



AGENDA REPORT

Meeting Date: April 7, 2015

Item Number: G-3

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP
Director of Community Development

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS 10-3-2806 AND 10-3-2850 REGARDING THE PERCENTAGE OF THE FRONT FAÇADE OF THE FIRST TWO STORIES OF LARGE-SCALE MULTI-FAMILY RESIDENTIAL PROJECTS THAT IS REQUIRED TO BE BUILT TO THE FRONT SETBACK LINE.

Attachments:

1. Ordinance
2. Planning Commission Resolution No.1739
3. Planning Commission Staff Report
4. 425-429 N. Palm Drive Project Plans (select sheets)

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 BEVERLY HILLS MUNICIPAL CODE SECTIONS 10-3-2806 AND 10-3-2850 REGARDING THE PERCENTAGE OF THE FRONT FAÇADE OF THE FIRST TWO STORIES OF LARGE-SCALE MULTI-FAMILY RESIDENTIAL PROJECTS THAT IS REQUIRED TO BE BUILT TO THE FRONT SETBACK LINE" be introduced and read by title only.

INTRODUCTION

This is an applicant-initiated ordinance amendment that would allow for flexibility in the front façade modulation requirements set forth in the municipal code for large-scale multi-family (R-4) residential buildings. The code currently requires that a minimum of 60% of the front façade of the first two stories of large-scale multi-family residential buildings be built to the front setback line. The proposed ordinance would allow an applicant to request an R-4 permit to deviate from that requirement. The reviewing authority could approve the deviation if it finds that the proposed development would not

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have an adverse impact on the scale and massing of the streetscape. The Planning Commission considered this ordinance, along with other related development entitlements, at its meeting on January 8, 2015 and unanimously adopted a resolution recommending approval. The Commission also conditionally approved the related entitlements, contingent upon the ordinance amendment taking effect.

BACKGROUND

The scale and massing of buildings in the multi-family residential zones has, over time, been of concern to the community at large. In order to encourage development of smaller scale structures that maintain the character and individuality of the city's existing neighborhoods, the City Council previously established standards that require modulation for all multi-family buildings, and additional modulation for certain large-scale developments with over 100 feet of street frontage. This was done to ensure that such developments maintain a scale that fosters a sense of place and identity without compromising the variety and diversity of housing options available to the city's residents.

At its hearing on January 8, 2015, the Planning Commission adopted a resolution recommending that the City Council adopt an ordinance establishing an R-4 permit to be issued to allow flexibility in meeting the minimum 60% threshold for front façade modulation of large-scale multi-family residential buildings. In addition to recommending approval of the Zone Text Amendment, the Planning Commission reviewed and approved development entitlements for a project consisting of a new 5-story, 20-unit multi-family residential building with a height of 55' located at 425-429 North Palm Drive. The Planning Commission determined that the proposed development did not result in significantly adverse traffic, privacy, noise, or light impacts, was consistent with the General Plan, was compatible with the nearby streetscape and scale of the surrounding neighborhood, and voted to approve a Development Plan Review and R-4 Permit. Although the specific entitlements for the 425-429 North Palm 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

Current Development Standards

The City's zoning code sets forth development standards for multi-family residential buildings. These standards are intended to influence and guide the design of such buildings to comply with the General Plan and the community's desire for the overall design of the city's residential areas. These development standards govern building characteristics such as height, density, unit size, etc. One of these development standards regulates the amount of building façade that must be built to the front setback line for larger multi-family buildings that have more than 100' of street frontage. This standard assists in ensuring that a consistent amount of modulation is provided along residential streets. Maintaining a consistent amount of modulation generally contributes to a pedestrian-oriented environment, establishes continuity throughout the distinctive residential neighborhoods of the city, and helps to mitigate the appearance of mass from larger-scale buildings as experienced from the street.

Currently, the zoning code requires that a minimum of 60% and a maximum of 70% of the front façade of the first two stories of large-scale multi-family residential buildings be built to the front setback line. The multi-family development project associated with this

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zone text amendment request features a design with undulating, curvilinear exterior walls such that 60% of the front façade is not able to be built to the front setback line while maintaining the architectural style of the building. In this case, a distinctive and innovative building design could not be approved under the current development standards, even with discretionary review. The diagrams below provide a comparison between the current code requirements and the proposed text amendment:

Current Code
(no deviation allowed)

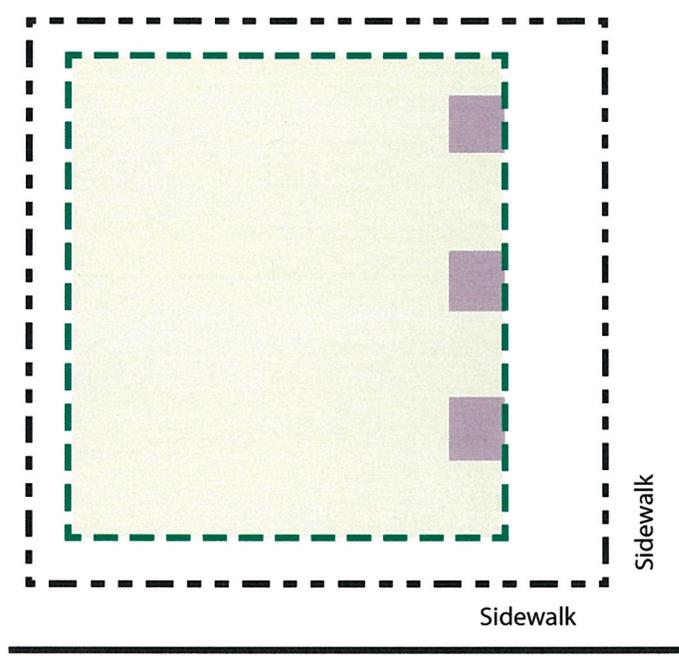
Property Lines: - - - - -

Setback Lines: - - - - -

 Building Footprint*

 Required Modulation

*In addition to formula-based area of total modulation required, a minimum of 60% of the front façade of the first two stories must be built to the front setback line.



Beverly Boulevard

North Palm Drive

Proposed Code
(with R-4 permit)

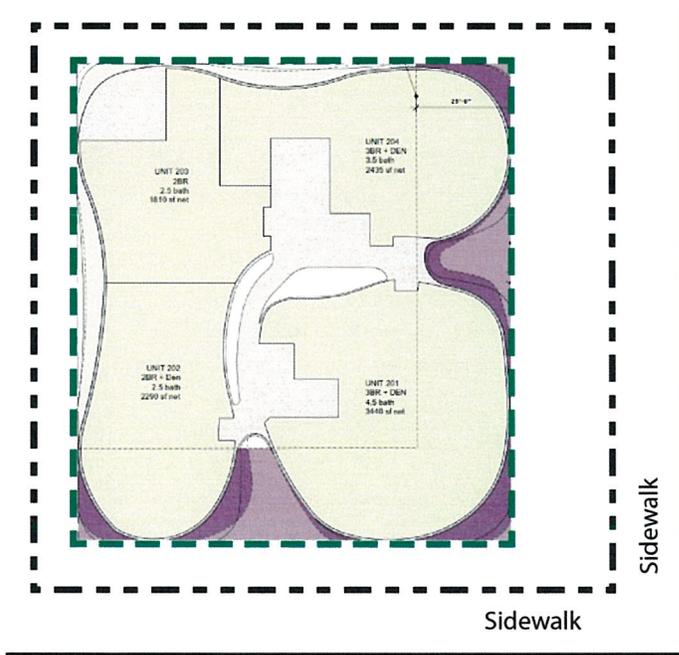
Property Lines: - - - - -

Setback Lines: - - - - -

 Building Footprint*

 Modulation Provided

*Formula-based modulation area still required. No minimum amount of front façade of the first two stories required to be built to the front setback line with R-4 Permit.



Beverly Boulevard

North Palm Drive

Merits of Proposed Amendment

The proposed text amendment would allow an applicant to request an R-4 permit, which is a discretionary process, to deviate from the requirement that a minimum of 60% of the front façade of the first two stories of large-scale multi-family residential buildings be built to the front setback line. This would allow a building to provide more modulation at the first two stories. The intent of the particular development standard in question is to maintain a scale and mass that is appropriate for the streetscape and ensure compatibility with the surrounding neighborhood. Providing an R-4 permit review process to deviate from the strict percentage of minimum modulation will provide flexibility in the development standard while ensuring compatibility through a discretionary review process. A reviewing authority would determine if the proposed design would preserve the scale and massing of the streetscape and maintain compatibility with the surrounding neighborhood. This would achieve the intent of the development standard while encouraging more innovative and distinctive architectural design for large-scale multi-family buildings.

Review and Approval Procedure

As drafted, the proposed R-4 permit to provide flexibility from the modulation requirements would be subject to the city's current R-4 permit process. The reviewing authority would be the Director of Community Development, unless in the opinion of the Director, an application merits review by the Planning Commission. In such cases, the Planning Commission would become the reviewing authority and would conduct a public hearing regarding the request for the R-4 permit. In cases where an application for the R-4 permit accompanies an application for another type of discretionary approval from the Planning Commission or City Council for the same site area, then the reviewing authority for the other discretionary approval will also be the reviewing authority for the R-4 permit application. In practice, an R-4 permit related to building modulation would likely be associated with a substantially altered building or new construction, in which case it would typically be forwarded to the Planning Commission for review along with other required discretionary approvals. Furthermore, any changes to the exterior of existing multi-family residential buildings, or any new construction of multi-family buildings, would be subject to Architectural Review.

Findings Required

As proposed, the reviewing authority may approve the requested R-4 Permit if they find that the proposed development would not have an adverse impact on the scale and massing of the streetscape. This finding is intended to allow flexibility for innovative design while protecting the overall intent of the development standard, which is to preserve the scale and massing of the streetscape and maintain compatibility with surrounding buildings.

Environmental Determination

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. Staff recommends that the City Council find that the Amendments will not have a significant environmental impact and are exempt from CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations. The Class 5 exemption is applicable because the Amendments result in minor changes in land use limitations pertaining to building modulation and setbacks, and applies to properties with an average slope not exceeding 20%. In addition, the Planning

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Commission adopted a Class 32 Categorical Exemption for the multi-family residential project associated with the Amendments. Thus, the amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15032.

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">• Provides flexibility in the design of multi-family residential developments.• Encourages innovative designs while maintaining discretion to ensure that designs are consistent with the streetscape and do not result in adverse impacts.	<ul style="list-style-type: none">• Additional R-4 provision may result in an increase in applications for project designs that may not be compatible with existing buildings.• Possibility of disrupting the uniformity of the streetscape.

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 ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS 10-3-2806 AND 10-3-2850 REGARDING THE PERCENTAGE OF THE FRONT FAÇADE OF THE FIRST TWO STORIES OF LARGE-SCALE MULTI-FAMILY RESIDENTIAL PROJECTS THAT IS REQUIRED TO BE BUILT TO THE FRONT SETBACK LINE" be introduced and read by title only.

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Approved By

