



AGENDA REPORT

Meeting Date: November 18, 2014
Item Number: E-1
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP
Director of Community Development
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
ESTABLISH AN HISTORIC INCENTIVE PERMIT
Attachments: 1. Ordinance
2. Planning Commission Resolution No.1730

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH AN HISTORIC INCENTIVE PERMIT" be introduced and read by title only.

INTRODUCTION

This is an applicant-initiated ordinance that would create preservation incentives for property owners of locally landmarked properties by creating a new entitlement called the Historic Incentive Permit that would allow the Planning Commission to modify development standards that would otherwise apply to all types of historic properties, including single-family residential, multi-family residential, and commercial. This report provides background information and analysis on the proposed amendments to the Zoning Code that would establish the requirements and procedures for the Historic Incentive Permit. The Planning Commission considered this ordinance, along with other related development entitlements, at its meeting on October 23, 2014 and adopted a resolution recommending approval.

BACKGROUND

In 2012, the City Council adopted the City's first Historic Preservation Ordinance. Since the adoption of the Ordinance, the Cultural Heritage Commission along with staff have looked for ways to encourage owners of historically significant properties to designate their properties as local landmarks. In order to make it easier for owners to preserve the City's historic resources, the adopted ordinance contains provisions for developing

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various types of incentives. Landmarked properties are subject to the same development standards as non-landmarked properties, and must also comply with the requirements of the Secretary of the Interior's Standards for Rehabilitating Historic Buildings in addition to the local zoning codes and development standards. As a result, property owners sometimes face difficulties when attempting to develop historic properties to meet their needs, while doing so in a manner that preserves or enhances their historic value. Thus, certain incentives can be put in place to offer relief for historic properties while encouraging the preservation of a greater number of historic resources.

As part of the implementation of the City's Historic Preservation Program, Beverly Hills Municipal Code (BHMC) §10-3-3209 states that the City Council may "by resolution establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve city landmarks, historic districts, and contributing properties." On January 21, 2014, the City Council reviewed and consented to an overall historic preservation incentives strategy and phasing plan. A bonus or incentive zoning ordinance was envisioned as a potential incentive, but was identified in Phase Three of the strategy (targeted for Fiscal Year 2015 – 16 and beyond). However, the filing of a private development application has allowed the proposed incentive ordinance to be brought forward earlier than was previously anticipated.

To date, the most notable incentive that has been implemented is the City's participation in the Mills Act program, which provides property tax relief to owners of historic landmarks in exchange for the continued preservation of the property. Now, staff and the Cultural Heritage Commission are seeking ways to provide additional incentives in the form of relief from certain local zoning requirements. These new development incentives are being proposed through a Zone Text Amendment that would create a new entitlement process allowing for waivers from development standards, including but not limited to encroachments into required setback areas, parking requirements, or others.

In processing the request for the Zone Text Amendment, staff sought input from the Planning Commission and members of the public at the Planning Commission's August 7, 2014 meeting. Recognizing the complementary roles of the various City Commissions involved in this issue, staff also met with the Cultural Heritage Commission's Historic Incentive Subcommittee to seek input on the proposed amendment, and presented their comments to the Planning Commission. At its hearing on October 23, 2014, the Planning Commission adopted a resolution recommending that the City Council adopt an ordinance that establishes the Historic Incentive Permit.

In addition to recommending approval of the Zone Text Amendment, the Planning Commission reviewed and approved development entitlements for a project consisting of an addition to the main residence at 1000 North Crescent Drive (Harry Cohn Estate), which is a designated local historic landmark. The Planning Commission determined that the requests were appropriate given the landmark status of the property and the limited scope of the addition, and voted to approve a Hillside R-1 Permit, a Minor Accommodation, and a Historic Incentive Permit. Although the specific entitlements for the 1000 North Crescent Drive project are not before the City Council, the approvals are contingent upon the City Council adopting the proposed ordinance, and would not become effective until the ordinance takes effect.

DISCUSSION

Incentive Examples

A number of cities in the United States have established zoning incentives for the purpose of encouraging the protection and enhancement of historic resources. Common zoning incentives provide flexibility in development standards such as setbacks, density, FAR, parking standards, and others, or provide relief from bringing nonconforming properties into compliance with current codes. A handful of examples are briefly noted and discussed below in order to inform the discussion regarding the types of incentives that would be appropriate for achieving the goals of the City of Beverly Hills:

- Waivers from any number of zoning regulations based on the needs of each project, considered on a case-by-case basis by discretionary review. A prerequisite requires that the property be a designated historic landmark
- Special permits allowing for modifications of a specified list of regulations, including, but not limited to: height, stories, parking, floor area, setbacks, accessory dwelling units, fence heights, slope regulations, as well as use variations to encourage adaptive reuse

Historic Incentive Permit

Based on the unique context and needs of the City of Beverly Hills, input from the Planning Commission, Cultural Heritage Commission, and members of the public, as well as a review of best practices and alternatives, staff has developed a new permit process that would create the incentive discussed in this report.

The creation of a new Historic Incentive Permit would provide a process for applicants to request deviations or waivers from development standards set forth in the zoning code. Rather than taking a prescriptive approach and defining precisely which development regulations are eligible for waiver, staff and the Planning Commission found that it would be more appropriate to allow applicants to request any waivers or deviations from development standards that would specifically apply to their project. While staff recognizes that certain waivers may not be appropriate in all instances, it was determined that at this time it would be difficult to anticipate what may be requested, and thus no restrictions have been placed on the types of waivers that may be requested. The proposed amendment does, however, differentiate between development standards and land use regulations, and does not allow requests for alteration or waiver from land use regulations (e.g. allowing a commercial use on a residentially-zoned property).

During the development of this ordinance, consideration was given to whether or not property owners could utilize the Historic Incentive Permit to establish medical uses in existing commercial properties once they are landmarked. Currently, commercial properties can establish medical uses through the Medical Use Overlay Zone entitlement process. The Medical Use Overlay Zone includes provisions for development standards that are required in addition to those required pursuant to the underlying zone. While the Historic Incentive Permit cannot be used to waive the requirement for commercial properties to obtain a Medical Use Overlay Zone, the Planning Commission would be able to modify any of the development standards that are required as part of the Medical Use Overlay Zone (e.g. parking), thereby providing flexibility for owners of landmarked commercial properties that want to establish medical uses.

Review and Approval Procedure

As drafted, the ordinance establishing the Historic Incentive Permit would have a review and approval procedure similar to that of existing entitlement procedures. Preliminary review would be conducted by staff to determine landmark status of a subject property, and whether the Historic Incentive Permit would be an appropriate vehicle toward achieving the desired project outcome. The reviewing authority for all Historic Incentive Permit applications would be the Planning Commission. Remaining consistent with existing entitlement procedures, public notice would be required as follows:

- In the Central Area, all owners and occupants of properties within a 500' radius of the subject property, plus the blockface of any property located within the 500' radius.
- In the Hillside and Trousdale Areas, all owners and occupants of properties within a 500' radius of the subject property.
- Notice posted on the subject property for at least 10 days.

Findings Required

Typical development entitlements, such as Minor Accommodations and R-1 Permits, require the reviewing authority to make certain findings in order to approve the project. These findings relate to impacts on the scale and massing of the streetscape, neighbors' access to light and air, neighbors' privacy, and the garden quality of the city. In order to achieve its intended purpose, the Historic Incentive Permit will require additional findings that ensure the continued preservation of historic landmarks in the City. Below is a list of findings that are included in the proposed text amendment for assessment of requests for Historic Incentive Permits:

The reviewing authority shall not issue a Historic Incentive Permit unless the reviewing authority makes the following findings:

- A. The proposed project either:
 - 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; and
- B. The proposed development will not have a substantial adverse impact on:
 - 1. The scale, massing, or character of the streetscape,
 - 2. The scale and massing of the property as viewed by neighboring properties,

3. Neighbors' access to light and air,
4. Neighbors' privacy,
5. The garden quality of the city, and
6. The public health, safety, or welfare

Eligibility

While the Zone Text Amendment was initiated in conjunction with development on a historically significant, single-family residential property, consideration was also given to whether there is a desire to incentivize preservation of other types of historically significant properties, including multi-family and commercial. The Planning Commission expressed no desire to limit eligibility to any particular land use or property type, and thus all landmarked properties would be eligible to apply for a Historic Incentive Permit, including single-family residential, multi-family residential, and commercial.

Potential Pros and Cons

In addition to the analysis provided above, a summary of the potential pros and cons that could result from the passage of the ordinance are outlined below for consideration by the City Council.

Pros	Cons
<ul style="list-style-type: none">• Meets the intent of the Historic Preservation ordinance by creating incentives for property owners to willingly seek landmark status of significant resources.• Allows flexibility for property owners to request waivers or deviations that meet the specific needs of their projects without being limited by a prescriptive list of available incentives.• Gives discretion to the Planning Commission to make a determination on a case-by-case basis.	<ul style="list-style-type: none">• Lack of defined incentives may create uncertainty for property owners in what can be approved.• Requiring Planning Commission review of every application may result in a high volume of new Planning Commission cases, putting a strain on existing resources and increasing wait times for other Planning Commission cases.• The subjective nature of the requests that may come up may result in unintended consequences that have not yet been foreseen.

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FISCAL IMPACT

The recommendation in this report does not have significant budget or fiscal impacts for the City.

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinances entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH AN HISTORIC INCENTIVE PERMIT" be introduced and read by title only.

Susan Healy Keene, AICP

Approved By

A handwritten signature in black ink that reads "Susan Healy Keene". The signature is written in a cursive, flowing style.

ATTACHMENT 1

ORDINANCE

ORDINANCE NO. 14-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
ESTABLISH AN HISTORIC INCENTIVE PERMIT

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

Section 1. On October 23, 2014, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1730, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to establish the Historic Incentive Permit (collectively, the “Amendments”). On November 18, 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. Further, adopting this incentive for historic preservation in the City is an action to protect and preserve historic resources, and thus is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 and 15331.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “HP 1.4 – Develop Incentives to Protect Significant Historic Resources” calls for the development and funding of financial and regulatory incentives to encourage the protection of historic buildings, districts, and public landmarks/monuments from demolition or significant alteration, which may include flexible development standards and other incentive-based mechanisms to make preservation feasible for owners and developers.

Section 4. The City Council hereby adds a new Article 32.5 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 32.5. HISTORIC INCENTIVE PERMIT

10-3-3250. Purpose. This Article is intended to incentivize the protection of significant historic resources by providing a process by which owners of locally designated historic landmarks may request waivers or deviations from certain development standards set forth in the Beverly Hills Municipal Code.

10-3-3251. Applicability. The Historic Incentive Permit shall be available only to:

A. Those properties that are designated as a local historic landmark in the City of Beverly Hills pursuant to the provisions set forth in Article 32 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, or

B. Any property that the Cultural Heritage Commission has nominated for designation as a landmark pursuant to Article 32 of this chapter, but which has not yet been designated as a landmark; provided, however, that any historic incentive permit

issued by the Planning Commission pursuant to this subsection shall be expressly conditioned on the property's designation by the City Council and inclusion on the City of Beverly Hills' local register of historic places.

10-3-3252. Historic Incentive Permit. In addition to any other provision of this code or ordinance of the City of Beverly Hills, waivers or deviations from any development standards set forth in the municipal code may be permitted through the issuance of a Historic Incentive Permit approved pursuant to the provisions of this article.

10-3-3253. Historic Incentive Permit Authority. Upon application by a property owner, in a form satisfactory to the director of community development, the reviewing authority may, if it makes the necessary findings, issue a Historic Incentive Permit to waive or deviate from any development standard set forth in Chapter 3 of Title 10 of the Beverly Hills Municipal Code. No Certificate of Appropriateness shall be required for any project for which a Historic Incentive Permit is granted pursuant to the provisions of this article. Nothing in this section, however, shall be construed to permit any waiver or deviation from land use requirements or restrictions set forth in this Chapter.

10-3-3254. Reviewing Authority. The Planning Commission shall be the reviewing authority for all Historic Incentive Permit applications.

10-3-3255. Public Hearing and Notice. The reviewing authority shall hold a public hearing concerning each application for a Historic Incentive 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.

10-3-3256. Findings required to issue a Historic Incentive Permit. The reviewing authority shall not issue a Historic Incentive Permit unless the reviewing authority makes the following findings:

A. The proposed project either:

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; and

B. The proposed development will not have a substantial adverse impact on:

1. The scale, massing, or character of the streetscape,
2. The scale and massing of the property as viewed by neighboring properties,
3. Neighbors' access to light and air,
4. Neighbors' privacy,
5. The garden quality of the city, and
6. The public health, safety, or welfare

10-3-3257. Restrictions and Conditions. In granting a Historic Incentive Permit, the reviewing authority may impose such restrictions or conditions as it deems necessary or proper to satisfy the required findings.

10-3-3258. Appeals from Decisions. The applicant or any person aggrieved by any decision of the Planning Commission regarding a Historic Incentive Permit, may appeal that decision to the City Council. The City Council shall have the authority to call such decisions for review pursuant to the provisions of Article 2 of Chapter 4 of Title 1 of this code.

10-3-3259. Time for Exercise of Rights. Unless otherwise provided in the resolution granting a Historic Incentive Permit, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter.”

Section 5. The City Council hereby amends the table in subsection A of Section 10-3-253 of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to add the new “Historic Incentive Permit” application type into the “Director Level:...” cell in the “Planning Review” section of the table, as follows:

“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				
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.	Director	None	None	None
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.	Commission	Only projects in Multi-Family Residential Zones	None	None
Cultural Heritage				
Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director’s Determination of Ineligibility.	Director	None	None	None
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)	Commission	None	None	Owner/Applicant
Design Review				
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”.	Director	None	None	Owner/Applicant
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”.	Commission	Yes	None	Central Area: 100 ft. radius + block-face

Planning Review				
<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> • <u>Historic Incentive Permit</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> *Special noticing requirements apply, See 10-3-253(B)</p>	Director Level	Yes	No	Hillside & Trousdale: 300 ft. radius Central Area: 100 ft. radius + block-face
	Commission/Council Level	Yes	Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code) Conditional Maps (Tentative, and Parcel) Specific Plan Use Permit Variance	Hillside & Trousdale: 500 ft. radius Central Area: 300 ft. radius + block-face

Section 6. 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 7. 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 8. 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:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager


SUSAN HEALY/KEENE
Director of Community Development

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION No. 1730

RESOLUTION NO. 1730

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-32.5 ESTABLISHING THE HISTORIC INCENTIVE PERMIT.

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

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 23, 2014, at which times it received oral and documentary evidence relative to the proposed Amendment; and

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public health, safety, and general welfare, and that such Amendment is 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 Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"). The Planning Commission 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 Planning Commission 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. Further, adopting this incentive for historic preservation in the City is an action to protect and preserve historic resources, and thus is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 and 15331.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to incentivize the protection of significant historic resources by providing a process by which owners of locally designated historic landmarks may request waivers or deviations from certain development standards set forth in the Beverly Hills Municipal Code. This would be achieved by creating a new entitlement called a Historic Incentive Permit, which would be available only to those properties that are designated as a local historic landmark in the City of Beverly Hills pursuant to the provisions set forth in the Historic Preservation Ordinance, or those properties for which the Cultural Heritage Commission has issued a recommendation that City Council list the property on the City of Beverly Hills Local Register of Historic Places. Any application for a Historic Incentive Permit would be reviewed by the Planning Commission on a case-by-case basis to ensure that the proposed project would comply 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 if the proposed project 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 contributing property. The Planning Commission would also review any application for a Historic Incentive Permit on a case-by-case basis to ensure that the proposed project would not have a substantial adverse impact on the scale, massing, or character of the streetscape; the scale and massing of the property as viewed by neighboring properties; neighbors’ access to light and air; neighbors’ privacy; the garden quality of the city; and the public health, safety, or welfare. For these reasons, the Amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. 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: October 23, 2014

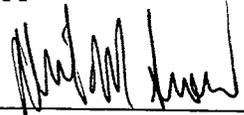
Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



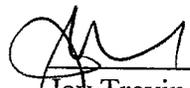
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jay Trevino
Acting City Planner

EXHIBIT A

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
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THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
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is an action to protect and preserve historic resources, and thus is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 and 15331.

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B. Any property that the Cultural Heritage Commission has nominated for designation as a landmark pursuant to Article 32 of this chapter, but which has not yet been designated as a landmark; provided, however, that any historic incentive permit issued by the Planning Commission pursuant to this subsection shall be expressly conditioned on the property's designation by the City Council and inclusion on the City of Beverly Hills' local register of historic places.

10-3-3252. Historic Incentive Permit. In addition to any other provision of this code or ordinance of the City of Beverly Hills, waivers or deviations from any development standards set forth in the municipal code may be permitted through the issuance of a Historic Incentive Permit approved pursuant to the provisions of this article.

10-3-3253. Historic Incentive Permit Authority. Upon application by a property owner, in a form satisfactory to the director of community development, the reviewing authority may, if it makes the necessary findings, issue a Historic Incentive Permit to waive or deviate from any development standard set forth in Chapter 3 of Title 10 of the Beverly Hills Municipal Code. No Certificate of Appropriateness shall be required for any project for which a Historic Incentive Permit is granted pursuant to the provisions of this article. Nothing in this section, however, shall be construed to permit any waiver or deviation from land use requirements or restrictions set forth in this Chapter.

10-3-3254. Reviewing Authority. The Planning Commission shall be the reviewing authority for all Historic Incentive Permit applications.

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B. The proposed development will not have a substantial adverse impact on:

1. The scale, massing, or character of the streetscape,
2. The scale and massing of the property as viewed by neighboring properties,
3. Neighbors' access to light and air,
4. Neighbors' privacy,
5. The garden quality of the city, and
6. The public health, safety, or welfare

10-3-3257. Restrictions and Conditions. In granting a Historic Incentive Permit, the reviewing authority may impose such restrictions or conditions as it deems necessary or proper to satisfy the required findings.

10-3-3258. Appeals from Decisions. The applicant or any person aggrieved by any decision of the Planning Commission regarding a Historic Incentive Permit, may appeal that decision to the City Council. The City Council shall have the authority to call such decisions for review pursuant to the provisions of Article 2 of Chapter 4 of Title 1 of this code.

10-3-3259. Time for Exercise of Rights. Unless otherwise provided in the resolution granting a Historic Incentive Permit, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter.”

Section 5. The City Council hereby amends the table in subsection A of Section 10-3-253 of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to add the new “Historic Incentive Permit” application type into the “Director Level:...” cell in the “Planning Review” section of the table, as follows:

“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			
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.	Director	None	None

Public Notice Requirements for Development Applications	On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
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.	Commission	Only projects in Multi-Family Residential Zones	None
Cultural Heritage			
Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director's Determination of Ineligibility.	Director	None	None
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)	Commission	None	Owner/Applicant
Design Review			
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".	Director	None	Owner/Applicant
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".	Commission	Yes	Central Area: 100 ft. radius + block-face
Planning Review			
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: <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> • <u>Historic Incentive Permit</u> • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment 	Director Level	Yes	No Hillside & Trousdale: 300 ft. radius Central Area: 100 ft. radius + block-face

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
<ul style="list-style-type: none"> • <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> *Special noticing requirements apply, See 10-3-253(B)</p>	Commission/Council Level	Yes	Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code) Conditional Maps (Tentative, and Parcel) Specific Plan Use Permit Variance	Hillside & Trousdale: 500 ft. radius Central Area: 300 ft. radius + block-face

”

Section 6. 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 7. 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 8. 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 (SEAL)
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

JEFFREY C. KOLIN
City Manager

SUSAN HEALY KEENE
Director of Community Development