ATTACHMENT 2

Planning Commission Resolution

with

Clean Copy of Ordinance

RESOLUTION NO. 1728

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE BEVERLY MUNICIPAL CODE DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY TO ADDRESS ISSUES RELATED TO BUILDING SCALE AND MASS AND PARKING

WHEREAS, the Planning Commission has considered the proposed amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Amendments"); and,

WHEREAS, the Planning Commission considered the various amendments at a public workshop on October 24, 2013, and at study sessions on November 21, 2013, March 27, 2014, May 8, 2014, July 17, 2014, and July 24, 2014, and at duly noticed public hearings on August 7, 2014, September 11, 2014, and September 29, 2014, at which times it received oral and documentary evidence relative to the proposed Amendments; and,

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that such Amendments are consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The proposed Ordinance 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. This Ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. Therefore, the Planning Commission recommends that the City Council find that it can be seen with certainty that the proposed Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 2. The Planning Commission does hereby find that the proposed Amendments are intended to address community concerns about the scale and massing of buildings in the Central R-1 zone. Beverly Hills residential neighborhoods have traditionally been renowned for their beauty, quality, and value and provide the city's residents with an unparalleled quality of life. The characteristics are the product of generous setbacks, gracious architecture, and careful attention to detail. However, since the late 1980s emerging trends have led some owners and developers in residential areas to depart from the prevailing styles and neighborhood character in an effort to maximize development and density. The City Council has found in the past that this trend has led to homes that greatly overpower existing "lot to house size" ratio ("mansionization") and the Council adopted the City's R-1 Design Review process in 2004 to help ameliorate the effects of this trend. Beverly Hills Municipal Code Section 10-3-4400, "R-1 Design Review," states:

"The mansionization of the city's residential neighborhoods poses a serious danger that such overbuilding will degrade and depreciate the character, image, beauty, and reputation of the city's residential neighborhoods with adverse consequences for the quality of life of all residents. The bulk and mass of such homes, as well as their general appearances, affect the desirability of the immediate area and neighboring areas for residential purposes and, by so doing, impair the benefits of occupancy of existing property in such areas, impair the stability in value of both improved and unimproved real property in such areas, prevent the most appropriate development of such areas, produce undesirable conditions affecting the health, safety, comfort, and general welfare of the inhabitants of the city, and destroy the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor."

The Design Review process is intended to prevent these and other harmful effects of such overbuilding in residential neighborhoods. The Design Review process has been in effect for ten years and the community and City Council have expressed concern that negative effects from mansionization continue to be evident. As a result, the City Council directed staff and the Planning Commission to consider discrete amendments to the R-1 development standards to address concerns related to building scale and mass and parking requirements. The proposed Amendments are intended to encourage appropriate development within the city's Central R-1 residential neighborhoods and, thus, to promote and protect the health, safety, comfort, and general welfare of the community and to promote the public convenience and prosperity.

The City's General Plan includes the following land use policies and implementation strategies that address the goals above including: "LU 1 Long-Term Stability," "LU 3 Managed Change," "LU 5 Complete, Livable and Quality Neighborhoods," "LU 10, Economically Vital

Districts," "LU 11 Well-Designed and attractive Districts," "LU 12 Business Districts Adjoining Residential Neighborhoods," and, "LU 15 Economic Sustainability." The following goals are specifically addressed by the proposed Amendments:

Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors. Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.

Policy LU 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.

Policy LU 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes

Section 3. The Planning Commission hereby recommends that the City Council adopt an ordinance approving and enacting the proposed Amendments substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. The Planning Commission hereby recommends that the City Council consider the following in addition to reviewing and adopting the proposed ordinance:

(a) Direct staff, the Design Review Commission and Planning Commission to review the City's R-1 Design Review process at this ten-year anniversary mark, and recommend revisions to the R-1 Design Review section of the Zoning Code and to the Design Review Style Catalogue as may be necessary to provide additional tools for the Design Review Commission and staff to successfully execute the program and meet the City's goals. Two specific recommendations are: 1) consider requiring Design Review for all walls and fences in front or

street side yards of single-family properties; and 2) consider adding an incentive to the Code that would allow new one-story single-family homes with a maximum height of sixteen feet (16') or less, one-story additions, or the exterior remodel of existing one-story homes to be eligible for a staff-level design review even if the project is not designed by a licensed architect or in a pure architectural style.

(b) Direct staff, the Design Review Commission and Planning Commission to review the development standards for hedges in single-family areas in the Central Area and consider increasing the maximum allowed height for hedges in side and rear yards, while promoting the enforcement of the City's current hedge height standards in front yards.

(c) Direct City staff to review and consider recommendations to achieve the following:

(1) strengthening landscape requirements to promote water conservation in single family areas;

(2) allowing automated parking to fulfill required parking in single family areas;

(3) limiting the amount of lot area that may be occupied by accessory structures at the rear of single family properties to address issues of privacy and preservation of the garden quality of the City; and,

(4) Limiting the impacts of permanent outdoor cooking facilities.

Section 5. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: September 29, 2014

Alan Block
Vice Chair of the Planning Commission of the City of Beverly Hills, California

Attest:

Jay Trevino, AICP
Secretary of the Planning Commission

Approved as to form:

David M. Show
Assistant City Attorney

Approved as to content:

Jay Trevino, AICP
Interim City Planner

Ordinance Recommended by the Planning Commission. Sections in red indicate proposed changes from current Code.

EXHIBIT A

[DRAFT]
ORDINANCE NO. 14-O- _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY MUNICIPAL CODE DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY TO ADDRESS ISSUES RELATED TO BUILDING SCALE AND MASS, AND PARKING

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 [date]_____, and at the conclusion of the hearing introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. This Ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. Therefore, the City Council finds that it can be seen with certainty that this Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 3. The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to insert the following three definitions between the defined terms of "Retaining Wall" and "Satellite Dish Antenna," with all existing provisions of Section 10-3-100 remaining in place without amendment:

"ROOF, FLAT: A roof shall be considered to be a flat roof if it is neither a sloped roof nor a sloped roof with ridgeline as defined in this section.

ROOF, SLOPED: A roof shall be considered to be a sloped roof if 95% or more of the roof has a slope of ten percent (10%) or more and the roof is not a sloped roof with ridgeline as defined in this section.

ROOF, SLOPED WITH RIDGELINE: A roof shall be considered to be a sloped roof with ridgeline if 95% or more of the roof has a slope of fifteen percent (15%) or more and the roof has one or more linear horizontal ridgelines formed by the juncture of two roof planes where both planes extend upward from the exterior façade of a perimeter wall of the building to the horizontal ridgeline. The roof planes may be intersected by other roof planes that meet this definition, as well as architectural features such as dormers and chimneys that are otherwise allowed pursuant to this chapter."

Section 4. The City Council hereby amends Section 10-3-2403 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding height in principal building area to read as follows:

"10-3-2403: Height in Principal Building Area:

A. North of Santa Monica Boulevard. The following height restrictions shall apply to buildings located in the principal building area of a site located in the Central Area of the City north of Santa Monica Boulevard:

1. For a building with a flat roof as defined in Section 10-3-100 of this Chapter:

Except as otherwise provided in this section, the maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-eight feet (28'). If each side yard equals or exceeds ten feet (10'), then the maximum building height shall be thirty feet (30').

2. For a building with a sloped roof as defined in Section 10-3-100 of this chapter:

   Except as otherwise provided in this section, the maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-eight feet (28'). If each side yard equals or exceeds ten feet (10'), then the maximum building height shall be thirty-two feet (32').

3. For a building with a sloped roof with ridgeline as defined in Section 10-3-100 of this Chapter:

   Except as otherwise provided in this section, the maximum plate height shall be twenty-two feet (22') and the maximum building height shall be thirty-two feet (32') with an average roof height of up to twenty-eight feet (28'). If each side yard equals or exceeds ten feet (10'), then the maximum building height shall be thirty-four feet (34').

4. For every two and one-half feet (2.5') of front setback provided in addition to the required minimum front setback as required pursuant to this article, one foot (1') of plate height may be added to the maximum plate height, not to exceed a twenty-five foot (25') maximum plate height. If front setbacks required in Section 10-3-2417 or Section 10-3-2418A of this article apply to a project, such front setbacks shall be provided in addition to a front setback provided pursuant to this subsection. If front setback averaging permitted by Section 10-3-2418B of this Chapter is used in conjunction with an expanded

front setback provided pursuant to this subsection, portions of a building may encroach into the expanded front setback area but may not encroach beyond the original front setback line established in Section 10-3-2404 of this Chapter; and, notwithstanding Section 10-3-2420 of this Chapter, the allowable height of a wall, fence, or hedge located within the expanded front setback area shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

5. Central R-1 Permit: For buildings that are subject to a maximum height of thirty feet (30'), a reviewing authority may issue a Central R-1 Permit pursuant to article 24.5 of this chapter to permit a maximum building height of up to thirty-four feet (34').

B. South of Santa Monica Boulevard. The following height restrictions shall apply to buildings located in the principal building area of a site located in the Central Area of the City south of Santa Monica Boulevard:

1. For a building with a flat roof as defined in Section 10-3-100 of this Chapter:

   The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-five feet (25').

2. For a building with a sloped roof as defined in Section 10-3-100 of this Chapter:

   The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-eight feet (28').

3. For a building with a sloped roof with ridgeline as defined in Section 10-3-100 of this Chapter:

The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be thirty-two feet (32').

4. The maximum height of structures other than buildings shall be twenty-five feet (25').

C. Site Area South Of Olympic Boulevard And East Of Doheny Drive: Those buildings located in the principal building area of site areas that are southerly of Olympic Boulevard and easterly of Doheny Drive shall be subject to the following height restrictions:

1. For the first twenty feet (20') of area behind the front yard and for the purposes of subsection 10-3-2405B of this article: The maximum plate height of a building shall be ten feet (10'), the maximum height of that portion of a building covered by a flat roof as defined in section 10-3-100 of this chapter shall be twelve feet (12'), the maximum height of that portion of a building covered by a sloped roof as defined in Section 10-3-100 of this Chapter shall be fourteen feet (14'), the maximum height of that portion of a building covered by a sloped roof with ridgeline as defined in Section 10-3-100 of this Chapter shall be sixteen feet (16') and the maximum height of all other structures shall be twelve feet (12').

2. For that portion of the principal building area not governed by Subsection C1 of this section, the maximum permitted height of buildings shall be as set forth in Subsection B of this section."

Section 5. City Council hereby amends subsection (B) of Section 10-3-2406 of Article 24 of Chapter 3 of title 10 of the Beverly Hills Municipal Code regarding side setbacks

to read as follows, with all other subsections in Section 10-3-2406 remaining without amendment:

"B. South of Santa Monica Boulevard: Except as otherwise provided in this section, the minimum side setback for buildings located south of Santa Monica Boulevard shall be five feet (5') on one side. On the other side, the minimum side setback shall be nine feet (9'). Encroachments in side setbacks otherwise permitted pursuant to Section 10-3-2409 of this article may not be permitted in this nine foot (9') setback area except for: (i) roof eaves pursuant to Section 10-3-2409 B of this article, and (ii) encroachments along the side property line for side-yard fences, walls, or hedges, provided that a flat paved area with a minimum width of nine feet (9') is maintained between the side property line wall, fence or hedge, and any structure or building. Parking may be provided in this nine foot (9') setback area pursuant to Section 10-3-2419 of this Chapter.

1. Exception: The setback requirements set forth in this subsection B shall not be applicable to: a) any corner lot, b) those site areas located south of Olympic Boulevard and west of Roxbury Drive, nor c) those site areas located south of Olympic Boulevard and east of Doheny Drive.

    a. Corner Lots And All Lots South Of Olympic Boulevard And West Of Roxbury Drive: The side setbacks for all corner lots located southerly of Santa Monica Boulevard and those site areas located southerly of Olympic Boulevard and westerly of Roxbury Drive shall be at least five feet (5'). In addition, the sum of the side setbacks adjacent to the two (2) longest side lot lines shall be at least twenty percent (20%) of the lot width.

b. South Of Olympic Boulevard And East Of Doheny Drive: The side setbacks for site areas southerly of Olympic Boulevard and easterly of Doheny Drive shall be five feet (5').

2. Exception: For those buildings located on site areas that consist of two (2) or more lots as subdivided on July 3, 1984, the side setback shall be ten feet (10') plus ten percent (10%) of the width of the lot in excess of one hundred feet (100')."

Section 6. City Council hereby amends Section 10-3-2408 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding permissible encroachments in front yards to read as follows:

"10-3-2408: Permissible Encroachments in Front Yard:

No structure or element of a building, including lightwells as defined in this Chapter, may encroach into any front yard except the following:

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;

B. Paving in accordance with Section 10-3-2422 of this Chapter;

C. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting not more than eighteen inches (18") into such yards, unless a greater projection is permitted by a Central R-1 permit issued pursuant to article 24.5 of this Chapter;

D. One covered entry porch located at or below the first floor level that is a maximum of four feet (4') in depth and which has no vertical supporting elements;

E. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yard, unless a greater projection is permitted by a Central R-1 permit issued pursuant to Article 24.5 of this Chapter; 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
2. Architectural projections which encroach into the front yard shall cover no more than twenty percent (20%) of the maximum potential facade of the building, except as permitted by a Central R-1 permit issued pursuant to Article 24.5 of this Chapter; and
3. All paving within the front yard conforms to the requirements of Section 10-3-2422 of this Chapter. For the purposes of this Subsection F, the depth of an architectural projection into a front setback shall be the distance between the front setback line and the point of the projection closest to the front lot line."

Section 7. City Council hereby amends Section 10-3-2409 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding permissible encroachments in side yards, street side yards, and rear yards to read as follows:

"10-3-2409: Permissible Encroachments in Side Yards, Street Side Yards, and Rear Yards:

No structure or element of a building may encroach into any side yard, street side yard or rear yard except the following:

A. A fence, gate, or wall that otherwise complies with the requirements of this code;

B. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting no more than eighteen inches (18") into such yards;

C. Porches and decks located at or below the first floor level provided, further, that required handrails for such elements shall not extend more than forty-two inches (42") above the first floor level;

D. Decks located at grade, covering portions of driveway ramps that lead directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than forty-two inches (42") above the deck floor level;

E. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;

F. One fireplace provided one of the following two (2) criteria is met:

1. The required setback equals or exceeds seven and one-half feet ($7^1/_2$'), the encroachment is limited to thirty inches (30") or less, and the length of the fireplace measured parallel to the property line does not exceed ten feet (10'); or

2. The required setback is less than seven and one-half feet ($7^1/_2$'), the encroachment is twelve inches (12") or less, the length of the fireplace measured parallel to the property line does not exceed six feet (6'), and the fireplace is located a minimum of ten feet (10') from the front of the building;

G. Swimming pools and mechanical equipment serving pools provided that the mechanical equipment complies with subsection M of this section;

H. Trash storage facilities;

I. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yards;

J. A porte-cochere, set back a minimum of four feet (4') from the front setback line, provided that no garage or carport faces the front lot line within the first thirty-eight feet (38') behind the front setback line;

K. Freestanding support structures for wireless facilities, provided that mechanical or accessory equipment servicing any such wireless facility complies with Subsection M of this section;

L. Lightwells as defined in this Chapter, provided that no lightwell is located in a side yard and, if located in a street side yard, the lightwell is screened from the public right of way by a wall, fence or hedge that complies with the requirements of Section 10-3-2420 of this Chapter.

M. Mechanical equipment that does not exceed the maximum height requirements for walls, fences and hedges pursuant to Section 10-3-2420 of this Chapter, is screened from public view, and complies with city noise regulations set forth in title 5, Chapter 1, Article 2 of this Code.

N. Elevators and elevator enclosures provided the following criteria are met:

1. The subject residence is not a newly constructed building. "Newly constructed building" shall mean a building that has been constructed within the past five (5) years or remodeled more than fifty percent (50%) during the past five (5) years as described in Section 10-3-4100 of this Chapter.

2. The length of the encroachment measured parallel to the property line does not exceed seven feet (7'), except that for lots located north of Santa Monica Boulevard a minor

accommodation permit may be issued to allow a greater length. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:

a. The scale and massing of the streetscape,

b. Neighbors' access to light and air,

c. Neighbors' privacy, and

d. The garden quality of the city.

3. The aggregate length of the encroachment of the elevator and elevator enclosure together with a fireplace encroaching into the same setback, pursuant to Subsection E of this section, does not exceed thirteen feet (13'), except pursuant to a minor accommodation permit issued pursuant to Subsection K2 of this section.

4. The encroachment is not closer than three feet (3') from the front of the building.

5. The elevator and elevator enclosure does not have any windows.

6. Noise generated by the elevator complies with city noise regulations set forth in Title 5, Chapter 1, Article 2 of this code.

7. The elevator and enclosure is designed to be compatible with the existing residence in color, material and design.

8. The encroachment into the setback does not exceed the following, provided that a minimum setback of three feet (3') shall be maintained in all cases:

a. Thirty inches (30"), or

b. Sixty inches (60") if a minor accommodation permit pursuant to Article 36 of this Chapter is issued. In order to approve the minor accommodation permit, the

reviewing authority must find that the encroachment will not have an 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.

Notwithstanding any other provision of this section, a passageway or access for emergency services shall extend for the length of the entire site area from the front lot line to the rear lot line. Such passageway or access shall be a minimum of three feet (3') in width and shall be free of any obstruction, except that a wall, fence or hedge otherwise permitted by the provisions of this Chapter may be placed along the rear lot line and a gate may be placed across such passageway or access behind the front yard."

Section 8. City Council hereby amends Section 10-3-2419 of Chapter 3 of Article 24 of Title 10 of the Beverly Hills Municipal Code regarding parking requirements to read as follows:

"10-3-2419: Parking Requirements:

Three (3) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains no more than four (4) bedrooms; four (4) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains five (5) or six (6) bedrooms; five (5) parking spaces shall be provided for each single-

family residential site area in the Central Area of the city that contains seven (7) bedrooms; six (6) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains eight (8) bedrooms; and seven (7) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains nine (9) or more bedrooms."

A. The dimensions of each parking space shall comply with the parking standards adopted by the city council and on file in the department of building and safety. However, if the width of a portion of an existing paved driveway is restricted by the location of an existing residence or existing porte cochere to a width less than that required by the parking standards, but not less than eight and one-half feet (8.5'), then, notwithstanding its inadequate width, such portion of the driveway shall be considered to comply with the parking standards provided that such area complies with all other requirements of the parking standards.

B. No required parking space shall be provided within a front yard or street side yard.

C. Parking areas, or portions thereof, located in any side or rear yard or exposed to view from a street shall be completely screened from the view of the adjacent property by a fence or hedge at least six feet (6') in height and from any street by a fence or a hedge at least three feet (3') in height, except that an entryway not to exceed ten feet (10') in width may be provided from the street. Such screening shall not encroach into the required dimensions of the parking space."

Section 9. City Council hereby amends Section 10-3-2420 of Chapter 3 of Article 24 of Title 10 of the Beverly Hills Municipal Code regarding walls, fences and hedges to read as follows:

"10-3-2420: Walls, Fences and Hedges:

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.

B. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty-four inches (24") in width.

C. Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line, shall be three feet (3'). Walls and fences over eighteen inches (18") in height shall be set back a minimum of three feet (3') from the front lot line and landscaping shall be provided in the area between the wall or fence and the front lot line, except for paving, including driveways and walkways, that conforms to the requirements of Section 10-3-2422 of this Chapter.

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall

be six feet (6'); provided, however, any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

D. Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Furthermore, any portion of such wall, fence or hedge that exceeds three feet (3') in height and is located in a street side yard shall be open to public view or the wall, fence or hedge shall be set back an average of at least one foot (1') and no less than six inches (6") from the street side lot line for the purpose of providing landscaping on the street side of the wall.

E. Rear Yards: The maximum allowable height for a fence, wall or hedge located solely in a rear yard shall be eight feet (8')."

Section 10. City Council hereby amends subsection A of Section 10-3-2422 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding paving to read

as follows, with all other provisions and subsections in Section 10-3-2422 remaining without amendment:

"A. Coverage South Of Santa Monica Boulevard: For those site areas located south of Santa Monica Boulevard, no more than four hundred (400) square feet of area within a front yard shall be paved and paved areas greater than five feet (5') in width accessed by a driveway approach shall lead directly to a carport, garage, or parking area located beyond the front setback area."

Section 11. City Council hereby amends Section 10-3-2423 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding landscaping and landscaping plans to read as follows:

"10-3-2423: Landscaping and Landscaping Plans:

This section is intended to require design and implementation of a landscaping plan prior to occupancy of a new development in order to ensure that landscaping is not ignored in the design and construction process. However, this section is not intended to require a specific type or standard of landscaping.

For the purposes of this section, "landscaping" shall mean the development of the open space on a property with plantings, such as trees, bushes, shrubs, hedges, lawns, other live ground cover, or greenery. Landscaping may include nonliving decorative treatment, such as walls, fences, curbs, groupings of rock, or similar accent material, interspersed with plantings, but shall not include paving.

A. All unpaved portions of a front yard shall be improved and maintained with landscaping.

B. Each proposal for the construction of a single-family residence shall be accompanied by a landscaping plan that is designed with the goal of maintaining the garden quality of the city of Beverly Hills. Prior to final inspection of a new residence, the property owner shall attest, on a form provided by the city, that the subject site area has been planted in accordance with the landscaping plan.

The landscaping plan shall contain at a minimum:

1. For lots with a width at the front lot line less than or equal to sixty feet (60'): a minimum of one (1) deciduous or evergreen tree with a minimum forty-eight inch (48") box size shall be planted in the front yard;
2. For lots with a width at the front lot line exceeding sixty feet (60'): a minimum of two (2) trees that may be either deciduous, evergreen, or a combination thereof, with a minimum forty-eight inch (48") box size shall be planted in the front yard.

Palm trees, cypress trees and ficus trees may not be used to meet the requirements of this section. For purposes of this section, "tree" shall have the meaning as set forth in section 10-8-102 of this chapter.

3. Each required side yard shall include a minimum two-foot (2') wide landscaped area the length of the side yard, except in portions of the side yard occupied by approved accessory structures, approved elevators or elevator enclosures, a permitted swimming

pool, or a driveway in accordance with sections 10-3-2419 and 10-3-2422 of this chapter."

Section 12. City Council hereby amends Section 10-3-2450 of Article 24.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to insert the following Central R-1 Permit standard as Section 10-3-2450 K, with all existing provisions of Section 10-3-2450 remaining in place without amendment:

"K. Maximum height of buildings north of Santa Monica Boulevard in the Central Area of the City: Establish a maximum height limit pursuant to Section 10-3-2403 of this Chapter."

Section 13. This ordinance shall not apply to: 1) any pending application for a single family development project that includes discretionary review, or 2) any pending application for design review, which applications were filed with the Community Development Department on or before the effective date of this ordinance; 3) ministerial projects with a valid building permit issued prior to the effective date of this ordinance.

Section 14. 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 15. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 16. 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 17. 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:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
JEFFREY KOLIN
City Manager

_____
SUSAN HEALY KEENE, AICP
Director of Community Development