STAFF REPORT

CITY OF BEVERLY HILLS

For the Planning Commission
Meeting of February 26, 2009

TO: Planning Commission

FROM: Ivy Nguyen, Assistant Planner

THROUGH: Jonathan Lait, AICP, Assistant Director of Community Development

SUBJECT: Public Hearing and Recommendation to the City Council to Approve Proposed Amendments to the Beverly Hills Municipal Code to Transfer Discretionary Review Authority on Certain Minor Accommodations for Front Yard Paving and Central R-1 Permits for Garage Entrance Requirements, Architectural Projections, Window Heights, and Roof Eave Encroachments (Articles 36 and 24.5 Respectively of Chapter 3 of Title 10) in the Single-Family Residential Zones in the Central Area of the City from the Planning Commission to the Design Review Commission.

RECOMMENDATION

It is recommended that the Planning Commission approve the attached resolution recommending that the City Council approve the amendments to the Beverly Hills Municipal Code regarding a transfer of reviewing authority to the Design Review Commission for specific discretionary review applications.

EXECUTIVE SUMMARY

The Design Review Permit process was established in the Central Area of the City in 2004 in an attempt to preserve prevailing styles and neighborhood character, while respecting issues of mass and bulk for the project. Over the years, it has become apparent that certain discretionary applications and permits reviewed by the Planning Commission that pertain to design aspects of single-family projects might more effectively be reviewed through integration into the Design Review Commission's review of single-family development projects, in contrast to current sequential process between two commissions.

The Design Review Commission would be the reviewing authority for only those specifically cited in the proposed Code amendments and permitted through the Minor Accommodation and Central R-1 Permits.

BACKGROUND

Among a variety of issues and priorities discussed at a retreat early in 2007, the Design Review Commission articulated the advantages of assuming some of the Planning Commission's discretionary processes associated with single-family residential development. During May 2007, liaisons of the Planning Commission and the Design Review Commission met to discuss their respective roles with respect to single-family residential development and ways to make the application process more efficient. After another Planning Commission/Design Review Commission liaison meeting at the beginning of 2008, the Planning Commission considered several minor accommodation and R-1 permit processes and directed staff to proceed with the development of an ordinance that would transfer discretionary authority on five specific types of R-1 applications. At its January 22, 2009 study session, City Council directed staff to proceed with amendments to the Zoning Code that would 1) transfer discretionary authority on the five R-1 processes from the Planning Commission to the Design Review Commission, and 2) expand R-1 design review from the current Central Area coverage to all single-family residential zones throughout the community. The expansion of R-1 design review will be addressed in another ordinance to be introduced later this spring.

PROPOSED AMENDMENTS TO MUNICIPAL CODE

Discretionary authority is proposed to be transferred to the Design Review Commission from the Planning Commission on the following applications:

- **Minor Accommodation** for the amount of front yard paving permitted in a single-family residential zone [Section 10-3-2422(I)]
- **Central R-1 Permit** to establish vehicular entrance width and orientation for garages in the Central Area of the City [Section 10-3-2450(A)]
- **Central R-1 Permit** to establish the cumulative coverage of the maximum potential façade permitted for architectural projections which encroach into the front yard in the Central Area of the City [Section 10-3-2450(D)]
- **Central R-1 Permit** to establish standards for placement of windows above a second story that face a street south of Santa Monica Boulevard [Section 10-3-2450(E)]
- **Central R-1 Permit** to establish the maximum encroachment into a front yard for eaves and plant-on accents when the primary dwelling encroaches into the front yard by the maximum amount in the Central Area of the City [Section 10-3-2450(G)]

It should be noted that the regulations, processes, and findings regarding the approval for the discretionary permits will not be affected; only the reviewing authority body for approval for such permits will be transferred.

DISCUSSION

Both the minor accommodation process and the Central R-1 permit process were implemented prior to the existence of the Design Review Commission. As such, several Central R-1 permits and a minor accommodation related to single-family project design are under the reviewing authority of the Planning Commission. By identifying and specifying certain applications that could be better-served by transferring the reviewing authority to the Design Review Commission, the development process will be streamlined for applicants, the Commission, and staff. A more cohesive review procedure can encourage superior design for single-family homes and a more expeditious review process. Requests for multiple entitlement permits such as R-1 Design Review permits and minor accommodations and/or Central R-1 permits may be reviewed simultaneously by the Design Review Commission, instead of sequentially by two separate reviewing authorities for such applications.

In the event that an application for the aforementioned applications (minor accommodation or Central R-1 permit) accompanies a request for approval from the Planning Commission, the Planning Commission shall be the reviewing authority for the minor accommodation permit. Likewise, should the application at the project site require discretionary approval from the City Council, the minor accommodation application will be reviewed by the City Council.

The Central R-1 permit requirements (BHMC Section 10-3-2450) currently include the following provision:

> "The reviewing authority shall not review or condition projects on the basis of architectural style."

Central R-1 permit process was established before design review was instituted for single-family residential development. In light of current policies, it is proposed to remove this provision from Section 10-3-2450.

Minor Accommodation – Front Yard Paving

Minor Accommodations are minor variations from the Municipal Code that are typically reviewed by staff, or referred to the Planning Commission as appropriate and necessary. For example, it is typical in cases where there is considerable public response to a case to take it to the Planning Commission where the public hearing process provides a forum to resolve the issues of concern. It is proposed that the Design Review Commission be designated as the referred reviewing authority on front yard paving. Per Section 10-3-2422 in the Central Area of the City, paving within the front yard shall be less than 400 square feet for those sites south of Santa Monica Boulevard, and for sites north of Santa Monica Boulevard, paving is restricted to either 1) less than 33% of the

front yard, or 2) for circular driveways, an alternative prescriptive constraint[a]. Prior to the current standards, a greater amount of paving was allowed in the front yard (as much as 65 percent of the front yard in 1962). In cases where an owner desires to replace or modify existing nonconforming paving, a Minor Accommodation can be granted to allow for replacement of legally nonconforming pavement with an amount of paving less than or equal to the existing pavement if the reviewing authority finds that the paving will be compatible with the character of the adjacent streetscape.

Central R-1 Permits

To provide some flexibility in the single-family residential development standards, owners can apply for a Central R-1 Permit for eight different types circumstances specified in BHMC Section 10-3-2450. Central R-1 Permits may be granted by the Planning Commission through a public hearing process if the Commission finds that the proposal will not have a substantial adverse impact on:

- The scale and massing of the streetscape;
- Neighbor's access to light and air;
- Neighbors' privacy;
- The garden quality of the City.

Of the eight types of Central R-1 Permits that may be granted, it is proposed that the Design Review Commission serve as the reviewing authority instead of the Planning Commission on following four types of permits.

Garage Entrance Restrictions

Pursuant to BHMC Section 10-3-2416, depending on the project location within the Central Area, garage entrance widths, orientation of the garage entrance, and the location of the garage are restricted.

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[a] The front yard may be paved in the minimum amount necessary to construct a circular driveway not exceeding 12 feet in width. In addition, paving is permitted for one four-foot wide walkway to connect the driveway to the residence, and a nine-foot driveway to connect the circular driveway to parking required behind the front yard setback.

Section 10-3-2416: Garage Entrance Restrictions		
Location	**Applies to the Following Situations**	**Restrictions**
A. North of Santa Monica Boulevard	• Underground garages • Garages entrances greater than 24' • Garage entrances greater than 40% of the lot width	• Garage entrance is to be perpendicular to front lot line, or • Garage is to be located entirely within 50' of rear lot line, or • Garage is to be located entirely beyond 100' of front lot line.
B. South of Santa Monica Boulevard*	Garage is less than 38' from front lot line	Garage entrance is to be perpendicular to front lot line.
C. South of Olympic Boulevard and west of Roxbury Drive	All cases	• Garage entrance is to be no greater than 24', and • Garage entrance is to be no greater than 40% of the lot width
Notes: * Except as provided for Location C.		

A Central R-1 permit could be granted to modify the specifications of the vehicular entrance width or orientation requirements as reviewed by the Development Review Commission, provided that the Commission make the findings described on page 4.

Architectural Projections

Pursuant to BHMC Section 10-3-2408(F)(2), architectural projections that project more than 6" into the front yard but no more than 10% of the setback depth, shall comply with one of the three conditions. One of three conditions[b] states that the encroachment into the front yard shall not cover more than 20% of the maximum potential façade of the building. This condition could be modified by a Central R-1 permit granted by the Design Review Commission if the Commission make the findings described on page 4.

Window Heights, South of Santa Monica Boulevard

Pursuant to BHMC Section 10-3-2415, no building located in the Central Area of the City, south of Santa Monica Boulevard, could contain windows facing the street which are above a second story unless permitted by the Design Review Commission through a Central R-1 permit.

Maximum Encroachment into a Front Yard (Roof Eaves)

Pursuant to BHMC Section 10-3-2408(C), roof eaves cannot exceed a maximum vertical distance of 12" and projecting no more than 18" into the front yard. Additionally, BHMC Section 10-3-2408(E) restricts architectural projections (such as half timbers, corbels, and window and door accents) to project no more than 6" into such yard. Modifications to the restrictions of the roof eaves and architectural projections would be permitted by approval of a Central R-1 Permit by the Design Review Commission.

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[b] The other two requirements are: 1) no walls, fences, or hedges located in the front yard exceed three feet in height, and 2) all paving in the front yard conforms to the current front yard paving standards.

ANALYSIS

Section 10-3-3908 of the Beverly Hills Municipal Code (regarding the decision of the Planning Commission on zoning amendments) states: "If, from the facts presented at the public hearing, or by investigation by or at the instance of the planning commission, the planning commission finds that the public interest, health, safety, morals, peace, comfort, convenience, or general welfare requires the reclassification of any portion of the property, the planning commission shall so recommend to the council."

Presently, several specific Central R-1 permits and a minor accommodation related to single-family project design are under the reviewing authority of the Planning Commission. By identifying and specifying certain applications that could be better-served by transferring the reviewing authority to the Design Review Commission, the development process will be streamlined for applicants, the Commission, and, the community. A more integrated and coherent review procedure can facilitate superior design for single-family homes and a more expeditious review process. Requests for multiple entitlement permits such as R-1 Design Review permits and Minor Accommodations and/or Central R-1 permits may be reviewed simultaneously by the Design Review Commission, instead of sequentially by two separate reviewing authorities for such applications. As such, the proposed transfer of authority would provide for the public interest, convenience, and general welfare of the community.

The intent of City discretion in minor accommodations and R-1 Permits is to provide flexibility in design while ensuring neighborhood compatibility and integrity. In this way, the proposed Code amendments can help to preserve the viability and stability of residential neighborhoods and maintain the viability of community's housing stock (Goal No. 1 in the Housing Element; Objective 1.1 in the Land Use Element). The amendment proposes no changes in density and presents no conflicts with the polices in the General Plan; therefore, as the amendment also advances policies of the General Plan, it is consistent with the General Plan.

PUBLIC NOTICE AND COMMENTS

Notice of the public hearing was published in the *Beverly Hills Courier* and mailed to local community groups on February 13, 2009. On February 19, 2009, the notice of public hearing was published in the *Beverly Hills Weekly*. On February 26, 2009, the Planning Commission held a duly noticed public hearing. As of the date of preparation of this staff report, no comments (verbal or written) have been received.

ENVIRONMENTAL DETERMINATION

The amendments to the Beverly Hills Municipal Code 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. The review process and the discretionary nature of the permits at issue will not change, only the body responsible for considering and acting on such permit applications will change. As such, this activity is not a project for purposes of the California Environmental Quality

Act ("CEQA"), pursuant to the State CEQA Guidelines Section 15378 (b)(5). In addition, staff has determined that there is no possibility that amendments to the Beverly Hills Municipal Code will have a significant effect on the environment. The proposed amendments are administrative and procedural in effect, and maintain existing discretionary review processes of certain application and requirements on certain developments in order to protect the public health, safety and general welfare is subsequently maintained. The proposed amendments are 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.

IVY NGUYEN

Attachment:

1. Draft Resolution
2. Legislative Digest

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE MUNICIPAL CODE OF THE CITY OF BEVERLY HILLS REGARDING THE TRANSFER OF DISCRETIONARY REVIEW AUTHORITY OF SPECIFIC TYPES OF APPLICATIONS AND PERMITS IN THE SINGLE-FAMILY RESIDENTIAL ZONES IN THE CENTRAL AREA OF THE CITY

The Planning Commission of the City of Beverly Hills hereby resolves as follows:

Section 1. Since inception of the Design Review Permit process in 2004, the concept of transferring reviewing authority of certain discretionary applications and permits from the Planning Commission to the Design Review Commission has been considered because several discretionary permits pertaining to design aspects of single-family projects are currently within the jurisdiction of the Planning Commission. Transferring the reviewing authority for certain applications will promote a more efficient review process by the City's Design Review Commission as part of its review of single-family development projects in the Central Area of the City. As proposed herein, the Design Review Commission would be the reviewing authority for those applications in the Central area of the City specifically named and permitted through the Minor Accommodation and Central R-1 Permits.

Section 2. The Planning Commission hereby finds that amending the City's ordinances to change the reviewing authority over certain permit types constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. The review process and the discretionary nature of the permits at issue will not

change, only the body responsible for considering and acting on such permit applications will change. As such, this activist is not a project for purposes of the California Environmental Quality Act ("CEQA"), pursuant to the State CEQA Guidelines Section 15378 (b)(5). Further, it can be seen with certainty that there is no possibility that amendments to the Beverly Hills Municipal Code will have a significant effect on the environment. The proposed amendments are administrative and procedural in effect, and maintain existing discretionary review processes of certain application and requirements on certain developments in order to protect the public health, safety and general welfare is subsequently maintained. Therefore, as a separate and independent ground, the proposed amendments are 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. On February 13, 2009, notice of the public hearing was published in the *Beverly Hills Courier* and mailed to local community groups. On February 19, 2009, notice of the public hearing was published in the *Beverly Hills Weekly*. On February 26, 2009, the Planning Commission held a duly noticed public hearing, at which both written and oral evidence was presented, to consider draft amendments to specific sections of the Beverly Hills Municipal Code within the single-family residential zone, in the Central area of the City listed as follows:

A. Central R-1 permit to establish vehicular entrance width and orientation for garages (BHMC Sec. 10-3-2450 (A).);

B. Central R-1 permit to establish the cumulative coverage of the maximum potential façade permitted for architectural projections that encroach into the front yard (BHMC Sec. 10-3-2450 (D).)

C. Central R-1 permit to establish standards for placement of windows above a second story facing a street south of Santa Monica Boulevard (BHMC Sec. 10-3-2540 (E).)

D. Central R-1 permit to establish the maximum encroachment into a front yard for eaves and plant-on accents when the primary dwelling encroaches into the front yard by the maximum amount (BHMC Sec. 10-3-2540 (G).) and,

E. Minor Accommodation permit for the amount of front yard paving permitted, in the Central area of the City (BHMC Sec. 10-3-3600 (C).).

Section 4. Based on the evidence presented in the record on this matter including the staff report and oral and written testimony, the Planning Commission hereby finds that the proposed amendments will help to streamline the development process for homeowners and provide a more cohesive review process for the community. The proposed amendments reassign the reviewing authority for specific applications but otherwise present no changes or conflicts to the policies in the General Plan.

Section 5. The Planning Commission recommends that the City Council amend Section 10-3-2450 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding the standards for which a Central R-1 Permit may be granted:

"10-3-2450: Central R-1 Permit Authority:

Notwithstanding any other provision of this code, upon application by a property owner, in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Central R-1 permit to establish the following standards in the Central Area of the city:

A. Establish vehicular entrance width and orientation requirements for garages in the Central Area.

B. Establish a height limit for an accessory structure located in a side, street side or rear yard north of Santa Monica Boulevard. In no event, however, shall an accessory structure exceed the height limitations permitted in the principal building area.

C. Establish a maximum floor area exceeding the limitations of section 10-3-2402 of this chapter for all buildings located on a site area. Nothing in this subsection, however, shall be construed to permit noncompliance with height and setback requirements set forth in article 24 of this chapter.

D. Establish the cumulative coverage of the maximum potential facade permitted for architectural projections which encroach into the front yard. Such architectural projections, however, may cover no more than two-thirds (2/3) of the maximum potential facade.

E. Establish standards for the placement of windows which are above a second story, and face a street on property located south of Santa Monica Boulevard.

F. Establish the minimum side setback, where the existing side setback is nonconforming, for additions with a height in excess of fourteen feet (14') at a width no less than the existing side setback, provided that in no event shall the side setback for the addition be less than three feet (3').

G. Establish the maximum encroachment into a front yard for eaves and plant-on accents provided by subsections 10-3-2408C and E of this chapter when the primary dwelling

encroaches into the front yard by the maximum amount permitted by subsection 10-3-2418C of this chapter.

H. Establish a height limit for game court fences located within five feet (5') of a property line. In no event, however, shall a game court fence or lighting standard be permitted to exceed the height allowed for such structure located more than five feet (5') from a lot line.

Additionally, the reviewing authority shall not act under any subsection of this section unless a property owner specifically applies for review under that subsection. This constraint shall not limit the reviewing authority's power to condition its action pursuant to section 10-3-2454 of this article."

Section 6. The Planning Commission recommends that the City Council amend Section 10-3-2451 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding the reviewing authority for Central R-1 permits that may be granted, to read as follows:

"10-3-2451: Reviewing Authority:

The reviewing authority for a Central R-1 permit application shall be the planning commission unless the application requested is for one of the following:

A. 10-3-2450(A), regarding vehicular entrances

B. 10-3-2450(D), regarding maximum potential façade

C. 10-3-2450(E), regarding placement of second story windows

D. 10-3-2450(G), regarding maximum encroachment into front yard

The design review commission shall be the reviewing authority for the aforementioned Central R-1 permit applications unless the application accompanies a separate application for discretionary approval from the planning commission with regard to the same project site. In that case, the planning commission shall be the reviewing authority for the Central R-1 permit application.

In the event that a Central R-1 permit application accompanies a separate application for a discretionary approval from the city council with regard to the same project site, the city council shall be the reviewing authority for the Central R-1 permit."

Section 7. The Planning Commission recommends that the City Council amend Section 10-3-3601 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding Minor Accommodation permits that may be granted, to read as follows:

"10-3-3601: Reviewing Authority

A. Unless specified, the reviewing authority for a minor accommodation permit shall be the director of community development. If, in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission and the planning commission shall serve as the reviewing authority for such minor accommodation application and shall conduct a noticed public hearing regarding the requested minor accommodation.

B. Notwithstanding Section 10-3-3601(A), the minor accommodation permit specified by Section 10-3-3600(C), regarding front yard paving as specified in 10-3-2422(I) for the Central Area of the city, the reviewing authority shall be the director of community development. If in the opinion of the director, an application merits review by the design review

commission in, the director may refer such application to the design review commission. If the application for a minor accommodation pursuant to Section 10-3-3600 (C) accompanies an application for any other type of discretionary approval from the planning commission for the same project site, the planning commission shall be the reviewing authority for the application for the minor accommodation permit and shall conduct a noticed public hearing regarding the requested minor accommodation.

If the application for a minor accommodation pursuant to Section 10-3-3600 (C) accompanies an application for any other type of discretionary approval from the city council for the same project site, the city council shall be the reviewing authority for the application for the minor accommodation permit and shall conduct a noticed public hearing regarding the requested minor accommodation."

Section 8. Pursuant to Beverly Hills Municipal Code Section 10-3-3908, the Planning Commission finds that the public interest, health, safety, morals, peace, comfort, convenience, or general welfare requires amendment of the review procedures for the Central R-1 area of the City, therefore, the reclassification of any portion of the property, the Planning Commission recommends that the the City Council adopt the foregoing amendments.

Section 9. Based on the evidence presented in the record on this matter including the staff report and oral and written testimony, the Planning Commission hereby finds that the proposed amendments would serve the public interest, health, comfort, convenience, and general welfare. Presently, several specific Central R-1 permits and a minor accommodation permit related to single-family project design are under the reviewing authority of the Planning Commission. By identifying and specifying certain applications that could be better processed by

transferring the reviewing authority to the Design Review Commission, the development process will be streamlined for applicants, the Commission and staff. A more integrated, coherent, and efficient review procedure can encourage superior design for single-family homes and a more expeditious review process. If the Code is amended as recommended by the Planning Commission, requests for multiple entitlement permits such as R-1 Design Review permits and Minor Accommodation permits and/or Central R-1 permits may be reviewed simultaneously by the Design Review Commission, instead of sequentially by two separate reviewing authorities for such applications, as is the case under current ordinances.

Section 10. The Planning Commission hereby recommends that the City Council adopt an ordinance with provisions substantially as set forth in Section 5 and Section 6 of this resolution.

Section 11. The Secretary shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Kathy Reims
Chair of the Planning Commission of the
City of Beverly Hills, California

ATTEST:

Secretary

Approved as to form:

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David M. Snow
Assistant City Attorney

Approved as to content:

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Jonathan Lait, AICP
Assistant Director of Community Development

LEGISLATIVE DIGEST

AMENDMENTS TO THE MUNICIPAL CODE OF THE CITY OF BEVERLY HILLS REGARDING THE TRANSFER OF DISCRETIONARY REVIEW AUTHORITY OF SPECIFIC TYPES OF APPLICATIONS AND PERMITS IN THE SINGLE-FAMILY RESIDENTIAL ZONES IN THE CENTRAL AREA OF THE CITY

Below are amendments proposed to Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding a transfer of discretionary review authority on specific types of applications and permits in the Single-Family Residential Zones from the Planning Commission to the Design Review Commission. These amendments would modify and add text to certain sections of Article 24.5 regarding Central R-1 Permits and Article 36 regarding Minor Accommodations to Certain Development Standards. Existing text proposed to be deleted is printed in ~~strikeout~~ type and new text that is proposed to be added is <u>underlined</u> to indicate that it is new.

Article 24.5. Central R-1 Permits

10-3-2450: CENTRAL R-1 PERMIT AUTHORITY:

Notwithstanding any other provision of this code, upon application by a property owner, in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Central R-1 permit to establish the following standards in the Central Area of the city:

A. Establish vehicular entrance width and orientation requirements for garages in the Central Area.

B. Establish a height limit for an accessory structure located in a side, street side or rear yard north of Santa Monica Boulevard. In no event, however, shall an accessory structure exceed the height limitations permitted in the principal building area.

C. Establish a maximum floor area exceeding the limitations of section 10-3-2402 of this chapter for all buildings located on a site area. Nothing in this subsection, however, shall be construed to permit noncompliance with height and setback requirements set forth in article 24 of this chapter.

D. Establish the cumulative coverage of the maximum potential facade permitted for architectural projections which encroach into the front yard. Such architectural projections, however, may cover no more than two-thirds (2/3) of the maximum potential facade.

E. Establish standards for the placement of windows which are above a second story, and face a street on property located south of Santa Monica Boulevard.

F. Establish the minimum side setback, where the existing side setback is nonconforming, for additions with a height in excess of fourteen feet (14') at a width no less than the existing side setback, provided that in no event shall the side setback for the addition be less than three feet (3').

G. Establish the maximum encroachment into a front yard for eaves and plant-on accents provided by subsections 10-3-2408C and E of this chapter when the primary dwelling encroaches into the front yard by the maximum amount permitted by subsection 10-3-2418C of this chapter.

H. Establish a height limit for game court fences located within five feet (5') of a property line. In no event, however, shall a game court fence or lighting standard be permitted to exceed the height allowed for such structure located more than five feet (5') from a lot line.

~~The reviewing authority shall not review or condition projects on the basis of architectural style.~~

Additionally, the reviewing authority shall not act under any subsection of this section unless a property owner specifically applies for review under that subsection. This constraint shall not limit the reviewing authority's power to condition its action pursuant to section 10-3-2454 of this article. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 89-O-2056, eff. 4-20-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2451: REVIEWING AUTHORITY:

The reviewing authority for a Central R-1 permit application shall be the planning commission unless the application requested is for one of the following:

A. 10-3-2450(A), regarding vehicular entrances

B. 10-3-2450(D), regarding maximum potential façade

C. 10-3-2450(E), regarding placement of second story windows

D. 10-3-2450(G), regarding maximum encroachment into front yard

The design review commission shall be the reviewing authority for the aforementioned Central R-1 permit applications unless the application a separate application for discretionary approval from the planning commission with regard to the same project site. In that case, the planning commission shall be the reviewing authority for the Central R-1 permit application.

In the event that a Central R-1 permit application accompanies a separate application for a discretionary approval from the city council with regard to the same project site ~~area~~. In that

case, the city council shall be the reviewing authority for the Central R-1 permit application. (Ord. 95-O-2239, eff. 7-7-1995)

Article 36. Minor Accommodations to Certain Development Standards

Section 10-3-3601: REVIEWING AUTHORITY:

A. Unless otherwise specified, the reviewing authority for a minor accommodation shall be the director of planning and community development. If, in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission and the planning commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the requested minor accommodation.

B. Notwithstanding Section 10-3-3601(A), the minor accommodation permit specified by Section 10-3-3600(C), regarding front yard paving as specified in 10-3-2422(I) for the Central Area of the city, the reviewing authority shall be the director of community development. If in the opinion of the director, an application merits review by the design review commission in, the director may refer such application to the design review commission. If the application for a minor accommodation pursuant to Section 10-3-3600 (C) accompanies an application for any other type of discretionary approval from the planning commission for the same site area, the planning commission shall be the reviewing authority for the application for the minor accommodation permit and shall conduct a noticed public hearing regarding the requested minor accommodation.

If the application for a minor accommodation pursuant to Section 10-3-3600 (C) accompanies an application for any other type of discretionary approval from the city council for the same site area, the city council shall be the reviewing authority for the application for a minor accommodation and shall conduct a noticed public hearing regarding the requested minor accommodation. (Ord. 89-O-2081, eff. 12-7-1989; amd. Ord. 95-O-2239, eff. 7-7-1995)