



## AGENDA REPORT

**Meeting Date:** April 21, 2015

**Item Number:** D-5

**To:** Honorable Mayor & City Council

**From:** Laurence S. Wiener, City Attorney

**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

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### RECOMMENDATION

Staff recommends that the City Council move to waive the full reading and adopt 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."

### INTRODUCTION

This ordinance amends the Municipal Code to give the Planning Commission authority to consider allowing less than 60% of the front façade of the first two stories of a large scale multi-family (R-4) residential development to be built to the front setback line if the Planning Commission finds through the granting of the R-4 permit that the proposed development would not have an adverse impact on the scale and massing of the streetscape.

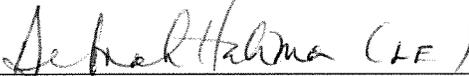
April 21, 2015

**DISCUSSION**

At its meeting of April 7, 2015, the City Council conducted a first reading and introduced this ordinance, as amended. The Council modified the Ordinance at the April 7 meeting to change all instances of the words "reviewing authority" to "Planning Commission" that are contained in Section 10-3-2806(E)(3)(b) of Article 28 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code.

**FISCAL IMPACT**

The ordinance does not have significant budget or fiscal impacts for the City.

  
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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 15-O-\_\_\_\_\_

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.

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

**Section 1.** On January 8, 2015, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1739, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to authorize the Planning Commission to issue an R-4 Permit that would allow deviations from the requirement that a minimum of 60% of the front façade of the first two stories of a large-scale multiple residential project be built to the front setback line (collectively, the “Amendments”). On April 7, 2015, 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 15305 of Title 14 of the California Code of Regulations. The City Council finds that a Class 5 exemption is applicable to the Amendments 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 twenty percent. In

addition, the Planning Commission adopted a Class 32 Categorical Exemption for the multi-family residential project associated with, and including, the Amendments. Thus, the City Council finds that the Amendments are exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15032.

**Section 3.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. Specifically, General Plan Policy “LU 7.1 – Character and Design” calls for requiring that multi-family dwellings and properties be designed to reflect the high level of architectural and landscape quality that distinguishes existing neighborhoods.

**Section 4.** The City Council hereby amends Subparagraph b. of Paragraph 3 of Subsection E of Section 10-3-2806 of Article 28 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in Section 10-3-2806 remaining in effect without amendment:

- “b. Setback Requirement: A minimum of sixty percent (60%) and a maximum of seventy percent (70%) of the front facade of the first two (2) stories of a large scale multiple residential project shall be built to the front setback line.

The Planning Commission may issue an R-4 permit to allow less than 60% of the front façade of the first two (2) stories of a large-scale multiple residential development to be built to the front setback line if the Planning Commission finds that the proposed development would not have an adverse impact on the scale and massing of the streetscape.”

**Section 5.** The City Council hereby amends Section 10-3-2850 of Article 28.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to add a new Subsection I. as follows with all other provisions in 10-3-2850 remaining in effect without amendment:

“I. Subsection 10-3-2806 E.3.b. regarding the percentage of front façade of the first two (2) stories of a large scale multiple residential development that is required to be built to the front setback line.”

**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:

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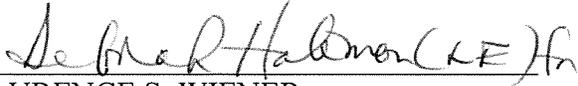
JULIAN A. GOLD, M.D.  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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(SEAL)

BYRON POPE  
City Clerk

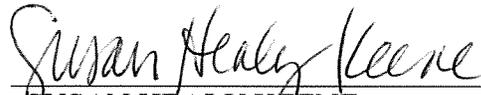
APPROVED AS TO FORM:



LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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MAHDI ALUZRI  
Interim City Manager



SUSAN HEALY KEENE  
Director of Community Development