28.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2852 remaining in effect without amendment:

“10-3-2852: NOTICE:

Noticing of an R-4 permit application shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 21. The City Council hereby amends subsection H of Section 10-3-2901 of Article 29 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“H. Except as otherwise provided by subsection B9 of this section, a tree removal permit shall be obtained from the planning commission whenever ten percent (10%) or more of the protected trees in an urban grove are proposed to be removed. Notice of the hearing on such permit before the planning commission shall be mailed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines. The decision of the planning commission shall be appealable by the owner of the trees

proposed for removal or any person entitled to receive notice of the planning commission hearing under this subsection to the city council. Notice of the hearing on the appeal before the city shall be given to all persons who are entitled to receive notice of the hearing before the planning commission.”

Section 22. The City Council hereby amends subsections A and B of Section 10-3-3103 of Article 31 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“A. A public hearing shall be held by the planning commission on all applications for which it is the reviewing authority. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines. A public hearing shall not be required for applications subject to review by the director of planning and community development pursuant to this article.

B. A public hearing shall be held by the city council on all applications for which it is the reviewing authority pursuant to the procedures set forth in subsection A of this section.”

Section 23. The City Council hereby amends subsection E of Section 10-3-3215 of Article 32 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“E. Notice of Public Hearing: Notice of Public Hearing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 24. The City Council hereby amends Section 10-3-3307 of Article 33 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3307 remaining in effect without amendment:

“10-3-8307. REVIEW OF LIN LIEU PARKING APPLICATIONS.

Persons desiring to participate in the in lieu parking district established by this article shall submit an application for participation to the director of community development. If the director determines that such application meets the requirements set forth in sections 10-3-3302 through 10-3-3306 of this chapter, then the director shall schedule a hearing on that application before the planning commission, unless the application is solely for a restaurant use and the number of in lieu parking spaces requested will result in a total number of in lieu parking spaces of ten (10) or fewer, in which case the director shall have the authority to approve the request without conducting a hearing. Noticing of any hearing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines. Furthermore, if the applicant has concurrently filed other applications which require a hearing before the planning commission, then the hearing regarding the application for participation in the district shall be combined with such other hearing. Similarly, notice of the application for participation in the district shall be combined with the notice of any other application that will be reviewed concurrently by the planning commission.”

Section 25. The City Council hereby amends subsection C of Section 10-3-3503 of Article 35 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3503 remaining in effect without amendment:

“C. A public hearing shall be held by the planning commission on all applications for which it is the reviewing authority. Public noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 26. The City Council hereby amends Section 10-3-3504 of Article 35 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3504: NOTICE:

Notices in connection with the open air dining permit approval process shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 27. The City Council hereby amends Section 10-3-3602 of Article 36 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3602: NOTICE:

A. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 28. The City Council hereby amends Section 10-3-3654 of Article 36.5 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3654: NOTICE

Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 29. The City Council hereby amends subsections A and B of Section 10-3-3672 of Article 36.7 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3672 remaining in effect without amendment:

- “A. Director Review: The director, or designee, shall consider an application and issue a written determination. The director shall complete public noticing in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.

- B. Planning Commission Review: The processing procedures for the discretionary land use application before the planning commission shall govern the processing of the request for a reasonable accommodation. If the reasonable accommodation is referred to the planning commission by the director and there is no other discretionary application, then the planning commission shall hold a public hearing within forty five (45) days after the application is deemed complete and shall issue a written determination within sixty (60) calendar days after such public hearing. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 30. The City Council hereby amends Section 10-3-3705 of Article 37 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3705: NOTICE OF HEARINGS:

The zoning administrator shall cause notice of the time, place and purpose of the hearing to be given in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines. The failure of the person addressed to receive a notice shall not affect the jurisdiction of the board of zoning adjustments to proceed with the hearing.”

Section 31. The City Council hereby amends Section 10-3-3711 of Article 37 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3711: APPEALS TO THE COUNCIL

The applicant or any person aggrieved by a decision of the board of zoning adjustments in granting or denying a variance may appeal to the council as provided in title 1, chapter 4, article 1 of this code. The zoning administrator shall cause notice of the council hearing in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 32. The City Council hereby amends Section 10-3-3717 of Article 37 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3717: REVOCATION; NOTICE OF HEARING:

The zoning administrator shall cause notice of the time, place, and purpose of a hearing to revoke a variance, or a hearing for the review of a decision to revoke a

variance, to be given in accordance with Article 2.5 of this chapter and the City's Public Notice Guidelines. The failure of the person addressed to receive the notice shall not affect the jurisdiction of the board of zoning adjustments to proceed with the hearing. The procedures set forth in this article relative to hearings and appeals shall be applicable to the revocation of a variance."

Section 33. The City Council hereby amends Section 10-3-3800 of Article 38 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-3800: AUHORIZED:

Pursuant to an application and hearing procedure as provided in article 37 of this chapter for granting a variance, the planning commission may authorize conditional uses as specified in this code if the planning commission finds that the proposed location of any such use will not be detrimental to adjacent property or to the public welfare.

Conditionally permitted uses shall be designated and listed in this code under the zone in which they are permitted. Additionally, a list of all uses which may require a conditional use permit shall be maintained in the office of the department of planning and community development and shall be available to the public free of charge. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City's Public Notice Guidelines."

Section 34. The City Council hereby amends Section 10-3-3902 of Article 39 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3902: NOTICE AND HEARING BY THE PLANNING COMMISSION:

Upon the filing of such verified petition, or adoption of such motion, the planning commission shall hold a hearing thereon as provided in sections 10-3-3704 and 10-3-3705 of this chapter. Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines”

Section 35. The City Council hereby amends Section 10-3-3909 of Article 39 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3909: NOTICE OF ACTION:

Notice of an action taken on an amendment application shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 36. The City Council hereby amends Section 10-3-4413 of Article 44 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-4413: NOTICE OF HEARINGS:

Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 37. The City Council hereby amends Section 10-4-904 of Article 9 to Chapter 4 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-4-904 NOTICE OF HEARING:

Noticing shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 38. The City Council hereby amends subsection E of Section 10-8-106 of Article 1 to Chapter 8 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-8-106 remaining in effect without amendment:

“E. Public Hearing Notice: The reviewing authority shall hold a public hearing concerning each application for a view restoration permit. Notice of any hearing held pursuant to this section shall be completed in accordance with Article 2.5 of this chapter and the City’s Public Notice Guidelines.”

Section 39. The City Council hereby amends subsection K of Section 10-8-106 of Article 1 to Chapter 8 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-8-106 remaining in effect without amendment:

“K. Notice of Decision:

- i. Written Decision Required: The action taken by the reviewing authority shall be set forth in writing.
- ii. Notice of Action: Within five (5) days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail,

postage prepaid, in accordance with Article 2.5 of this chapter and the City's Public Guidelines.

The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.”

Section 40. 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.

Section 41. 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 42. 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:

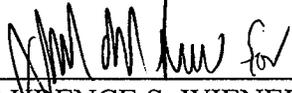
Effective:

LILI BOSSE
Mayor of the City of Beverly Hills,
California

ATTEST:

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