



Planning Commission Report

Meeting Date: October 10, 2013

Subject: Public Noticing Requirements

Recommendation: Adopt a resolution recommending to the City Council an ordinance amending the Beverly Hills Municipal Code to revise the public notice requirements for various planning applications.

REPORT SUMMARY

The purpose of this public hearing is to consider a resolution recommending that the City Council adopt an ordinance revising the public notice requirements for planning applications. On May 23, 2013, the Planning Commission held a study session on public noticing for planning applications. During this study session the Commission discussed shortcomings of current requirements and provided feedback on potential changes to requirements. The Commission expressed a desire to see expanded noticing of applications and more consistent noticing requirements in the zoning code. A resolution of the Planning Commission (Attachment 1) recommending the City Council adopt the public noticing requirements provided in the draft ordinance (Attachment 2) is included with this report. Additionally, Public Notice Guidelines are being developed to provide further direction on noticing in the City and a draft of the guidelines is provided (Attachment 3). Once further refinements to the document have been made, it will return to the Planning Commission for review.

BACKGROUND

Noticing requirements in the zoning code are intended to ensure that community members are informed of upcoming land use and permit decisions in the City. The Fiscal Year 2012/13 Budget included a work plan task to evaluate expanding public noticing. City Council members, community members, and staff have expressed a desire to comprehensively review noticing requirements, and have raised concerns regarding public notice requirements, including:

- Mailed notices should be sent to all properties on a block to avoid situations where some properties on a block are noticed, while others are not, and to ensure all interested parties are noticed,
- More extensive use of on-site postings could be an effective way to keep the public informed of pending applications,
- Notice requirements are spread throughout the zoning code, which can make it difficult to determine the proper noticing for an application,
- There is a lack of consistency in noticing requirements, and

Attachments:

- 1 – Planning Commission Resolution
- 2 – Draft Ordinance
- 3 – Draft Guidelines on Public Noticing
- 4 – May 23, 2013 Staff Report

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310-285-1122

- The City currently does not have policies or regulations on the use of the website, social media, or email to notice the public.

On May 23, 2013 the Planning Commission held a study session and provided direction to staff. A noticed public hearing scheduled for August 12, 2013, was continued to October 10, 2013. During the study session on May 23, 2013, the Planning Commission reviewed current requirements and agreed upon the following actions:

- Consolidate notice requirements into one code section
- Expand mailed, posted, and online noticing
- Standardize mailing distances, recipients, and time periods for mailed notices
- Standardize requirements for posted notices
- Create Public Notice Guidelines to complement the code and outline specific requirements for public noticing
- Balance the need for expanded noticing with the potential for “noticing fatigue”

DISCUSSION

Based on Planning Commission direction, staff developed a draft ordinance and a Public Notice Guidelines document that improves the consistency and comprehensiveness of noticing in the City. This following section provides an overview of the proposed changes.

New Code Section

The draft ordinance consolidates all public noticing requirements into one new code section (BHMC 10-3-253). This new public notice section (found on page 3 of the draft ordinance) will present the requirements in two tables to make the requirements more readable and understandable. Language in the public notice code section specifically addresses contents of notices, required recipients, noticing for appeals and revocations, and other pertinent details. Consolidating all public notice information, and increasing the consistency of noticing for planning applications will make the noticing process easier to understand and implement. Because current public notice requirements are included throughout the code, based on application type, language will be added to each of these sections to refer to the new public notice section. Language changes made to these sections are provided in Section 6 through Section 37 of the draft ordinance. The new code language also references the new Public Notice Guidelines that provides more direction to applicants on fulfilling the noticing requirements.

Public Notice Guidelines

Staff is developing guidelines to provide additional information on the department’s public noticing requirements (Attachment 3). The guidelines are meant to:

1. Provide the public with a summary of public notice requirements
2. Instruct applicants on how to meet the requirements
3. Outline additional actions, beyond the code requirements, that the City will take to notify residents of applications and projects

Specifically, the guidelines include:

- Tables depicting the type of noticing required for each application,
- Size and dimension requirements for site postings (staff anticipates two different sizes depending on whether the project is residential [larger sign] or commercial [smaller sign]),
- Instruction on how to post signs on property and where signs shall be posted in relation to property line,
- Policies regarding posting notices on the City website,
- Policies/guidance on informing neighborhood groups, Home Owners Associations, and other community groups of pending applications, and
- Required contents and form (i.e. letter, postcard) of mailed notices

The guidelines also outline actions that the City will take to keep the public informed about planning applications and projects beyond what is required in the code. This includes posting notices on the internet, expanding the use of email for noticing, and exploring the use of social media. The standards that are included in the guidelines have not been included in the zoning code because the guidelines may need to be amended from time to time as improvements in technology and other changes require updates to the standards.

Modified Noticing Requirements

The following table provides a summary of the proposed requirements for public noticing. The table references planning applications with special notification requirements (marked with an asterisk). The requirements for these applications have not changed and do not conform to the proposed standard noticing requirements because of state law, or the unique nature of the application. Requirements for these applications can be found in Beverly Hills Municipal Code (BHMC) Section 10-3-253(B) of the draft ordinance and include:

- Common Interest Development,
- Large Family Daycare Permit,
- Reasonable Accommodation,
- Tree Removal Permit,
- Certificate of Appropriateness,
- Landmark and Historic District Designation
- Resolution of Public Convenience and Necessity, and
- View Restoration

Table 1. 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, some 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 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 Section 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 designed by a licensed architect and determined to be a eligible for Track 1 review.	Director	None	None	None
Commission level applications 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 (Track 2).	Commission	Yes	None	Central Area: 100 ft. radius + block-face

Mailed Notice Standards

Current Standards

Currently, an applicant can be required to mail a notice to adjacent properties, or properties within a 100-foot, 300-foot, or 500-foot radius from the project site, depending on the type of planning application. For several planning permits, single family residential zones are noticed at a distance of 500-feet, while commercial or multi-family areas are noticed at 300-feet. In some cases, the code requires the notification of property owners, and in other cases it requires the notification of property owners and residential occupants.

Proposed Changes

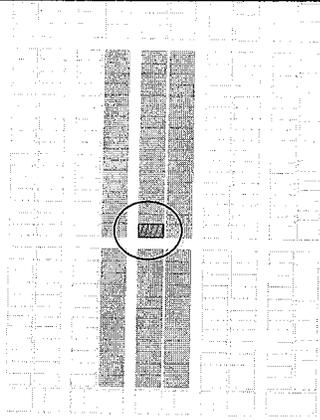
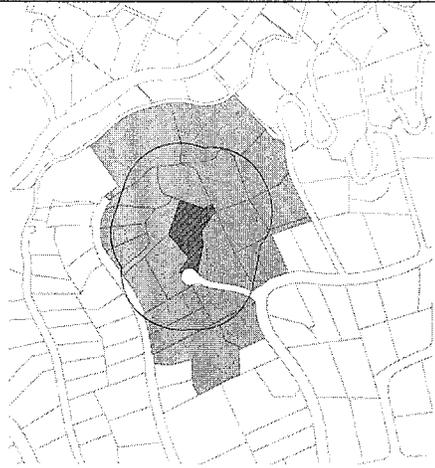
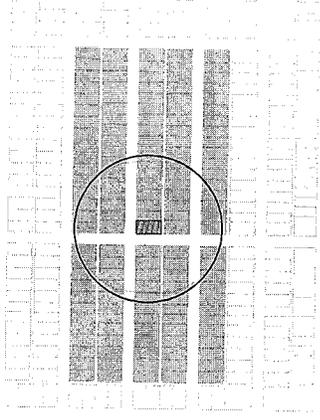
Based on Planning Commission direction, the mailed noticing radii and requirements have been standardized for nearly all permits¹. For Commission level cases all mailings will be required to be sent ten days in advance of a public hearing. For Director level cases, a mailing will be sent 10 days prior to a decision and again five days of a decision to notify owners and occupants of final Director determination. The mailing radii will not vary based on whether property is in a single-family, multi-family, or commercial zone, but does change based on geography.

Mailing areas have been increased to include all homes along the block face of a block with any property that falls within the notification radius of the project site in the Central Area of the City (where streets are oriented in blocks). Because streets are not oriented in blocks in the Hillside and Trousdale areas, the mailing radius has been increased in these areas to a size that approximates the block face mailing area that would be required in the Central Area. The proposed new radii for mailed notices are generally larger for commission level cases than director level decisions. This reflects the fact that cases that are reviewed by a commission are generally more likely to have the potential to impact neighboring properties (see table on pages 4 and 5 for more information).

Sign accommodation applications, which are heard by the Architectural Review Commission, would no longer require mailed notices. Approximately three sign accommodations are considered at each Architectural Review meeting, and for the past 10 years no opponent has provided correspondence to the City or attended a meeting to speak on an application. The mailed notice requirement can delay projects and cost applicants money. There are provisions in the code that protect single-family homes that are adjacent to commercial properties from negative impacts related to sign accommodation applications, such as restricting signs facing residential properties and regulating the intensity of lighting on signs near residential properties.

The following illustrations depict the proposed mailing area of most director level and commission/council level projects in the central and Hillside/Trousdale areas of the City.

¹ As explained on page 3, the requirements for several applications have not been modified due to the unique nature of the application or state law. See new section 10-3-253(B)

	Central Area	Hillside/Trousdale Area
Director Level Review	 <p>100 ft. radius + Block-face</p>	 <p>300 ft. radius</p>
Commission/Council Level Review	 <p>300 ft. radius + Block-face</p>	 <p>500 ft. radius</p>

Under the modified requirements, projects considered at the director level would require the mailing of a notice of application/pending action prior to the decision as well as a notice of action after a decision has been made to all properties that fall within the notice area. Commission level projects would only require the mailing of a notice of public hearing prior to the hearing date.

Cost

Increasing the required mailed noticing area may increase the number of recipients for each mailing and the cost to the applicant to send public notices. This cost will vary depending on the number of properties that must be noticed.

On-Site Posting Standards

Current Standards

On-site posted notifications are currently required for the following permits:

- R4 Permits,
- Minor Accommodation,
- Notice of Overnight Stay,
- Second Unit Permits,
- Open Air Dining Permits, and
- Design Review

Currently, there are no requirements in the zoning code that pertain to the size or design of the posted notice, and the standards related to the placement of the sign on the property are vague.

Proposed Changes

During the May 23 study session, the Planning Commission expressed a desire to see more posting of public notices on project sites. Based on Planning Commission input, proposed code changes include requiring on-site posting for the majority of applications (see table on page 3), and establishing standards for on-site postings.

Specific requirements pertaining to the size, design, content and location of posted signs are outlined in the proposed Public Notice Guidelines. Staff is developing a process for the design, manufacturing, and posting of signs to ensure that signs are standardized, professional and effective. Postings for projects that involve significant physical changes to a property (such as design review) will include renderings of the proposed changes. It is anticipated that there will be two sizes of site postings, depending on whether the property is commercial or residential. Due to the fact that most commercial buildings are not set back from the property line, commercial applications will have a smaller posting that may be placed in a window adjacent to the right of way.

Applicants of projects considered at the Director level will be required to post a notice of pending action. Applicants of projects considered at the Commission level will post a notice of public hearing. The posted notices will be required to be placed on the property for at least ten days before a decision is made (consistent with current standards) and removed within 10-days after the appeal deadline.

Cost

Requiring more extensive site posting will increase cost to the applicant to notice a project. Staff is exploring several options to reduce cost to the applicant and limit staff time required for production of signs. It is anticipated that a modest performance bond may be required to encourage sign removal within an appropriate timeframe.

Newspaper Notice Standards

Current Standards

A limited number of permits either require a newspaper notice, or provide a newspaper notice as an option, as required by State law or the City's current code. These permits include:

- Amendments,
- Conditional Use Permits,
- Variances,
- Tentative and Parcel Maps, and
- Specific Plans

When a newspaper notice is required, it must be published in a local newspaper at least ten days prior to the hearing.

Proposed Changes

Staff is not proposing to expand the use of newspaper noticing. This is consistent with the direction given by the Planning Commission at the May 23 study session.

Cost

Staff is not proposing changes to newspaper noticing requirements, so cost to the applicant will not change.

Use of Website and Email

Current Standards

Currently, the code does not address the use of the City website or email for public noticing.

Proposed Changes

Staff is developing a process through which notices will be posted to the City's webpage. The Public Notice Guidelines document includes language about the use of the internet to provide information on projects and applications. Staff will also explore the use of QR codes on posted notices to direct smart phone users to a project website, more extensive email noticing, and the use of social media to inform the public of pending applications and upcoming meetings. Policies governing the use of these technologies for noticing will be incorporated into the Public Notice Guidelines.

Cost

Posting all public notices to the website will likely not pose an additional cost to the project applicant. Staff time will be required to maintain an up-to-date website of public notices.

Other Considerations

Staff is seeking Planning Commission input on the expansion of mailed public noticing requirements to all owners and occupants. As currently written, the draft ordinance states that mailed public notices shall be sent to all owners and *residential* occupants. Commercial occupants have not been included in noticing requirements because commercial spaces in large office buildings can be difficult to identify. In the past, the City has not required the notification of commercial occupants. Staff welcomes Planning Commission input on the inclusion of commercial occupants in noticing requirements.

Environmental Review

The amendments included in the draft ordinance have 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. It can be seen with certainty that there is no possibility that the adoption and implementation of the Ordinance may have a significant effect on the environment. The Ordinance does not authorize construction. This Ordinance is exempt from the environmental review requirements of CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Public Outreach

This public hearing was noticed in the Beverly Hills Weekly on August 1, 2013, and the Beverly Hills Courier on August 2, 2013. The Planning Commission has continued to a date certain this item at staff's request from prior meetings. Additionally, meeting agendas have been posted at City Hall, the Library, and Civic Center Parking Garage, in addition to the City's website.

Representatives from several mapping companies were contacted regarding the proposed code changes, especially as they relate to mailed notices. These representatives confirmed that it is possible to extend noticing to the end of the block face. They also noted that increasing the number of properties, and expanding the noticing to both owners and occupants would increase the cost to provide the notices. This cost would be passed on to the applicant.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution recommending that the City Council adopt the ordinance amending the Beverly Hills Municipal Code to revise the requirements for public notice of various planning applications.



Report Reviewed By:
Jonathan Lait, AICP
City Planner

Attachment 1

Planning Commission

Resolution

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REVISING THE REQUIREMENTS FOR PUBLIC NOTICING OF PLANNING APPLICATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

The Planning Commission of the City of Beverly Hills hereby finds, resolves, and determines as follows:

Section 1. The public noticing requirements set forth in the City’s Municipal Code are intended to ensure community members are aware of development applications, land use proposals, and legislative changes such as general plan amendments, specific plans and amendments thereto, zone text amendments, and zoning map amendments (collectively “planning and zoning activities”). The City Council directed staff to expand public notice requirements for the foregoing planning and zoning activities in order to increase public awareness of proposed projects and encourage participation in the planning process.

Section 2. The Planning Commission considered changes to the public notice requirements (collectively the “Amendments”) in the Municipal Code at a study session on May 23, 2013, and during a duly noticed public hearing on October 10, 2013, at which time the Planning Commission received oral and written evidence relative to the proposed Amendments.

Section 3. The proposed Amendments to the Beverly Hills Municipal Code would revise the City’s standards for public noticing of planning and zoning activities in the City. The amendments would (1) expand the use of on-site posted notices for certain planning and zoning activities in the City, (2) amend the standards for radial distances for mailed notices in the City and extend mailing of notices to the end of blocks, (3) standardize noticing requirements and ensure continued compliance with State regulations, and (4) require

establishment of “Public Notice Guidelines” that describe implementation requirements for public noticing of planning and zoning activities.

Section 4. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. The General Plan also includes “Implementation Program 8.1 Public Information and Involvement,” which requires the City to continue to make information available to residents and businesses regarding key community issues.

Section 5. The Amendments have 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 Planning Commission 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. The Amendments do not authorize construction and are strictly procedural in nature. The Amendments are exempt from the environmental review requirements of CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The records related to this determination are on file with the City’s Community Development Department, 455 N. Rexford Drive, Beverly Hills, California 90210.

Section 6. The Planning Commission hereby recommends that the City Council adopt an Ordinance approving and enacting the proposed Amendments substantially as set forth in Exhibit A, which is attached hereto and incorporated by reference, and making

revisions to all relevant sections of Chapters 2, 3, and 4 of Title 10 of the Beverly Hills Municipal Code to make the Amendments applicable to all planning and zoning activities.

Section 7. 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:

Brian Rosenstein
Chair of the Planning Commission
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
Assistant Director of Community Development /
City Planner

Exhibit A – Proposed New Definitions and Article 2.5 of Chapter 3 of Title 10 of the Municipal related to Public Notice Requirements for Planning and Zoning Activities

Attachment 2
Draft Ordinance

[DRAFT]

[DRAFT] ORDINANCE NO. 13-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
REVISE THE REQUIREMENTS FOR PUBLIC NOTICING OF
PLANNING APPLICATIONS

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

Section 1. On _____, 2013, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. ____, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to expand public notice requirements for planning entitlement applications as well as legislative changes such as general plan amendments, specific plans and amendments thereto, zone text amendments, and zoning map amendments, whether initiated by an applicant or initiated by the City (collectively, the “Amendments”). On _____, 2013, 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.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “LU 16.11 – Community Engagement” encourages engaging all segments of the community in planning decisions. It calls for the maintenance and enhancement of the public involvement process to assure transparency and enable the public to be well informed. The General Plan also includes “Implementation Program 8.1 Public Information and Involvement,” which requires the City to continue to make information available to residents and businesses regarding key community issues.

Section 4. The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding two new definitions with all other definitions in the section remaining unchanged.

The term “Block-Face” is added between the terms “Block” and “Bona Fide Housekeeping Unit” as they presently appear in Section 10-3-100, to read as follows:

“BLOCK-FACE: One side of a street between two consecutive intersections.”

The term “Public Notice Guidelines” is added between the terms “Private Training Center” and “Public Street” as they presently appear in Section 10-3-100, to read as follows:

“PUBLIC NOTICE GUIDELINES: Guidelines approved by the Director of Community Development and on file in the Department of Community Development describing implementation of the requirements for public noticing

of planning applications set forth in Article 2.5 of Chapter 3 of Title 10 of the Municipal Code.”

Section 5. The City Council hereby adds a new Article 2.5 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 2.5. PUBLIC NOTICE REQUIREMENTS

10-3-250. Purpose. This Article is intended to provide standards for notification of the public regarding pending actions pursuant to Chapters 2, 3, 4, and 8 of Title 10 of the Municipal Code on planning applications, land use proposals, and legislative changes such as general plan amendments, specific plans and amendments thereto, zone text amendments, and zoning map amendments, whether initiated by an applicant or the City. Public hearings shall be preceded by public notice in accordance with this Section and, if applicable, State law.

10-3-251. Types of Notification. The following types of notification may be required as specified in Chapters 2, 3, 4, and 8 of Title 10:

- A. Notice of Application/Pending Action. Notice informing recipients that the Director of Community Development intends to take certain action on an application in advance of a final action.
- B. Notice of Public Hearing. Notice informing recipients that a public hearing will be held before a decision making or reviewing authority.

- C. Notice of Action. Notice informing recipients that a decision making or reviewing authority has taken action on an application, which begins an applicable appeal period.

10-3-252 Notification Methods.

- A. On-Site Posted Notice. Any site area requiring a posted sign on-site shall be posted pursuant to the Public Notice Guidelines and the following:
 - 1. Postings Required
 - a) Director Level Posted Notice. A Notice of Application/Pending Action shall be posted for all Director Level applications that require a posted notice.
 - b) Commission Level Posted Notice. A Notice of Public Hearing with the hearing date correctly stated shall be posted for all Commission Level applications that require a posted notice.
 - 2. Notification Period. On-site posted notices shall be displayed at least ten days in advance of a decision or public hearing and remain through the appeal period.
 - 3. Posting Location. The sign shall be placed on the site in a location determined by the Director as specified in the Public Notice Guidelines.
 - 4. Affidavit and Proof of Posting. The applicant shall submit an affidavit within five days of posting the sign verifying that the sign is posted in compliance with this Section and the Public Notice Guidelines. The applicant shall also submit photographs showing the posted sign to the

Community Development Department as outlined in the Public Notice Guidelines.

B. Mailed Notice. The Director shall provide mailed notice as follows, subject to the Public Notice Guidelines:

1. Mailed Notices Required.

a) Director-Level Mailed Notices. Director-Level decisions require the following mailed notices:

i. Notice of Application/Pending Action. Mailed in accordance with the requirements in this Section and the City's Public Notice Guidelines.

ii. Notice of Action. Mailed in accordance with the requirements in this Section and the City's Public Notice Guidelines.

b) Commission-Level Mailed Notice: Commission-Level decisions require the following mailed notices:

i. Notice of Public Hearing. mailed in accordance with the requirements in this Section and the City's Public Notice Guidelines. In addition, any notice of City Council hearing shall be mailed in accordance with the requirements for Commission mailing in this section and published in accordance with the newspaper mailing guidelines of this Chapter.

2. Notification Period.

[DRAFT]

- a) Notices of Application/Pending Action and Notices of Public Hearing subject to this section shall be mailed at least ten days prior to such action or hearing by the reviewing authority.
 - b) Notices of Action subject to this section shall be mailed within five days after issuance of a decision by the reviewing authority. The mailing of a notice of action denotes the beginning of the appeal period.
3. Notification Radius. Mailed notice shall be sent to properties in accordance with Section 10-3-253.
 4. Recipients. All mailed notices shall be delivered by United States mail, postage paid, to the following:
 - a) All property owners of record and residential occupants of property within the notification area given in Section 10-3-253(A) of this Article, measured from the exterior boundaries of the property involved in the application.
 - b) Any person or group who has filed a written request for notice regarding the specific application.
 - c) If the project involves a subdivision map, mailed notice shall be given to any owner of mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code, as required by Government Code Section 65091(a)(2).

- d) If considering an adoption or amendment of policies that affect drive-through facilities, notice shall be given to the blind, aged, and disabled communities as required by Government Code Section 65090(d).
5. Notification List. The applicant shall provide a list of property owners and occupants within the notification area given in Section 10-3-253(A) and shall sign an affidavit verifying that the list has been prepared in accordance with the procedures outlined in this Section and the City's Public Noticing Guidelines. Applicants for subdivisions shall also provide a list of all owners of mineral rights who have recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.
- a) Property Owner Notice. The last known name and address of each property owner as contained in the records of the Los Angeles County Assessor shall be used.
 - b) Occupant/Tenant Notice. The addresses of each residential occupants/tenants shall be used. The notice may be addressed to "occupant" or "tenant".
- C. Newspaper Notice. Where a newspaper notice is required by this section, before the date of a public hearing the Director shall cause to be published a notice in at least one newspaper of general circulation in the City at least ten days prior to the public hearing.

D. Electronic Notice. Notice may also be provided by electronic means such as emailed notice, posted notice on the city’s website, or other means determined by the Director.

10-3-253 Notification Requirements. The following methods of notice are required for each planning application.

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

Public Notice Requirements for Development Applications	On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day	
Planning Review				
<ul style="list-style-type: none"> • 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: • <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> • 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></p> <p>*Special noticing requirements apply, See 10-3-253(B)</p>	Director Level	Yes	No	<p>Hillside & Trousdale: 300 ft. radius</p> <p>Central Area: 100 ft. radius + block-face</p>
	Commission/Council Level	Yes	<p>Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</p> <p>Conditional Maps (Tentative, and Parcel)</p> <p>Specific Plan Use Permit Variance</p>	<p>Hillside & Trousdale: 500 ft. radius</p> <p>Central Area: 300 ft. radius + block-face</p>

B. Special Notice Requirements:

Development Application	Public Notice Posting Requirements
The following applications have unique noticing requirements:	
Common Interest Development	<p>With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by the Beverly Hills municipal code and state law.</p> <p>a) Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least sixty (60) days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. For the purposes of this article, the "legal requirements for service by mail" shall mean the requirements set forth in California Code of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under the Beverly Hills municipal code and state law.</p> <p>b) Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant ten (10) days' advance written notice that an application for a public report will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.</p> <p>c) Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(b) or any successor statute, the subdivider shall provide each tenant written notification within ten (10) days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.</p> <p>d) Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least one hundred eighty (180) days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.</p> <p>e) Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least ten (10) days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development or his or her designee and shall contain, as a minimum, the following information:</p> <ul style="list-style-type: none"> I An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction; II An explanation of the tenant's rights and benefits if the conversion is approved; and III The grounds upon which the planning commission can deny the request for conversion. <p>f) Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted. (Ord. 06-O-2497, eff. 4-6-2006)</p>

Development Application	Public Notice Posting Requirements
Certificate of Appropriateness: Designated Landmark and Contributing Properties	The time, place, and purpose of the public hearing on the proposed certificate of appropriateness shall be given by mailing written notice to the owner or owner's representative at least ten (10) days prior to the date of the hearing. Notice to the owner or the owner's representative shall be sent via certified mail, return receipt requested.
Large Family Daycare Permit	Not less than ten (10) days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within one hundred feet (100') of the exterior boundaries of the subject site area.
Reasonable Accommodation	At least ten (10) calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation. Written notice of a hearing to consider the application shall be mailed ten (10) calendar days prior to the meeting to the applicant and adjacent property owners.
Resolution of Public Convenience or Necessity	Notice of a public hearing shall be mailed to property owners and occupants within three hundred feet (300') of the premises for which a determination is requested. At least ten days prior to the public hearing a written notice shall be published in the newspaper.
Tree Removal Permit	Notice of any hearing on such a permit before the planning commission shall be mailed to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.
View Restoration	<p>a) Public Hearing Notice Notice of any hearing held pursuant to this section shall be mailed at least thirty (30) days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.</p> <p>b) Notice of Decision Notice Of Decision: Within five (5) days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons: I. The view owner, using the mailing address set forth in the application; II. Each foliage owner that is named on the application, as listed on a current tax assessor's roll and to the occupant of the foliage owner's property if the foliage owner's address is different than the property on which the foliage is located. The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.</p>
Landmark and Historic District Designation	Written notice of the date, time, place, and purpose of a public hearing to formally consider an application shall be given by first class, prepaid mail not less than ten (10) days prior to said hearing to the applicant and all owner(s) of the property proposed for nomination. A public hearing notice regarding designation of a historic district shall be provided to all owners within the proposed district. Failure to send notice by mail to any such owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. When the owner(s) petition the city for designation, it is the petitioner's obligation to furnish to the director a current list of names and legal mailing addresses of all owners to be notified, and to pay such fee to cover the costs of providing notification as shall be established by resolution of the city council. When the proposed designation is by city initiative, the community development department shall be responsible for preparing the notification list. The commission may also direct that other notice be provided as it deems appropriate.

10-3-254 Notification Required by State Law. In addition to the requirements set forth in this Section, all planning applications must be noticed in accordance with state law.

10-3-255 Contents of Notices. All required public notices, including posted signs and mailed notices, shall include the information specified in the Public Notice Guidelines.

10-3-256 Multiple Applications. When multiple applications are under review for the same site area or project, the City may issue a single notice for all related applications. Notification requirements for multiple applications for the same site area or project shall be the notification requirements for the application with the greatest noticing requirement.

10-3-257 Appeals. The applicant or any person aggrieved by any decision may appeal to the planning commission, if the original decision was made by the Director or the Design Review Commission. The applicant or any person aggrieved by any decision may appeal to the City Council, if the original decision was made by the Planning Commission or Architectural Commission as provided in title 1, chapter 4, article 1 of this code.

10-3-258 Revocation and Modification of Permits. Public notice for hearings for the revocation or modification of permits shall be completed in accordance with the standards set forth in section 10-3-2.5 for the permit in question.

10-3-259 Extension of Time. Public hearings held for extensions of the time limits for actions granting any discretionary approval authorized in Chapter 3 of the Municipal

Code shall be noticed using the same procedures applicable to the approval of the original application.

10-3-260 Failure of Person or Entity to Receive Notice; Substantial Compliance.

- A. The failure of any person or entity to receive notice given pursuant to the City's noticing requirements shall not constitute grounds for any court to invalidate the actions for which the notice was given.
- B. The noticing provisions of this Chapter shall not be construed in any manner that results in the invalidation of an action because of the alleged inadequacy of the notice content if there has been substantial compliance with the notice content requirements.

Section 6. The City Council hereby amends Section 10-2-710 of Article 7 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-2-710 remaining in effect without amendment:

“10-2-710: TENANT NOTIFICATION:

With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by the Beverly Hills municipal code in accordance with Section 10-3-2.5 and state law.”

~~A. —Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least sixty (60) days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if~~

~~such notices comply with the legal requirements for service by mail. For the purposes of this article, the "legal requirements for service by mail" shall mean the requirements set forth in California Code of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under the Beverly Hills municipal code and state law.~~

~~B. — Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant ten (10) days' advance written notice that an application for a public report will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.~~

~~C. — Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(b) or any successor statute, the subdivider shall provide each tenant written notification within ten (10) days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.~~

~~D. Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least one hundred~~

~~eighty (180) days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.~~

~~E. Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least ten (10) days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development or his or her designee and shall contain, as a minimum, the following information:~~

- ~~1. An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction;~~
- ~~2. An explanation of the tenant's rights and benefits if the conversion is approved; and~~
- ~~3. The grounds upon which the planning commission can deny the request for conversion.~~

~~F. Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed~~

~~by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted. (Ord. 06-O-2497, eff. 4-6-2006)~~

Section 7. The City Council hereby amends subsection 5 of subsection G of Section 10-3-203 of Article 2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-203 remaining in effect without amendment:

“5. That the circumstances surrounding the request for a substantial compliance determination do not indicate that the applicant intended to deviate from the zoning code standards.

Nothing in this section shall allow the amount of front yard paving, the floor area of a building, or the height of a building to exceed the limitations in the zoning code.

The reviewing authority for a substantial compliance determination 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 application and shall conduct a noticed public hearing regarding the requested substantial compliance determination.

Notice of a public hearing, an intended decision and action shall be provided in accordance with ~~section 10-3-3602~~ 10-3-2.5 of this chapter.

The applicant or any person aggrieved by any decision regarding a substantial compliance determination may appeal to the planning commission, if the original decision was made by the director, or to the city council, if the original decision was made by the planning commission, as provided in title 1, chapter 4, article 1 of this code.

Zoning Standard	Permissible Deviation
Building encroachments into required setback areas	Building walls, architectural projections, balconies, awnings, chimneys, and porches may encroach no more than 10 percent into a required setback.
Fence and wall location, length, and height	In terms of location, height and length, fences and walls may be built no more than 10 percent beyond the applicable zoning code standard or condition of approval unless approved by the planning, design review or architectural commission. In no event shall the fence or wall block an automobile driver's field of vision when exiting a driveway.
Minimum drive aisle width	The width of a drive aisle may be up to 10 percent narrower than the width specified by the city's minimum parking standards or a condition of approval.
Minimum parking stall dimension	The dimension of a parking stall may be up to 10 percent shorter in each direction than specified by the city's minimum parking standards or a condition of approval. No more than 1 parking stall shall be eligible for this deviation. Parking spaces in single-family zones are not eligible for this deviation.

Section 8. The City Council hereby amends subsection A and B of Section 10-3-207 of Article 3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-207 remaining in effect without amendment:

- A. Time of exercise of rights for projects that consist solely of approvals granted pursuant to this chapter:

Unless otherwise provided in this chapter or a resolution, development agreement or other action granting any discretionary approval authorized by this chapter, the

exercise of rights granted in such approval shall be commenced within three (3) years after the date of approval.

Unless otherwise provided in a resolution, development agreement or other action granting any discretionary approval authorized by this chapter, the reviewing authority may grant up to two (2) one-year extensions of the time limit contained in this section if an application therefor is made at least thirty (30) days prior to the expiration of the time limit, or any extension thereof. Such extension may be granted after a duly noticed public hearing held pursuant to the same procedures applicable to the approval of the original application as outlined in Section 10-3-2.5 and the City's Public Notice Guidelines, if the reviewing authority determines that conditions and regulations affecting development in the city have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval and the extension of the approval will not unreasonably delay efforts to advance the objectives of the zone. [...]

- B. Time of exercise of rights for projects that include a tentative subdivision map pursuant to chapter 2 of this title:

Unless otherwise provided in this chapter or a resolution, development agreement or other action granting any discretionary approval authorized by this chapter, the exercise of rights granted in such approval shall be commenced within two (2) years from the date of approval if the approval is granted in conjunction with a tentative subdivision map approved pursuant to chapter 2 of this title.

The reviewing authority may grant extensions of the time limit contained in this subsection such that the time in which to exercise the discretionary approval

rights is the same as the time in which to exercise the rights of the tentative map approval. In addition to the granting of extensions pursuant to the foregoing sentence, the reviewing authority may also grant an extension of the time limit in which to exercise the discretionary approval rights granted pursuant to this chapter by one year from the date of final map approval.

Extensions of the time limit provided in this subsection may be granted if an application therefor is made at least thirty (30) days prior to the expiration of the time limit, or any extension therefor. Such extension may be granted after a duly noticed public hearing held pursuant to the same procedures applicable to the approval of the original application as outlined in Section 10-3-2.5 and the City's Public Notice Guidelines, if the reviewing authority determines that conditions and regulations affecting development in the city have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval and the extension of the approval will not unreasonably delay efforts to advance the objectives of the zone. [...]

Section 9. The City Council hereby amends subsection 1 of subsection B of Section 10-3-408 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-408 remaining in effect without amendment:

- “1. ~~Notice: Not less than ten (10) days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within one hundred feet (100') of the exterior boundaries of the subject site area.~~ Notice: Noticing

shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines."

Section 10. The City Council hereby amends subsection 3 of subsection B of Section 10-3-409 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-409 remaining in effect without amendment:

"3. Notice: Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines."

~~A notice of application, in a form approved by the city, shall be posted in a conspicuous place on the subject site within three days after an application for a second unit use permit has been deemed complete. Such notice shall be visible from a distance of sixty feet (60') and shall remain posted in such conspicuous place for no less than ten (10) days. Within five (5) days of posting, the applicant for a second unit use permit shall submit an affidavit to the city certifying such notice has been posted in compliance with this section.~~

~~b. A notice of intended decision regarding an application for a second unit use permit shall be mailed at least ten (10) days prior to any decision rendered by the director of planning and community development to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a project site.~~

~~c. A notice of public hearing shall be mailed at least ten (10) days prior to any hearing held by a reviewing authority other than the director of~~

~~planning and community development, by United States mail, postage paid, to all property owners and occupants within three hundred feet (300') of the exterior boundaries of a project site, as shown on the latest equalized assessment roll.~~

~~d. When a decision regarding a second unit use permit is rendered by the director of planning and community development, then a notice of decision shall be mailed in the same manner as the notice of intended decision.~~

Section 11. The City Council hereby amends Section 10-3-1525 of Article 15.2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1525: REVIEW OF APPLCIATION:

The planning commission shall process the application for a density bonus permit in the same manner as, and concurrently with, the application for a development plan review that is required by article 31 of this chapter for development of a density bonus project. Public Noticing shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines

Section 12. The City Council hereby amends Section 10-3-1843 of Article 18.4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1843: PUBLIC HEARING:

The planning commission shall hold a public hearing regarding any application for a planned development. Noticing shall be completed in accordance with

Section 10-3-2.5 and the City's Public Notice Guidelines.” ~~At least ten (10) days prior to such hearing, notice of the time, place, and purpose of the public hearing shall be sent by United States mail, postage paid, to each owner of a single family residentially zoned property that is within a distance of five hundred feet (500') of the exterior boundaries of the subject site area. In addition, the same notice shall be mailed in the same manner to each owner and residential tenant of all other property within a distance of three hundred feet (300') of the exterior boundaries of the subject site area. Such notice shall be sent to the property owners whose names and addresses appear on the latest equalized county assessment roll.~~

Section 13. The City Council hereby amends subsection B of Section 10-3-1958 of Article 19.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-1958 remaining in effect without amendment:

“B. Public Hearing. A public hearing shall be held by the planning commission on all applications for an extended hours permit. The planning commission shall conduct such hearing, and shall issue a decision concerning the application, within ninety (90) days following the date an application is deemed complete. The deadline may be extended upon the request of the applicant. Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines.” ~~At least ten (10) days prior to such hearing, notice of the time, place, and purpose of the public hearing shall be sent by first class mail to each owner and occupant of a property in a single family residential zone within a distance of five hundred feet (500') of the~~

~~exterior boundaries of the subject property, and to each owner and residential occupant of property in a multiple family residential or a nonresidential zone within three hundred feet (300') of the exterior boundaries of the project site. Such notice shall be sent to the property owners whose names and addresses appear on the latest equalized county assessment roll.~~

Section 14. The City Council hereby amends subsection C of Section 10-3-1959 of Article 2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-1959 remaining in effect without amendment:

“C. At least ten (10) days prior to any hearing by the planning commission, notice of the time, place, and purpose of the public hearing shall be sent by first class mail in accordance with section 10-3-2.5 and the City’s Public Notice Guidelines. ~~to each owner and occupant of property in a single family residential zone within a distance of five hundred feet (500') of the exterior boundaries of the subject property, and to each owner and residential tenant of property within a multiple family residential or nonresidential zone within three hundred feet (300') of the exterior boundaries of the subject property. Such notice shall be sent to the property owners whose names and addresses appear on the latest equalized county assessment roll.~~

Section 15. The City Council hereby amends subsection E of Section 10-3-3219 of Article 32 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3219 remaining in effect without amendment:

“E. Commission Review: When a certificate of appropriateness application is referred to the commission for review, a complete application shall be one that includes a report from a qualified historic preservation consultant detailing the project's compliance with, and potential deviation from the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings".

When a certificate of appropriateness is requested for demolition or relocation of a landmark or contributing property, additional supporting materials and justification shall be required as specified in the city's administrative guidelines.

Upon receipt of a complete application, the commission shall act on the certificate of appropriateness within seventy five (75) days. The time limits in this section shall be extended by the director when necessary to comply with the provisions of CEQA or with the written consent of the owner. A public hearing shall be scheduled and notice provided ~~per this article~~ in accordance with Section 10-3-2.5 and CEQA where applicable. ~~The time, place, and purpose of the public hearing on the proposed certificate of appropriateness shall be given by mailing written notice to~~

~~the owner or owner's representative at least ten (10) days prior to the date of the hearing. Notice to the owner or the owner's representative shall be sent via certified mail, return receipt requested. [...]~~

Section 16. The City Council hereby amends subsection B of Section 10-3-2452 of Article 24.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2452 remaining in effect without amendment:

“B. Notice of any hearing held pursuant to this section shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.
~~mailed, at least ten (10) days prior to such hearing, by United States mail, postage paid, to the applicant and all owners and residential occupants of property within three hundred feet (300') of the subject property, as shown on the latest equalized assessment roll.~~

Section 17. The City Council hereby amends subsection B of Section 10-3-2552 of Article 25.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2552 remaining in effect without amendment:

“B. Notice of any hearing held pursuant to this section shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines ~~mailed, at least ten (10) days prior to such hearing, by United States mail, postage paid, to the applicant and all owners and residential occupants of property within three hundred feet (300’) of the subject property, as shown on the latest equalized assessment roll.~~”

Section 18. The City Council hereby amends subsection B of Section 10-3-2652 of Article 26.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2652 remaining in effect without amendment:

“B. Notice of any hearing held pursuant to this section shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.”~~mailed, at least ten (10) days prior to such hearing, by United States mail, postage paid, to the applicant and all owners and residential occupants of property within three hundred feet (300’) of the subject property as shown on the latest equalized assessment roll.~~

Section 19. The City Council hereby amends Subsection F of Section 10-3-2730 of Article 27 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2730 remaining in effect without amendment:

F. The planning commission may hold a public hearing, noticed in accordance with Section 1-3-2.5 and the City’s Public Notice Guidelines to authorize the joint use of parking facilities under the following conditions [...]

Section 20. The City Council hereby amends Section 10-3-2852 of Article 28.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2852 remaining in effect without amendment:

“10-3-2852: NOTICE:

Noticing of an R-4 permit application shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.”

~~A. A notice of application, in a form approved by the city, shall be posted in a conspicuous place on the subject site within three (3) days after an application for an R 4 permit has been deemed complete. Such notice shall be visible from a distance of sixty feet (60') and shall remain posted in such conspicuous place for no less than ten (10) days. Within five (5) days of posting, the applicant for an R 4 permit shall submit an affidavit to the city certifying such notice has been posted in compliance with this section.~~

~~B. A notice of intended decision regarding an application for an R-4 permit shall be mailed at least ten (10) days prior to any decision rendered by the director of planning and community development to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a project site.~~

~~C. A notice of public hearing shall be mailed at least ten (10) days prior to any hearing held by a reviewing authority other than the director of planning and community development, by United States~~

~~mail, postage paid, to all property owners and occupants within three hundred feet (300') of the exterior boundaries of a project site, as shown on the latest equalized assessment roll.~~

~~D. When a decision regarding an R-4 permit is rendered by the director of planning and community development, then a notice of decision shall be mailed in the same manner as the notice of intended decision.~~

Section 21. The City Council hereby amends subsection H of Section 10-3-2901 of Article 29 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-2901 remaining in effect without amendment:

“H. Except as otherwise provided by subsection B9 of this section, a tree removal permit shall be obtained from the planning commission whenever ten percent (10%) or more of the protected trees in an urban grove are proposed to be removed. Notice of the hearing on such permit before the planning commission shall be mailed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines. ~~given to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.~~ The decision of the planning commission shall be appealable by the owner of the trees proposed for removal or any person entitled to receive notice of the planning commission hearing under this subsection to the city council. Notice of the hearing on the appeal before the city shall be given to all persons who are entitled to receive notice of the hearing before the planning commission.

Section 22. The City Council hereby amends subsections A and B of Section 10-3-3103 of Article 31 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3103 remaining in effect without amendment:

“10-3-3103: PUBLIC HEARING REQUIRED FOR PLANNING COMMISSION
REVIEW OF DEVELOPMENT PLAN REVIEW APPLICATIONS:

A. A public hearing shall be held by the planning commission on all applications for which it is the reviewing authority. Noticing shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines. ~~At least ten (10) days prior to such hearing, notice of the time, place and purpose of the public hearing on each application shall be sent by first class mail to each owner of property in a single family residential zone within a distance of five hundred feet (500') of the exterior boundaries of the subject property and to each owner of property in any other zone within three hundred feet (300') of the exterior boundaries of the subject property. Such notice shall be sent to the property owners whose names and addresses appear on the last equalized county assessment roll. A public hearing shall not be required for applications subject to review by the director of planning and community development pursuant to this article. However, notice of the decision by the director of planning and community development on each application shall be provided by the director to the applicant, all abutting property owners, and any person or organization who previously requested, in writing, notice of such decision.~~

B. A public hearing shall be held by the city council on all applications for which it is the reviewing authority pursuant to the procedures set forth in subsection A of this section.

Section 23. The City Council hereby amends subsection E of Section 10-3-3215 of Article 32 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3215 remaining in effect without amendment:

“E. Notice Of Public Hearing: Notice of Public Hearing shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.” ~~Written notice of the date, time, place, and purpose of a public hearing to formally consider an application shall be given by first class, prepaid mail not less than ten (10) days prior to said hearing to the applicant and all owner(s) of the property proposed for nomination. A public hearing notice regarding designation of a historic district shall be provided to all owners within the proposed district. Failure to send notice by mail to any such owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. When the owner(s) petition the city for designation, it is the petitioner's obligation to furnish to the director a current list of names and legal mailing addresses of all owners to be notified, and to pay such fee to cover the costs of providing notification as shall be established by resolution of the city council. When the proposed designation is by city initiative, the community development department shall be responsible for preparing the notification list. The commission may also direct that other notice be provided as it deems appropriate.~~

Section 24. The City Council hereby amends Section 10-3-3307 of Article 33 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3307 remaining in effect without amendment:

“Persons desiring to participate in the in lieu parking district established by this article shall submit an application for participation to the director of community development. If the director determines that such application meets the requirements set forth in sections 10-3-3302 through 10-3-3306 of this chapter, then the director shall schedule a hearing on that application before the planning commission, unless the application is solely for a restaurant use and the number of in lieu parking spaces requested will result in a total number of in lieu parking spaces of ten (10) or fewer, in which case the director shall have the authority to approve the request without conducting a hearing. ~~Written notice of any required hearing shall be mailed to the applicant by United States mail, at least ten (10) days prior to the hearing.~~ Noticing of any hearing shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines. Furthermore, if the applicant has concurrently filed other applications which require a hearing before the planning commission, then the hearing regarding the application for participation in the district shall be combined with such other hearing. Similarly, notice of the application for participation in the district shall be combined with the notice of any other application that will be reviewed concurrently by the planning commission.”

Section 25. The City Council hereby amends subsection C of Section 10-3-3503 of Article 35 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3503 remaining in effect without amendment:

“C. A public hearing shall be held by the planning commission on all applications for which it is the reviewing authority. Public noticing shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.” ~~In addition to the notice requirements pursuant to section 10-3-3504 of this chapter, at least ten (10) days prior to such hearing, notice of the time, place and purpose of the public hearing shall be sent by first class mail to each owner of property in a residential zone within a distance of five hundred feet (500') of the exterior boundaries of the subject property and to each owner of property in any other zone within three hundred feet (300') of the exterior boundaries of the subject property. Such notice shall be sent to the property owners whose names and addresses appear on the last equalized county assessment roll. A public hearing shall be held by the planning commission on all applications for which it is the reviewing authority.~~

Section 26. The City Council hereby amends Section 10-3-3504 of Article 35 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3504 remaining in effect without amendment:

“10-3-3504: NOTICE:

Notices in connection with the open air dining permit approval process shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines.~~provided in accordance with section 10 3 3602 of this chapter.~~

Section 27. The City Council hereby amends Section 10-3-3602 of Article 36 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3602: NOTICE:

A. Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines.~~A notice of application, in a form approved by the city, shall be posted in a conspicuous place on the subject site within three (3) days after an application for a minor accommodation has been deemed complete. Such notice shall be visible from a distance of sixty feet (60') and shall remain posted in such conspicuous place for no less than ten (10) days. Within five (5) days of posting, the applicant for a minor accommodation shall submit an affidavit to the city certifying such notice has been posted in compliance with this section.~~

B. ~~A notice of intended decision regarding an application for a minor accommodation shall be mailed at least ten (10) days prior to any decision rendered by the director of planning and community development to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a project site.~~

C. ~~A notice of public hearing shall be mailed at least ten (10) days prior to any hearing held by a reviewing authority other than the director of planning and~~

~~community development, by United States mail, postage paid, to all property owners and occupants within three hundred feet (300') of the exterior boundaries of a project site, as shown on the latest equalized assessment roll.~~

~~D. When a decision regarding a minor accommodation is rendered by the director of planning and community development, then a notice of decision shall be mailed in the same manner as the notice of intended decision.~~

Section 28. The City Council hereby amends Section 10-3-3654 of Article 36.5 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3654: NOTICE

A. Noticing shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines. ~~A notice of application, in a form approved by the city, shall be posted in a conspicuous place on the subject site within three (3) days after an application for an overnight stay permit has been deemed complete. Such notice shall be visible from a distance of sixty feet (60') and shall remain posted in such conspicuous place for no less than ten (10) days. Within five (5) days of posting, the applicant for an overnight stay permit shall submit an affidavit to the city certifying such notice has been posted in compliance with this section.~~

B. ~~A notice of intended decision regarding an application for an overnight stay permit shall be mailed at least ten (10) days prior to any decision rendered by the director of~~

~~planning and community development to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a project site.~~

~~C. A notice of public hearing shall be mailed at least ten (10) days prior to any hearing held by a reviewing authority other than the director of planning and community development, by United States mail, postage paid, to all property owners and occupants within three hundred feet (300') of the exterior boundaries of a project site, as shown on the latest equalized assessment roll.~~

~~D. When a decision regarding an overnight stay permit is rendered by the director of planning and community development, then a notice of decision shall be mailed in the same manner as the notice of intended decision.~~

Section 29. The City Council hereby amends subsections A and B of Section 10-3-3672 of Article 36.7 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-3-3672 remaining in effect without amendment:

“A. Director Review: The director, or designee, shall consider an application and issue a written determination. ~~At least ten (10) calendar days before issuing a written determination on the application, the~~ The director shall complete public noticing in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines~~mail notice to the applicant and adjacent property owners that the city will be considering the application,~~ advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.

B. Planning Commission Review: The processing procedures for the discretionary land use application before the planning commission shall

govern the processing of the request for a reasonable accommodation. If the reasonable accommodation is referred to the planning commission by the director and there is no other discretionary application, then the planning commission shall hold a public hearing within forty five (45) days after the application is deemed complete and shall issue a written determination within sixty (60) calendar days after such public hearing.

Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines. ~~Written notice of a hearing to consider the application shall be mailed ten (10) calendar days prior to the meeting to the applicant and adjacent property owners.~~

Section 30. The City Council hereby amends Section 10-3-3705 of Article 37 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-3705: NOTICE OF HEARINGS:

The zoning administrator shall cause notice of the time, place and purpose of the hearing to be given in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines. The failure of the person addressed to receive a notice shall not affect the jurisdiction of the board of zoning adjustments to proceed with the hearing. ~~be given in either of the following ways:~~

A. ~~By publishing once in a newspaper of general circulation in the city a notice thereof at least ten (10) days before the date fixed for the hearing, and by mailing, through the United States mail postage prepaid to the owners of property within a distance of three hundred feet (300') of the~~

~~exterior boundaries of the subject property (using for this purpose the certified list presented by the applicant) a notice thereof at least five (5) days before the date fixed for the hearing; or~~

~~B. — By publishing once in a newspaper of general circulation in the city a notice thereof at least ten (10) days before the date fixed for the hearing and by posting in at least two (2) conspicuous places close to the subject property a notice thereof at least five (5) days before the date fixed for the hearing.~~

Section 31. The City Council hereby amends Section 10-3-3711 of Article 37 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3711: APPEALS TO THE COUNCIL

The applicant or any person aggrieved by a decision of the board of zoning adjustments in granting or denying a variance may appeal to the council as provided in title 1, chapter 4, article 1 of this code. The zoning administrator shall cause notice of the council hearing in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.” ~~by publishing once in a newspaper of general circulation in the city a notice thereof at least ten (10) days before the date fixed for the hearing and by mailing, through the United States mail, postage prepaid, to the owners of property within a distance of three hundred feet (300’) of the exterior boundaries of the subject property, a notice thereof at least ten (10) days before the date fixed for the hearing.~~

Section 32. The City Council hereby amends Section 10-3-3717 of Article 37 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3717: REVOCATION; NOTICE OF HEARING:

The zoning administrator shall cause notice of the time, place, and purpose of a hearing to revoke a variance, or a hearing for the review of a decision to revoke a variance, to be given in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines. ~~to the persons shown to have an interest in the premises affected, as disclosed by the records of the city clerk, by mailing through the United States mail, postage prepaid, to the addresses shown by such records.~~ The failure of the person addressed to receive the notice shall not affect the jurisdiction of the board of zoning adjustments to proceed with the hearing. The procedures set forth in this article relative to hearings and appeals shall be applicable to the revocation of a variance.”

Section 33. The City Council hereby amends Section 10-3-3800 of Article 38 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-3800: AUHORIZED:

Pursuant to an application and hearing procedure as provided in article 37 of this chapter for granting a variance, the planning commission may authorize conditional uses as specified in this code if the planning commission finds that the proposed location of any such use will not be detrimental to adjacent property or to the public welfare.

Conditionally permitted uses shall be designated and listed in this code under the zone in which they are permitted. Additionally, a list of all uses which may require a conditional use permit shall be maintained in the office of the department of planning and community development and shall be available to the public free of charge. Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines."

Section 34. The City Council hereby amends Section 10-3-3902 of Article 39 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-3902: NOTICE AND HEARING BY THE PLANNING COMMISSION:

Upon the filing of such verified petition, or adoption of such motion, the planning commission shall hold a hearing thereon as provided in sections 10-3-3704 and 10-3-3705 of this chapter. Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines"

Section 35. The City Council hereby amends Section 10-3-3909 of Article 39 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-3909: NOTICE OF ACTION:

~~Not more than ten (10) days after action by the planning commission, the applicant shall be notified by mail of the planning commission's decision or recommendation.~~ Notice of an action taken on an amendment application shall be completed in accordance with section 10-3-2.5 and the City's Public Notice Guidelines."

Section 36. The City Council hereby amends Section 10-3-4413 of Article 44 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

10-3-4413: NOTICE OF HEARINGS:

Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines. ~~At least ten (10) days before the date fixed for the hearing, the director shall cause notice of the time, place, and purpose of the hearing to be given by mailing written notice, through the United States mail postage prepaid, to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a subject property. The failure of the person addressed to receive a notice shall not affect the jurisdiction of the reviewing authority to proceed with the hearing. In addition, the applicant shall post a notice of the pending application at the subject property.~~

Section 37. The City Council hereby amends Section 10-4-904 of Article 9 to Chapter 4 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-4-904 NOTICE OF HEARING:

Noticing shall be completed in accordance with Section 10-3-2.5 and the City's Public Notice Guidelines. ~~A notice of hearing regarding an application for a sign accommodation shall be mailed to all property owners, as shown on the latest equalized assessment roll, and all residential occupants within one hundred feet (100') of the exterior boundaries of a project site at least ten (10) days prior to the hearing regarding the application~~

Section 38. The City Council hereby amends subsection E of Section 10-8-106 of Article 1 to Chapter 8 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-8-106 remaining in effect without amendment:

“E. Public Hearing Notice: The reviewing authority shall hold a public hearing concerning each application for a view restoration permit. Notice of any hearing held pursuant to this section shall be completed in accordance with Section 10-3-2.5 and the City’s Public Notice Guidelines.”~~mailed at least thirty (30) days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.~~

Section 39. The City Council hereby amends subsection K of Section 10-8-106 of Article 1 to Chapter 8 of Title 10 of the Beverly Hills Municipal Code to read as follows with all other provisions in 10-8-106 remaining in effect without amendment:

“K. Notice of Decision:

- i. Written Decision Required: The action taken by the reviewing authority shall be set forth in writing.
- ii. Notice of Action: Within five (5) days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, in accordance with Section 10-3-2.5 and the City’s Public

~~Guidelines~~
~~Notice Of Decision: Within five (5) days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:-.~~

- ~~a. The view owner, using the mailing address set forth in the application;~~
- ~~b. Each foliage owner that is named on the application, as listed on a current tax assessor's roll and to the occupant of the foliage owner's property if the foliage owner's address is different than the property on which the foliage is located.~~

The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

Section 40. 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 41. 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.

[DRAFT]

Section 42. 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:

JOHN MIRISCH

Mayor of the City of

Beverly Hills, California

ATTEST:

(SEAL)

BYRON POPE

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER

City Attorney

JEFFREY C. KOLIN

City Manager

[DRAFT]

SUSAN HEALY KEENE

Director of Community Development

Attachment 3

Draft Guidelines on Public Noticing



DIRECTOR'S GUIDELINES
COMMUNITY DEVELOPMENT DEPARTMENT

PUBLIC NOTICE

REQUIREMENTS FOR PLANNING APPLICATIONS

CONTENTS

Introduction

Rules and Standards

General Requirements

Mailed Notices

On-Site Posted Notice

Newspaper Notice and Neighborhood

Outreach

INTRODUCTION

PUBLIC NOTICING REQUIREMENTS

Public noticing requirements are meant to ensure that the community is aware of land use applications or development projects that are proposed in the City. Public noticing requirements are outlined in the City's zoning code in section 10-3-2.5.

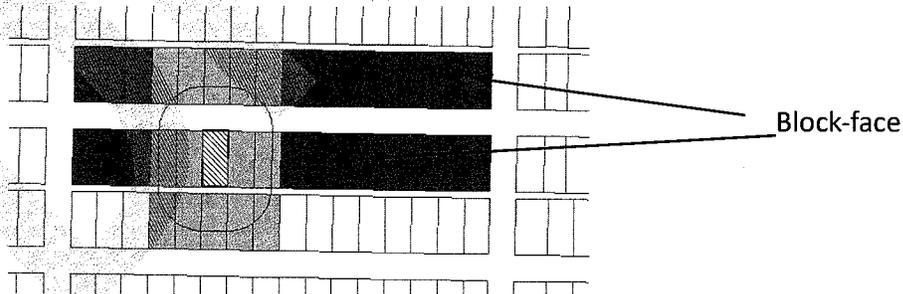
USING THIS GUIDE

This guide is intended to provide applicants with additional information on public noticing for applications considered by community development department and the planning, architectural, design review, and cultural heritage commissions. General requirements are located on page XX, followed by more specific guidelines on how to complete mailed, on-site posted, and newspaper notices.

DEFINITIONS

The following definitions are included to provide clarity in the public noticing requirements.

BLOCK-FACE- A block-face is defined as the properties along one side of a street between two consecutive intersections as illustrated in dark grey shading on the illustration below.

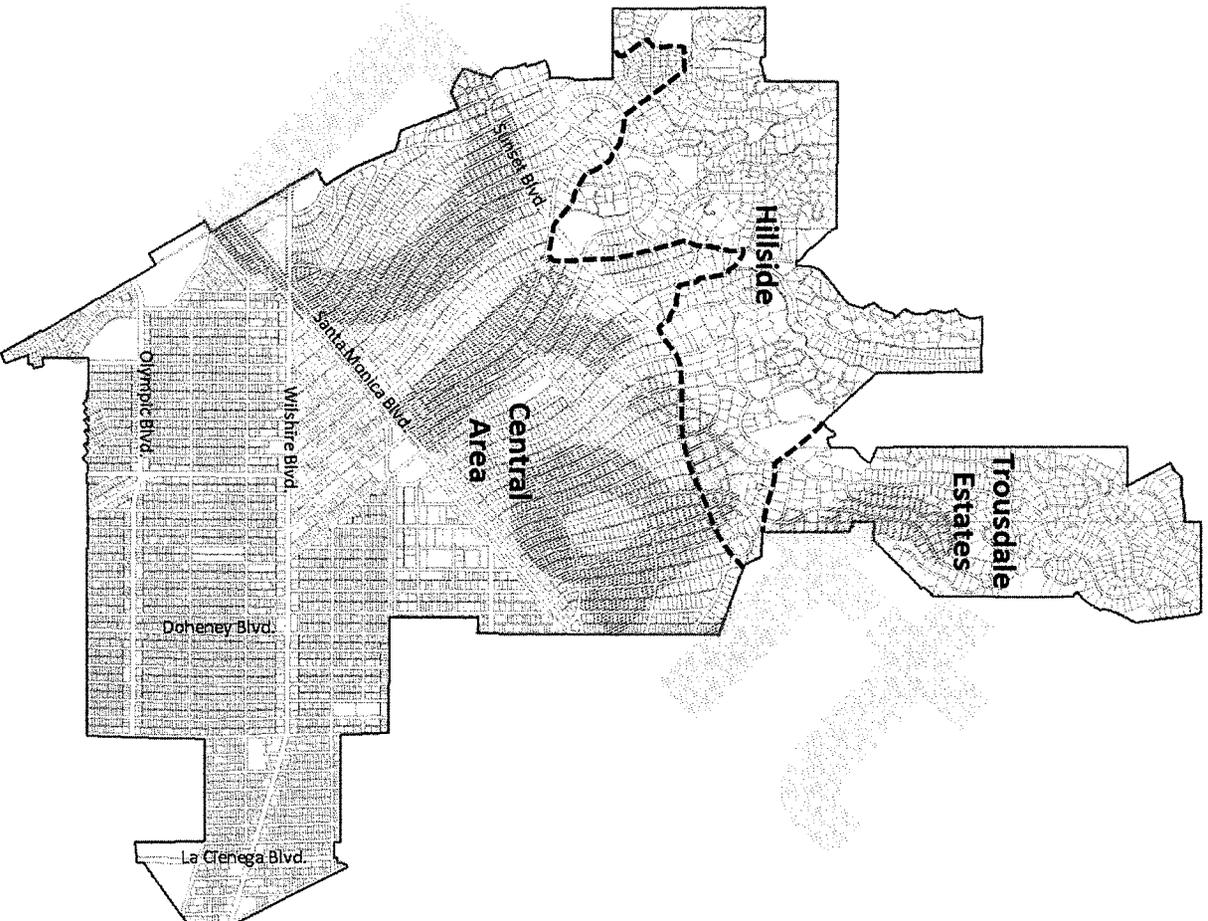


COMMISSION LEVEL REVIEW- Planning applications reviewed and decided on by one of the commissions staffed by the Community Development Department are referred to as Commission-Level Review cases.

DIRECTOR LEVEL REVIEW- Planning applications reviewed and decided on by the Director of Community Development or designee are referred to as Director-level or administrative applications.

PLANNING APPLICATION- Any applications administered by the Planning Division of the Community Development Department.

PUBLIC NOTICING- Notifications intended to alert and provide information to the general public regarding an action to be taken on a planning application.



AREAS OF THE CITY

Throughout the zoning code and guidelines there are references to different areas in the City of Beverly Hills. Uses, zoning, and development standards can be different in each area. Additionally, some permits and applications apply to one area, but not others. The Central Area, Hillside, and Trousdale Estates are depicted on the map above.

RULES AND STANDARDS

The following general rules and standards apply to public noticing for planning applications:

TIME

All public noticing must be completed within the specified time-frame for the application to be considered complete. If noticing is not completed within the specified time-frame review of the application may be delayed.

MULTIPLE APPLICATIONS

If multiple applications are submitted for the same project or site area, the City may issue a single notice for all related applications. Notification for multiple applications for the same project or site area shall conform to the requirements of the application under review with the greatest requirements.

SPECIAL REQUIREMENTS

The following applications have special noticing requirements that are outlined in section 10-3-2.5 of the zoning code.

- +Common Interest Development
- +Reasonable Accommodation
- +Resolution of Public Convenience & Necessity
- +Tree Removal Permit
- +View Restoration
- +Certificates of Appropriateness
- + Large Family Daycare
- +Landmark and Historic Designation

These requirements are not addressed in this guidelines document. Please refer to the zoning code for more information on these applications and consult a planner with any questions.

STATE REQUIREMENTS

In addition to requirements set forth in the Beverly Hills Municipal Code and these guidelines, all planning applications must be noticed in accordance with State Law when applicable.

FAILURE OF PERSON OR ENTITY TO RECEIVE NOTICE

The failure of a person or entity to receive a notice given pursuant to the City's noticing requirements shall not constitute grounds for any court to invalidate the actions for which notice was given.

DIRECTOR'S STANDARDS

In addition to the rules and standards outlined in the zoning code and these guidelines, the Director shall also:

- + Provide project information on the City's Website when appropriate
- + Provide application and project information to community and neighborhood groups when appropriate

The Director shall also have the ability to:

- + Require an applicant to include additional information beyond what is specified by State law and the zoning code in public notice materials
- + Expand noticing requirements for applications as appropriate. This could include expanding the mailed notice radius/area, requiring more on-site posting, or requiring additional newspaper noticing.
- + Require project applicants to hold a community meeting on application/project
- + Amend or adjust specific requirements outlined in this Public Notice Guidelines Document when they will increase the efficiency and effectiveness of public noticing to the community.



GENERAL REQUIREMENTS

General public notice requirements are outlined in the tables in this section. Tables are organized by the type of review (Planning, Design, Architectural, Cultural Heritage) and the level of review (Director Level or Commission Level). Please refer to the Beverly Hills Municipal Code Section 10-3-2.5 for further clarification.

Public Notice Requirements for Development Applications	On-Site Posted Notice	Newspaper Notice	Mailed Notice
Planning Review			
<p>Director Level includes applications that staff and the PC has determined can be processed at the staff level. Commission Level applications will be heard by the Planning Commission. Applications include:</p> <ul style="list-style-type: none"> • <u>Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code)</u> • Certificate of Compliance • <u>Conditional Use Permit</u> • <u>Common Interest Development*</u> • <u>Density Bonus Permit (Concurrent with DPR)</u> • <u>Development Plan Review</u> • Extended Hours Permit • Game Court • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment • Maps: Tentative, Final and Parcel • Minor Accommodation • Open Air Dining • Overnight Stay Permit • Parking Covenant Review • <u>Planned Development Review</u> • Reasonable Accommodation* • <u>Resolution of Public Convenience & Necessity*</u> • R1: Hillside, Central and Trousdale • R4 Multi-Family Review • Second Unit Use Permit • Substantial Compliance • Tree Removal Permit* • <u>Variance</u> • View Restoration* • <u>Specific Plan</u> 	Director Level	Yes	No
<p>Underlined Applications are reviewed at the commission level only *Special noticing requirements apply, See Special Noticing Requirements Table</p>	Commission Level	Yes	<p>Hillside & Trousdale: 300 ft. radius</p> <p>Central Area: 100 ft. radius + block-face</p> <p>Hillside & Trousdale: 500 ft. radius</p> <p>Central Area: 300 ft. radius + block-face</p>

Public Notice Requirements for Development Applications	On-Site Posted Notice	Newspaper Notice	Mailed Notice
Architectural Review			
<p>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.</p>	Director	None	Owner/Applicant
<p>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.</p>	Commission	Projects in Multi-Family Residential Zones None	Owner/Applicant
Design Review			
<p>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".</p>	Director	None	Owner/Applicant
<p>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".</p>	Commission	Yes	Central Area: 100 ft. radius + block-face
Cultural Heritage			
<p>Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor.</p>	Director	None	Owner/Applicant
<p>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 Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness* and Director's Determination of Ineligibility</p> <p>* Special noticing requirements apply, See Special Noticing Requirements Table</p>	Commission	None	Owner/Applicant

The Special Noticing Requirements Table can be found in the Beverly Hills Municipal Code Section 10-3-2.5

MAILED NOTICES

Most planning applications require mailed notices be sent to property owners and occupants near the subject property. This section describes the requirements and procedures to comply with the City's regulations on mailed notices. Please refer to the table on page XX to determine the planning applications that require a mailed notice.

TYPES OF MAILED NOTICE REQUIRED

Director Level Review applications require the mailing of a notice of Application/Pending Action and a notice of decision.

Commission Level review applications require the mailing of a notice of public hearing.

RECIPIENTS

The mailing radii for each planning application is provided in the table on page X of these guidelines. A notice must be mailed to:

- +Owners and occupants of the properties that are required to receive notice including multifamily properties. The owners list must be obtained from the most current LA County Tax Assessor's Roll
- +The applicant, owner and occupant of subject property
- +Any person or group who has filed a written request for notice regarding the specific application

CONTENTS

Each mailed notice shall contain the following information:

- +Address of subject property
- +Description of application
- +Time/date of hearing (if applicable)
- +Information on appeal
- +Contact information for planner

City staff will write the mailed notice and complete the mailing once the application has been deemed complete.

TIME

Notices of Application/Pending Action and Notices of Public Hearing shall be mailed at least ten days prior to such action or hearing by the review authority

Notices of Action shall be mailed within five days of the issuance of a decision by the review authority.

City staff will send all mailed notices; however a complete list of all persons to receive the notice must be provided with application materials.

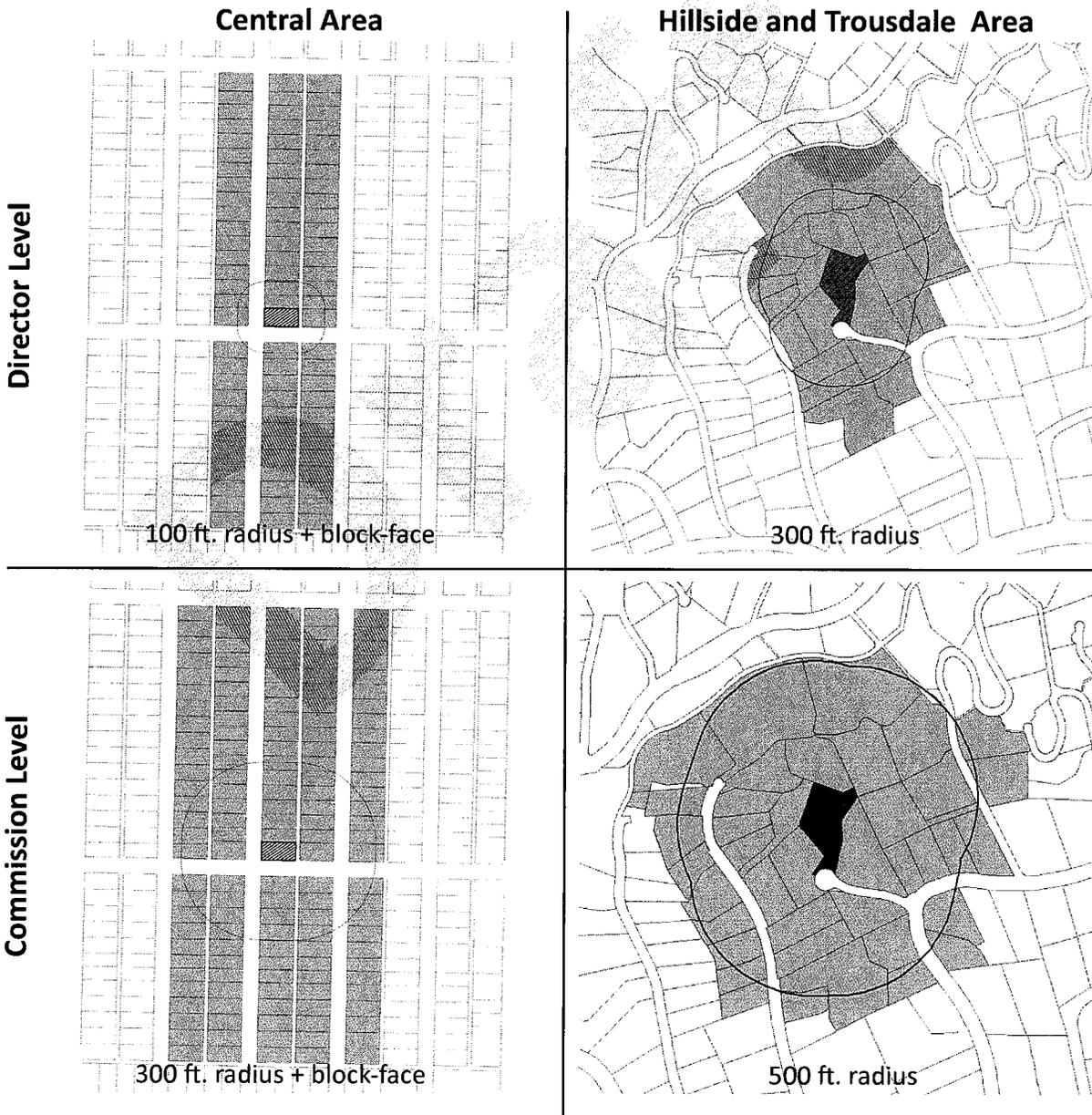
APPLICATION REQUIREMENTS

If a planning application requires mailed noticing, the following must be provided to City Staff:

- +Two copies of a map indicating each parcel of land and land use receiving a mailed notice
- +3 sets of gummed mailing labels
- +Signed affidavit verifying that the mailing list submitted to the City includes all property owners and occupants within the required mailing area

NOTICING RADII

Recipients of mailed notices are determined by measuring a radius from the applicants property. In addition to a standard radius, properties in the Central Area of the City are also required to mail notices to properties located along the block-face if any part of the block falls within the radius. Please see below for examples of mailing areas.



ON-SITE POSTED NOTICE

Many Commission Level applications require on-site posted notices. The posted notice requirements vary depending on whether the application is for a project on a commercial or residential property.

GENERAL REQUIREMENTS FOR ON-SITE POSTED NOTICES

AFFIDAVIT

The applicant shall submit an affidavit within five days of posting the sign on the project site to verify that the sign is posted in compliance with City requirements

PHOTOGRAPHS

The applicant shall submit two photographs to the City. One photograph should clearly show the contents of the posted notice. The other shall show the notice posted on the property in manner and location that conforms with all requirements.

REMOVAL

The applicant is responsible for the removal of the posted notice. Each notice shall be removed at the end of the appeal period for the application being noticed. Failure to remove posted notices may result in fines...

PROCEDURE

The following procedure shall be followed for site posting:

Work with planner prior to submitting application to determine noticing requirements

Create sign using template provided by City or by working with project planner

Get sign printed

Post sign on subject property in accordance with the requirements outlined in this guide

Post sign on subject property in accordance with the requirements outlined in this guide

Remove sign from property after appeal period ends

ON-SITE NOTICES FOR COMMERCIAL PROPERTIES

On-site posted notices for commercial properties may be printed on standard white paper. Most applications that require posted notices on commercial properties contain a template that may be completed by the applicant and posted on the property. An example posted notice for commercial properties is provided below.

Other requirements include:

LOCATION: The Notice shall be posted in a conspicuous location on the subject property. The preferred location is in a window facing the public right of way. If this is not possible, the sign may be affixed to the exterior of a building in a professional looking manner.

CONTENT: Contents of the posted notice shall conform to the requirements set forth by State Law and City regulations. The Director may require additional information to be included in the public notice.

TIME: Posted at least ten days prior to hearing or decision

MATERIAL: White Paper

SIZE: 8.5" x 11"

Example commercial on-site posted notice



NOTICE

Intent to file for an Open Air Dining Permit

This is to give notice of the intent of the owner of this business to seek an open air dining permit for:

- Seating of up to 8 chairs
- Seating for more than 8 chairs
- Permanent railing enclosure

The application will be submitted to the Department of Community Development - Planning at 455 North Rexford Drive, Beverly Hills, California 90210.

Signature of Applicant

Date

Name of Applicant (Please Print)

For more information: (310) 285-1123, www.beverlyhills.org/planning

ON-SITE POSTED NOTICE

ON-SITE NOTICES FOR RESIDENTIAL PROPERTIES

- SIZE:** 24 inches by 18 inches
- LOCATION:** the sign shall be posted within five feet of the front property line bottom edge of the sign shall be no higher than four feet off the ground
- MATERIAL:** On-site posted notices for residential properties shall be made of Coroplast and posted on the property in a professional manner. An example posted notice is provided on page 13.
- POSTING:** The sign shall be posted on the property using a heavy duty "H" coroplast stakes (see image to right). These holders can be obtained at most sign companies or hardware stores. If necessary, the sign may also be neatly affixed to a construction barricade or fence within five feet of the property line.
- TIME:** The sign shall be posted for at least 10 days,
- CONTENTS:** The sign shall include the following information:
- + General description of action requested
 - + Public hearing date and location
 - + Name and contact information of project planner
 - + Site address
 - + Size and height of proposed building/project
 - + Applicant contact information



Heavy Duty "H" Stake

The sign shall conform to the example on-site posted notice shown on the right. It should not contain handwritten information, except for the date of the hearing.

A sign template is provided at www.beverlyhills.org/planning/publicnotice

Below is an example of an on-site posted notice for a residential property

Type of permit being requested

Brief description of project

24"

18"

Project specifics

Contact information for project planner

Rendering of proposed project if applicable

BEVERLY HILLS

NOTICE OF PENDING DESIGN REVIEW PERMIT

The owner of this property intends to seek a Design Review Permit for the construction of a new two-story single-family residence

Public Hearing : October 12, 2014 at 1:30 PM

Location of Hearing: Room 280A
 455 N. Rexford Drive,
 Beverly Hills, CA 90210

For more information Jane Smith, Associate Planner
& to submit comments: (310) 285-1191
 jsmith@beverlyhills.org
 www.beverlyhills.org/planning

Scan here with your 
smartphone:

Proposed Project



Site Address: 123 Rodeo Drive
Height: 30'-8"
Size: 3,952 square feet
Applicant: John Doe

NEWSPAPER NOTICE AND NEIGHBORHOOD OUTREACH

NEWSPAPER NOTICE

Newspaper announcements are required for a several planning applications. Please see the table on pages 6 and 7 to identify the applications that require a newspaper notice.

When required, the newspaper notice shall be posted in a newspapers in general circulation in the City at least 10 days in advance of a public hearing or decision by the Director. City Staff will coordinate with the newspapers to arrange the publication of the notice.

NEIGHBORHOOD OUTREACH

In addition to the mailings, site posting, and newspaper noticing that a project may require, it is recommended that project applicants reach out to neighbors and neighborhood groups as part of the public noticing process. Personally contacting neighboring property owners and occupants can make the application process easier, and ensure that any potential issues are identified before a decision is made on a case.

Applicants may consider conducting outreach via the following methods:

- +Sending letters to neighbors and neighborhood groups
- +Visiting neighbors and discussing the project in person
- +Hosting a small community meeting about the proposed project to answer questions
- +Attending a meeting of a local neighborhood group to introduce and discuss project
- +Creating a project web page

City planning staff is happy to help applicants identify neighborhood groups that may have an interest in an application in order to begin the outreach process.

USING THE INTERNET FOR NOTICING

Some applicants may wish to use the internet to provide the public with information on a planning application. While this may not be in done in-lieu of other types of noticing, the City encourages applicants to provide project information on the internet. Applicants should consult with City staff regarding the use of the City website to provide information on applications.

ADDITIONAL INFORMATION

To be developed.

DRAFT

 **NOTICE OF PENDING PLANNING APPLICATION**
Description of the project

Pending Decision - *Date of next hearing (MM/DD/YYYY)*
Hearing -

For more information and to comment: **Planner's Name, Title**
(310) 226-XXXX
Planner's Email Address
www.beverlyhills.org/planning

Scan with your smart phone to receive updates on this project

If needed, the hearing will be held at:
City Hall
4514 Parkwood Drive
Room 100
Beverly Hills, CA 90210

Illustration of Proposed New Home



Site Address:
Height:
Size:
Applicant:

Street Address
Feet x Inches
XXXXX Square Feet
First & Last Name

Attachment 4

May 23, 2013 Staff Report



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 485-1141 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: May 23, 2013

Subject: Public Noticing Requirements for Development Projects

Recommendation: Review the City's noticing requirements for development projects and consider a recommendation to City Council to adopt revisions for broader public outreach, and for consistency.

REPORT SUMMARY

The City's zoning code contains requirements for providing the community with information on upcoming land use, development permit and design decisions (applications). This report summarizes these requirements and provides several recommendations for expanding current noticing practices. The noticing requirements discussed in this report would apply to developer driven projects, and not to city initiated projects which are being evaluated under a separate citywide effort.

BACKGROUND

Public noticing requirements in the zoning code are intended to ensure that community members are informed of upcoming land use and permit decisions. The FY 2012/13 Community Development Budget Work Plan for the Planning Division calls for an evaluation of expanding the notice requirements beyond the generally applicable 300-foot for development projects. There has also been a desire recently expressed by City Council members, community members and staff to more comprehensively review the public notice requirements and ensure that the public is adequately informed about upcoming matters.

Current Requirements

Public notice requirements vary by development application and reviewing body; see Attachment 1 for a summary of noticing requirements in Beverly Hills. For each application, one or more of the following types of notice is required:

- Mailed Notices,
- Site Posting, and
- Newspaper Notices

Some applications do not require public noticing (i.e. Architectural Review other than Sign Accommodations).

Table 1, on the next page, summarizes current notice requirements. Applications in the first group require a newspaper announcement, and either mailed notification or on-site posting. Applications in

Attachments:

- 1 – Noticing Requirements for Beverly Hills
- 2 – Noticing Requirements for Other Cities

Report Author and Contact Information:

Peter Noonan, AICP CEP
Senior Planner
(310) 285-1127
pnoonan@beverlyhills.org

the second group require mailed notification and on-site posting, and those in the third group only require mailed notifications. The radius distance for mailed notices is outlined in Table 1.

Some applications can be reviewed at staff level; others are reviewed at by one of the four commissions supported by the Community Development Department. Applications in Table 1 are reviewed by the Planning Commission or by the Director of Community Development.

Table 1
Current Public Noticing Requirements (Planning Commission)

Application	Newspaper Notice	Site Posting	Mailed Notices (Property Owners except as noted)		
			Staff Level ¹	Commission Level	
Group 1	Amendment (General Plan & Zoning Map and Text)	X	X ²	N/A ³	300 ft. - (Owners)
	Variance	X	X ²	N/A ³	300 ft. - (Owners)
	Conditional Use Permit	X	X ²	N/A ³	300 ft. - (Owners)
	Tentative Map	X		N/A ³	300 ft. - (Owners)
Group 2	R4 Permit		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Minor Accommodation		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Notice of Overnight Stay		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Second Unit Use Permit		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Open Air Dining		X	100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
	Substantial Compliance			100 ft. - (Owners & Residential Occupants)	300 ft. - (Owners & Occupants)
Group 3	Development Plan Review			Abutting Owners (Notice of Decision Only)	SFR zone: 500 ft. Other zones: 300 ft. (Owners)
	Density Bonus Permit			N/A ³	SFR zone: 500 ft. Other zones: 300 ft. (Owners)
	Extended Hours			N/A ³	SFR zone: 500 ft. Other zones: 300 ft. (Owners & Occupants)
	Planned Development Review			N/A ³	SFR zone: 500 ft. - (Owners) Other zones: 300 ft. (Owners and Residential Tenants)

¹ Director-Level Decisions require two notices, one prior to making a decision, and one after the decision is made.

² These applications require a newspaper notice and EITHER a mailed notice OR site posting – typically the City has mailed the notice because other planning permit applications accompanied the request and those applications required a mailed notice per local requirements.

³ These permits are not eligible for Director-level approval.

Table 1 (continued)

	Application	Newspaper Announcement	Site Posting	Mailed Notices	
				Staff Level	Commission Level
Group 3 (Continued)	Common Interest Development ⁵			N/A ³	(Building Tenants & Owner)
	Permit to operate large daycare facility			100 ft. ⁴ – (Owners)	
	R1 Permit (Central, Hillside, Trousdale)			N/A ³	300 ft. – (Owners & Residential Occupants)
	Reasonable Accommodation			Adjacent owners	Adjacent owners
	Trousdale View Restoration Permit			N/A ³	Foliage Owners

³ These permits are not eligible for Director-level approval.

⁴ Director's decisions are appealable to the Planning Commission, which would be noticed to properties within 300-feet, 10-days prior to the hearing.

⁵ Common Interest Developments have specific noticing requirements set by the State.

State law sets the minimum noticing requirements for General Plan and Zoning Code Amendments, Variances, Conditional Use Permits and other equivalent development permits.

The following planning permits are reviewed by one of the other three commissions: Cultural Heritage Commission (CHC), Design Review Commission (DRC), and the Architectural Review Commission (AC). Permits reviewed by these commission, or the Director are provided below.

**Table 2
 Current Public Noticing Requirements (Other Commissions)**

Application	Newspaper Announcement	Site Posting	Mailed Notices	
<i>Architectural Review</i>			No notice required	No notice required
<i>Sign Accommodation (AC)</i>			No notice required	100 ft.
<i>Historic Designation (CHC)</i>			N/A ²	Property Owner
<i>Certificate of Appropriateness (CHC)</i>			No notice required	Property Owner
		X	Applicant	100 ft. Owners and Occupants
<i>Design Review (DRC)</i>				

Some projects are also subject to state public noticing requirements under the California Environmental Quality Act (CEQA). CEQA noticing requirements are generally less extensive than the requirements in the zoning code and typically satisfied with current noticing practices.

Mailed Notices

The City's provisions for mailed notices are based on the number of days prior to the decision that a notice must be mailed and the distance from the subject property within which property owners, or property owners and occupants are notified.

When a mailed notice is specified for a planning application, the notice is typically required to be mailed at least ten-days prior to a hearing or decision on an application. In the code, Amendments, Variances, and Conditional Use Permits are noticed five-days before the date of the hearing; however, the City's practice has been to mail these notices ten days in advance, which is consistent with state law. Notices for Trousdale View Restoration Permits, and historic preservation program permits have different noticing timelines. These permits were just established and it is not one of staff's recommendations to change these provisions. An applicant can be required to mail a notification to adjacent properties, or properties within a 100-foot, 300-foot, or 500-foot radius from the project site, based on the type of planning application filed. For several planning permits, single family residential zones are noticed at a distance of 500-feet, while commercial or multi-family areas are noticed at 300-feet.

On-Site Postings

On-site posted notifications are required for the following permits:

- R4 Permits,
- Minor Accommodations,
- Notice of Overnight Stay,
- Second Unit Permits
- Open Air Dining Permits, and
- Design Review (Commission-Level)

For these permits, the site must be posted three days after an application is deemed complete, and the notice must be posted for at least ten days before a decision can be rendered.

Design Review Commission (DRC) cases do not have a time requirement specified in the zoning code; however as a policy staff has required the site to be posted when an application is filed. Processing times for DRC cases currently allow the site to be posted for more than 10-days before a decision.

Applications for Amendments, Variances and Conditional Use Permits can either be posted at the site, or mailed to adjacent owners per code. Past practice has been to require mailed notices.

On-site posted notices must be posted in a "conspicuous place" and must be visible from a distance of 60 feet. Currently, there are no requirements in the zoning code that pertain to the size or design of the posted notice; however, a notice template is included in the applications for applicable permits. The cost of producing the poster and installing it onsite is the responsibility of the applicant.

Newspaper Announcement

Newspaper announcements are required for:

- Amendments,
- Variances,
- Conditional Use Permits, and
- Tentative Maps

The municipal code requires the notice be published in a local newspaper once, at least ten days prior to the hearing⁴. City policy has been to publish notices in the two local newspapers. Staff estimates that the cost for publishing one notice in two newspapers is approximately \$1,000 to \$1,500 total, depending on the length of the notice.

Use of Website and Email

Beverly Hills has no zoning code requirements for posting public notices on the City website or emailing notices to the public. Upcoming meeting agendas and minutes of meetings are posted to the City website and community members can subscribe to receive emails through the eNotice system. Using this system, members of the community can pick topics and commissions that are of interest, and receive emails on these topics. The information included in emails that are sent through this system includes upcoming agendas, meeting minutes, and other news, but does not currently include the public notices for projects.

Public Noticing in Other Cities

As a comparison with Beverly Hills' current noticing requirements, notice requirements for the cities of Pasadena, Culver City, Santa Monica, and West Hollywood are summarized in the table below. Additional information on noticing requirements in each city is presented in Attachment 2.

Table 2

Noticing Process for Discretionary Permits in Other Cities				
	Culver City	Pasadena	Santa Monica	West Hollywood
Code Location	Consolidated in one code section	Consolidated in one code section, however some specifics integrated into code	Not consolidated in one section	Consolidated in one code section
Mailed Notice	All properties within 300-feet <u>Commission-level</u> 21-days prior hearing <u>Director-level</u> 15-days prior to decision	14-days prior to hearing All properties within 500-feet, 300-feet for some permits	10-days prior to hearing/decision <u>Hearings</u> All properties within 300-feet <u>Non-hearings</u> 100-feet	<u>Commission-level</u> 10-days prior to all properties within 500-feet (can be increased)
Site Posting	Sites posted for most hearings	Site posted for all hearings (on property, and along street)	Site posted for Architectural Review, Conditional Use Permits, Development Plan and Site Plan Review	<u>Hearing</u> 28-days prior <u>Director-level</u> 10-days prior
Newspaper Announcement	Required for General Plan & Zoning Amendments – 14 days prior to hearing	Required for General Plan & Zoning Amendments 14-days prior	All hearings 10-days prior	When required by state law
Noticing Requirements		Director can expand noticing as appropriate		Director can expand mailed noticing

⁴ This noticing period is the same length of time as mailed notices, which is 10-days.

In general, the cities surveyed tend to consolidate noticing standards in one section of the zoning code, which is being recommended for Beverly Hills.

Mailed Noticing

Mailed notices are required for almost all public hearing and administrative level decisions in the cities studied, similar to Beverly Hills. Culver City and Santa Monica have a noticing radius of 300 feet, which is similar to many permits in Beverly Hills. The City of West Hollywood and Pasadena have a noticing radius of 500-feet; however, Pasadena does use a 300-foot radius for minor cases. The cities of Santa Monica and West Hollywood, also similar to Beverly Hills require the mailed notice to be sent out 10-days prior to a hearing or decision. Pasadena has extended the noticing period to 14-days, and Culver City has extended it to 21-days.

The 300-foot noticing radius and 10-day noticing period used by Beverly Hills, Santa Monica, and West Hollywood may reflect the public notice requirements in state law which requires a mailed notice to all owners of real property located within 300-feet of the subject property 10-days prior to a hearing or a decision on variances, conditional use permits and other similar development applications.

Site Posting

Posted notices are used in all cities surveyed; however each city has a different requirement. West Hollywood requires on-site posting for all hearings and administrative reviews, while Santa Monica requires on-site posting for architectural review cases, conditional use permits, development review permits, and site plan review permits. Pasadena requires all hearings to be posted on the property and along the street, and Culver City requires most, but not all, hearings to be posted. Each city has also adopted size requirements for site postings and location requirements.

Newspaper Announcements

Each city uses newspaper announcements. The cities of Culver City and Pasadena require a newspaper notice 14-days prior to the hearing on general plan and zoning code amendments. The City of Santa Monica requires a newspaper notice 10-days before all hearings, while the City of West Hollywood requires a newspaper notice when required by state law⁵. Beverly Hills requires a newspaper notice for general plan and zoning code amendments, tentative tract maps, variances, and conditional use permits.

Use of Website and Email

In addition to mailings, site posting, and newspaper announcements, the cities surveyed all utilize website and email noticing processes. There is a broader public noticing/public involvement and participation process that Beverly Hills is exploring, including use of the City's website and emailing options for public noticing and outreach. This item will be brought forward for City Council discuss in the upcoming fiscal year.

All of the cities studied provide upcoming public notices on a publicly accessible webpage. These cities also provide members of the public with the ability to sign up for periodic emails to receive public notices and announcements.

⁵ State law requires a newspaper notice 10-days prior to a hearing on general plan and zoning code amendments, and tentative tract maps.

The City of West Hollywood has incorporated a requirement that a "notice shall be posted on the City's website at least ten days before the public hearing" into its zoning code. In order to ensure that technical difficulties do not hold up the entitlement process, this code section also states that "failure to post on the website shall not constitute grounds to postpone the hearing or invalidate the decision made at the hearing" (West Hollywood Municipal Code 19.74.020 Notice of Hearing).

DISCUSSION

Based on the review of current public noticing requirements, the desire of the community for more information about development applications, and the noticing requirements in adjacent cities, staff has identified the following areas for consideration:

Organization

Consolidating Requirements in One Code Section

Currently, public noticing requirements for planning applications are dispersed throughout the zoning code. As a result, it can be confusing for applicants and staff to determine the appropriate noticing for a project. Staff is proposing to group all noticing requirements into one code section.

- *Benefits*

Consolidating noticing requirements into one section would make it easier for the public to identify the requirements, and it could ease staff administrative functions in implementing the requirements.

- *Considerations*

Where noticing requirements are located in the zoning code will change as part of the city's current zoning code reorganization and consolidation of noticing requirements can be integrated into this effort.

In addition to consolidating noticing requirements in the zoning code, staff is proposing to develop a Director's Guide to Public Noticing. The Director's Guide will include specifications for public noticing, including formatting, templates, sizing, and placement of notices.

Mailed Noticing

The City Council has requested that staff explore expanding the notice requirements for development projects beyond 300 feet. Issues with mailed notices that have been raised by the community are that sometimes one home receives a notice, but the next door neighbor does not.

Applying the Same Mailing Radius to All Property Types and All Owners and Occupants

Currently there are permits that specify a different mailing radius for single-family properties and for multi-family and commercial properties. Additionally, some permits specify only property owners, or property owners and occupants, while others specify owners and residential occupants. The Planning Commission may wish to consider standardizing mailed notices so that notices are mailed to all owners and occupants within a standardized mailing area that is the same for all property types.

- *Benefits*

Standardizing noticing requirements will make it easier for applicants to provide noticing lists that adhere to the City's specifications, and will ease administration of the code. Standardizing noticing areas also assures all property owners and occupants in the City are noticed equally.

- *Considerations*

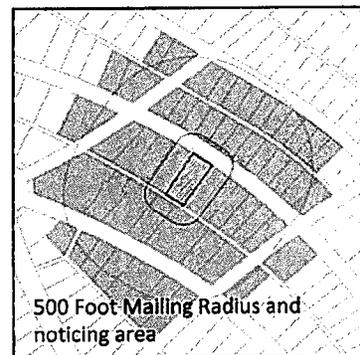
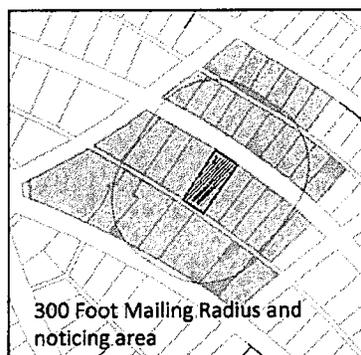
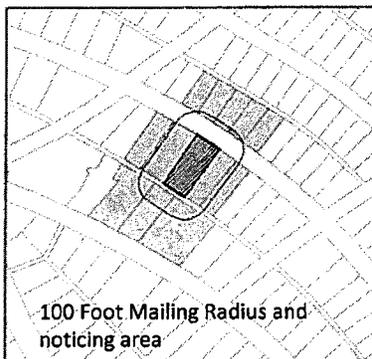
Depending on the size of the mailing area recommended by the Planning Commission, standardizing the mailing area for all property types and including owners and occupants in all noticing could increase the number of notices mailed and thereby increase costs to applicants.

Expanding the Noticing Area

This work plan item calls for exploring the expansion of notice requirements beyond 300-feet for development projects. Currently, the zoning code requires notices to be mailed to properties 100, 300, or 500 feet from the project site, depending on the specific application (See Table 1, on Page 2 of this report). Four applications (Development Plan Review, Density Bonus Permit, Extended Hours Permit and Planned Development Permit) that are reviewed by the Planning Commission require notices to be sent to property owners within 500-feet of the project site in single-family residential zones, and 300-feet to property owners in all other areas. Most other applications that are reviewed by the Planning Commission require a noticed mailing to all property owners within 300-feet of the subject property.

The Planning Commission may wish to discuss whether the noticing requirements for applications specifying a 300-foot mailing area could be expanded to a radius of 500-feet, or alternatively, if applications specifying a 500-foot mailing area in single-family areas could be reduced to 300-feet in conjunction with expanding the notice along blockfaces as presented on the next page.

The following graphics illustrate the City's three mailed notice areas.



- *Benefits*

Expanding the notice requirements for those permits that currently require a 300-foot mailed notice to 500-feet would standardize noticing for all permits and reduce instances where questions may arise regarding the appropriateness of the noticing distance.

- *Considerations*

Expanding the noticing area from 300-feet to 500-feet will increase the number of mailed notices received by the public and could fatigue some residents who might find notices regarding properties in

their immediate area beneficial, but not notices for properties located a few blocks away. The expanded noticing area will also result in increased costs to the applicant, and the City for City initiated projects, because of the increased number of notices and increased processing times for staff to complete the mailed notice.

Expanding Notices to the Blockface

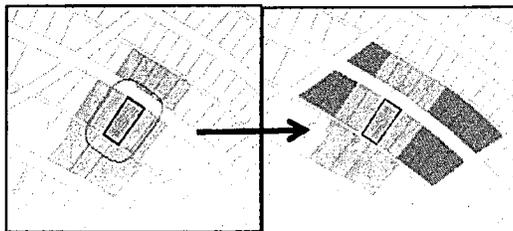
There have been instances where notices are mailed to some, but not all, property owners and occupants on the same blockface⁶. An example of this would occur is for a staff-level Minor Accommodation, which is noticed to all owners and occupants within a 100-foot radius of the subject property. As depicted in the graphic above, this radius includes several properties surrounding the subject property, but not all properties on the blockface. This has been a problem expressed by some in the community who have raised concerns as to why one neighbor receives a notice, while the next neighbors (who are outside of the radius) do not.

This issue could be addressed by establishing a noticing requirement that all property owners and occupants receive notice, and to expand noticing so that properties that may be outside the radial noticing boundary of the subject property but located on the same blockface and the opposite blockface (depicted in the graphic in the upper right, below) are included in the noticing. This will ensure adjacent neighbors in the same block receive the same notice, regardless of whether they own or rent.

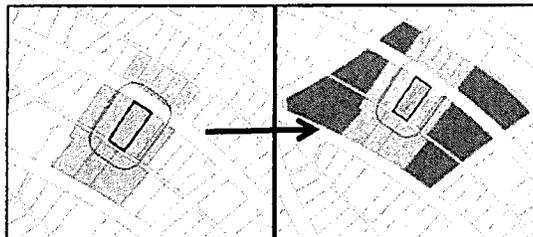
There are two options for expanding the noticing area along the blockface. One option would expand noticing along the subject property's blockface and the blockface immediately opposite. The other option would be to expand noticing to all blockfaces where any home receives a notice. The two options are depicted in the illustrations following.

Option One: Expanding the notice area to both block faces on the subject property's street:

Expanding Noticing Along the Blockface (100ft Radius)



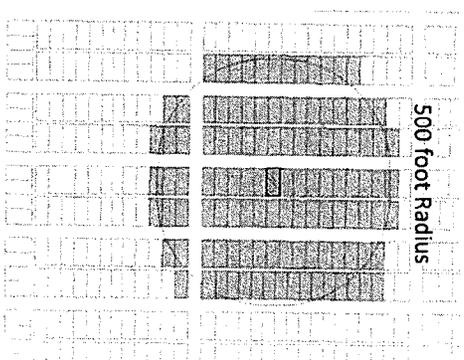
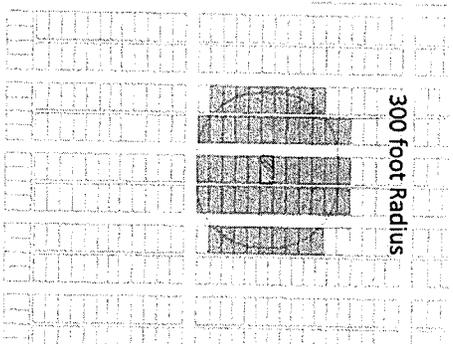
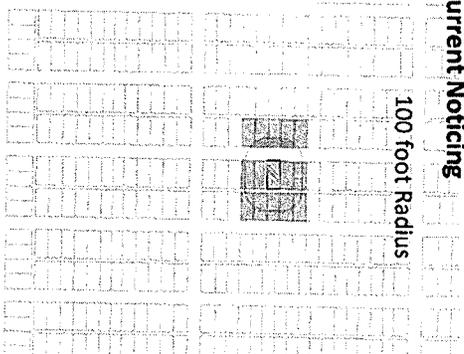
Option Two: Expanding the notice area to include all properties on any blockface where a notice is received:



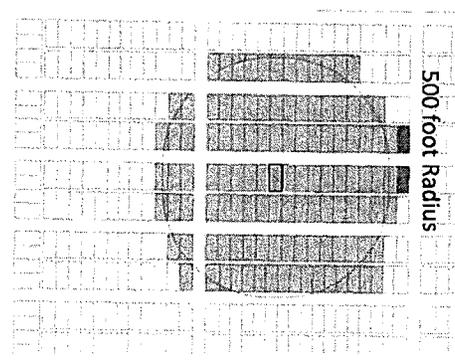
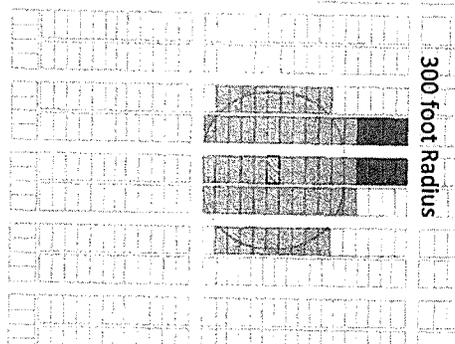
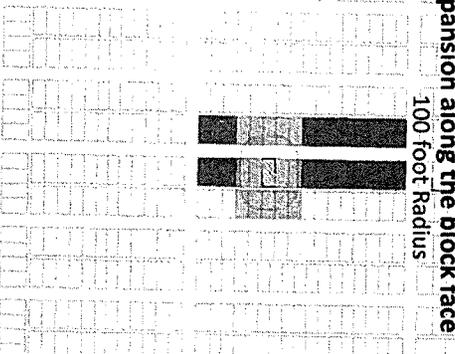
Additional examples for expanding the 300-foot and 500-foot mailing areas are on the following page.

⁶ A blockface is a term used by the U.S. Census to describe one side of a city block between two intersections

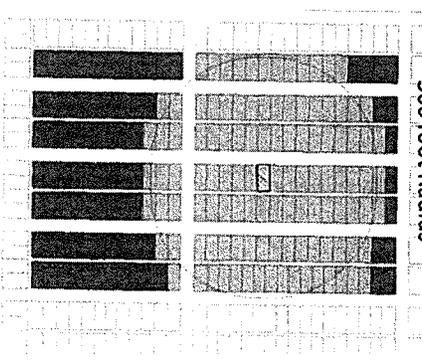
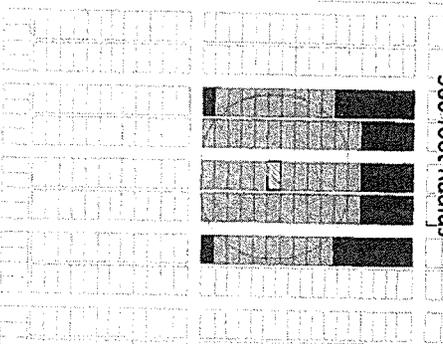
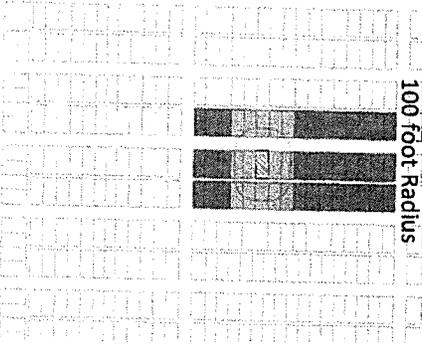
Current Noticing



Expansion along the block face



Expansion along all block segments



- *Benefits*

Expanding the notice area to all properties along the blockface will avoid instances where one property receives a notice, and their neighbors in the same block do not. This will also expand the noticing area beyond 300-feet for most development projects requiring a planning permit.

- *Considerations*

Expanding the notice area to properties along the blockface will increase the noticing costs for applicants, and the City for City initiated projects. There may also be a distance limit to expanding the noticing, after which property owners and occupants may not find the notice helpful because they do not feel that they are close enough to the project site.

Site posting

The Planning Commission may wish to consider requiring site posting for additional applications. Table 1 on Page 2 of this report shows the applications that currently require on-site posting. The zoning code does not have requirements that govern the size of the posting, or specifications on where the notice must be displayed other than requiring that it be posted in a "conspicuous place". Pasadena, Culver City, and West Hollywood require large signs (three feet by four feet) for on-site postings. These cities also require the sign to be posted within ten feet of the property line. Establishing a standardized approach to on-site posting including minimum sign dimensions, and posting locations site can be accomplished in the Director's Guidelines for Public Noticing.

- *Benefits*

Increasing the number of permits receiving an on-site posted notice could increase awareness of a pending development project to interested persons both along the block and throughout the city who happen to pass-by.

- *Considerations*

Site posting could increase application processing time and would be an additional step in the application process. Signs could also be seen as unattractive additions, especially in single-family neighborhoods, if the signs are too big, too common, or poorly designed; however, these issues can be addressed with standards in the Director's Guidelines.

Newspaper announcement

The Planning Commission may wish to discuss whether requiring newspaper notices for additional applications would help to achieve the goal of better informing the public about specific projects.

- *Benefits*

Newspaper announcement have the potential for reaching a larger audience.

- *Considerations*

Newspaper announcements may reach a greater audience, but may not alert a property owner or occupant that the project is proposed close to them. Additionally, newspaper announcements can be costly to applicants.

Use of the website and email

The City could utilize the internet more extensively for public noticing. Currently, the City does not consistently post notices on its website, and email notifications sent from the City to the public provide

information on agendas and meeting minutes, but do not contain public notices. A policy could be implemented to post upcoming notices on the City webpage. Additionally, notifications could be added to the content that is disseminated through the email notification system. Staff has recently begun a preliminary study of the use of the website, email and other technologies to provide more information to the public. Part of this effort includes looking into posting notices online and including them in email notices. Other ideas include incorporating barcodes into site postings and newspaper notices that link to online information, and providing online blogs or forums for public comment. Staff will update the Planning Commission as this citywide effort develops.

SUMMARY OF STAFF'S RECOMMENDATIONS

Based on review of the City's existing noticing processes and those processes in other cities, staff makes the following recommendations.

Location in the Code

- Consolidate noticing in one section of the code. This will be proposed in the upcoming zoning code reorganization.
Currently, the City's noticing requirements are dispersed throughout the zoning code; this would bring all requirements together in one section for easy reference.
- Combine planning permits.
Currently the Department administers 28 planning permits. As proposed, that number would be reduced. This reduces the number of applications maintained by the department and thereby the number of applications that project applicants must be familiar with.
- Establish a guide for public noticing that is reviewed by the Planning Commission. This guide will include all public noticing standards, including, among other standards, the size and dimensions, and location for site posting, and mailed notice letter templates.
Currently, no guide exists. Some standards are provided in the zoning code and some standards are provided in the Department's permit applications.

Mail Notice

- Standardize the mailed notice requirements for most planning permits:
- All mailed notices sent out at least 10-days prior to the hearing/decision
 - Director-level: 100-feet, and all property owners and occupants on any block face receiving a notice
Would expand noticing to all properties on same street segment as the proposed development and to all properties along an alley.
 - Planning Commission-level : 500-feet, plus all property owners and occupants on any block face receiving a notice
Would expand noticing to all properties on the same street segment as the proposed development and to all properties on adjacent street segments.
 - Design-Review Commission-level: 100-feet, plus all property owners and occupants on any block face receiving a notice

Would expand mailed notice to all properties along the same block segment as the development.

- Architectural Commission-level: no mailed notice

Currently sign accommodation permits require a 100-foot notice. This requirement would be eliminated.

- Cultural Heritage Commission: per the requirements in Article 32

Historic Preservation was adopted in 2012 with specific noticing to property owners whose properties are being considered for local designation, or who have filed a request for a certificate of appropriateness.

Site Posting

- Post a notice onsite at the time a planning permit is filed with the City.

This would increase the amount of onsite posting and would provide an opportunity for neighbors and anyone else traveling the street to receive information on the pending project.

- Standardize size and dimensions, and location.

Specifications for size, location, and content would be provided in the Director's Guidelines for Public Noticing that would be developed as part of this effort.

- Require site posting at time application is filed

Some Director-level planning permits require a posted notice within 3 days of filing the application, while some Planning Commission-level permits require site posting 10-days prior to the hearing. This would expand posting notices for Planning Commission-level cases.

Newspaper Announcement

- Bring noticing requirements consistent with state (Government Code 65090, 65091)

This would increase noticing specified in the zoning code for General Plan and Zoning Code Amendments and Variances from 5-days to 10-days, which is consistent with currently policy and practice.

Recommended Public Noticing Chart

Recommended noticing requirements are provided in the chart below. Changes to current requirements are in bold. Permits proposed for consolidation are in italics.

Recommended Noticing for Development Projects (changes in bold)

Planning Permit (e.g. Discretionary Permit)	Noticing Process			
	Newspaper	Site	10-day Advance - Mailed (Distance) ⁷	
			Director-Level	Commission-Level
General Plan Amendment, Zoning Amendment ⁸ (CC)	X	X ⁴	No staff level	(500 ft.) + block face
Variance ¹	X	X	No staff level	(500 ft.) + block face
Conditional Use Permit ¹	X	X	No staff level	(500 ft.) + block face
Tentative Map	X	X ⁴	No staff level	(500 ft.) + block face
Minor Use Permit		X	(100 ft.) + block face	(500 ft.) + block face
<i>Replaces - R4 Permit,</i>		X	(100 ft.) + block face	(500 ft.) + block face
<i>Minor Accommodation,</i>		X	(100 ft.) + block face	(500 ft.) + block face
<i>Notice of Overnight Stay, and</i>		X	(100 ft.) + block face	(500 ft.) + block face
<i>Second Unit Permit</i>		X	(100 ft.) + block face	(500 ft.) + block face
Development Plan Review				
<i>Replaces - R1 Permit (Central, Hillside, Trowsdale),</i>		X ⁹	No staff level	(500 ft.) + block face
<i>Development Plan Review,</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
<i>Extended Hours, and</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
<i>Planned Development Review</i>		X ⁴	(100 ft.) + block face	(500 ft.) + block face
Open Air Dining		X	(100 ft.) + block face	(500 ft.) + block face
Density Bonus Permit		X ⁴	(100 ft.) + block face	(500 ft.) + block face
Permit to operate large daycare facility			(100 ft.) + block face	Appealable to PC (500 ft.) + block face
Reasonable Accommodation		X ⁴	Adjacent owners	Adjacent owners
Substantial Compliance			Adjacent owners	Adjacent owners
Common Interest Development		X ⁴	tenants	tenants
Trowsdale View Restoration Permit		X ⁴	No staff level	Foliage Owners
<i>Discretionary Permits Reviewed by Other Commissions</i>				
<i>Design Review (DRC)</i>		X	Applicant	(100 ft.)
<i>Architectural Review Permit (AC)</i>		X ⁴	No notice	No notice
<i>Includes - Sign Accommodation (AC)</i>		X ⁴	No notice	No notice
<i>Designation as a Local Landmark (CC)</i>			No staff level	Property Owner
<i>Certificate of Appropriateness (CHC)</i>		X ⁴	No staff level	Property Owner

⁷ Unless otherwise noted, all mailed notices would be provided to both owners and occupants.

⁸ These applications require a newspaper posting, and, EITHER, a sign posted on site OR a mailed notice.

⁹ A site posting would be required of any development project that would ultimately require a construction sign once the building permit has been issued.

As proposed, the noticing requirements in the chart on the previous page would replace the City's current noticing requirements, which are presented in Table 1 on Page 2 of this report.

Location in the Code

Staff's recommendation for locating noticing requirements has three parts. The first part would be to consolidate noticing requirements into one section in the zoning code that is then cross-referenced as needed. This will make referring to the noticing for each permit easier. Secondly, although not a noticing issue, but worth mentioning, staff recommends reducing the number of permits by consolidating as described in the table on the previous page. Consolidating permits will reduce staff time in maintaining applications and processing standards, and will reduce the number of permits an applicant must be familiar with. Lastly, staff recommends that the department develop guidelines for public noticing. These guidelines are described further on Page 17 of this report.

Mailed Noticing Recommendation

Staff recommends providing a mailed notice to all property owners and occupants. For Director-level decisions and Design Review Commission cases, the mailing radius would remain at 100-feet. The mailed noticing requirement for sign accommodations (reviewed by the Architectural Commission, which does not otherwise have a mailed noticing requirement) would be removed. The mailing radius for Planning Commission cases would be set at 500-foot. Increasing the mailing radius to 500-feet would be an increase for some permit applications that are currently 300-feet.

Additionally, staff is recommending that all properties along a blockface where a property would receive a notice should also receive the notice. This would ensure that neighboring properties receive the same notice.

Visuals depicting the recommended noticing areas are provided on the following page. All mailed notices would continue to be sent out 10-days prior to a hearing or decision.

Site Posting Recommendation

The Cities of Culver City, Pasadena, and West Hollywood all require site posting for all cases, while the City of Santa Monica requires site posting for architectural review, conditional use, development and site plan review cases. The staff recommendation for site posting would be to post the site for most planning permits and to always post the site when a construction sign would be required once the building permit is issued. Specifications would be provided in the Director's Guidelines in order to standardize the size, look, and placement of signs.

Newspaper Announcement Recommendation

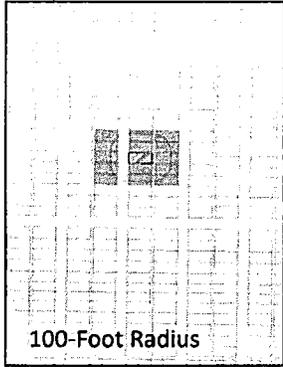
Most cities follow state requirements for placing notices in the newspaper, City of Santa Monica has expanded newspaper noticing for all planning permits requiring a hearing, while Pasadena applies the newspaper notice to only those permits identified by the state but requires three newspaper notices rather than one. Staff recommendation would be to continue to follow current City requirements for newspaper notices.

Visuals illustrating the proposed change in mailed noticing:

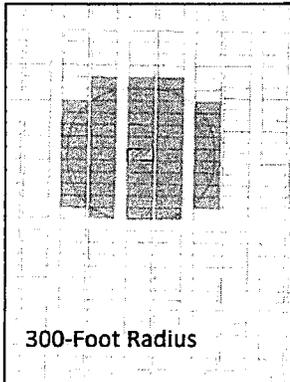
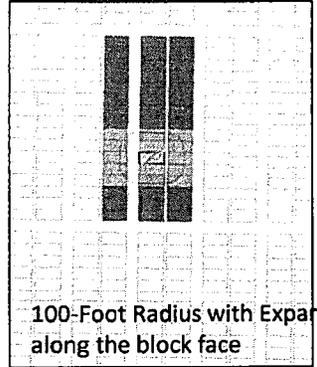
**Expanding Mailed Notices to All Properties along the Block Face,
Increasing all 300-Foot Noticing Areas to 500-Feet**

Current Noticing Requirements

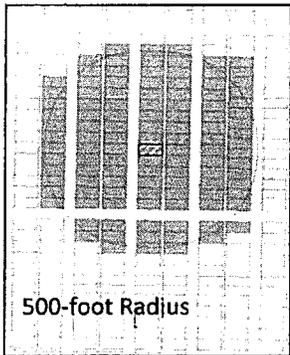
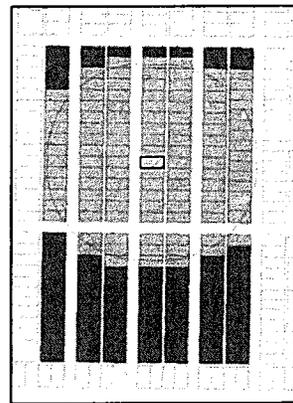
Proposed Noticing Requirements



Director-level and
Design Review
Commission
Cases



Planning
Commission
Cases



Director's Guidelines for Public Noticing

To improve awareness and administration of the City's public noticing requirements for development projects, staff proposes to develop a Director's Guide. The guide will complement the City's zoning code reorganization effort by including standards and specifications for noticing. Moreover, it would provide an opportunity to establish policies that reflect the expectations of the City Council, Commissions, and Community.

Mailed Noticing

The guidelines will set standards and specifications for mailed notices including the design of the notice. To reduce costs and increase awareness, staff will explore the use of postcards as an alternative to the current mailed notice letter format.

Site Posting

The guidelines will provide standardized sizing and dimensions for posted signs. The guidelines will also provide standards for sign location and length of posting.

Other Noticing

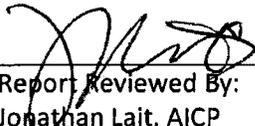
The guide will provide standards for noticing the Planning Commission, City Council and other decision-making bodies, and other agencies as permit applications warrant.

Additionally, the guide will provide standards for e-noticing, and use of the website.

NEXT STEPS

With direction from the Planning Commission, staff will return with the following documents for the Planning Commission's consideration:

1. A draft resolution recommending that the City Council adopt an ordinance revising the zoning code as outlined in the recommendations provided in the discussion section of this report, and
2. Draft Director's Guidelines for Public Noticing


Report Reviewed By:
Jonathan Lait, AICP
City Planner

Attachment 1

Noticing Requirements for Beverly Hills

Noticing Requirements in the City of Beverly Hills Zoning Code
(Grouped by similar noticing requirements)

Entitlement	Code	Reviewing Authority	Mailed Notice	Posted Notice	Newspaper Announcement
<ul style="list-style-type: none"> • General Plan and Zoning Map and Text Amendments • Conditional Use Permit • Variance 	10-3-3902 10-3-3800 10-3-3705	Planning Commission	Option 1: Notice of hearing <ul style="list-style-type: none"> • 5 days prior to hearing • To <u>owners</u> within 300 feet <i>*Policy is 10 days prior to hearing</i>	Option 2: Posted notice <ul style="list-style-type: none"> • 5 days prior to hearing • 2 conspicuous places close to property 	Required: Newspaper announcement <ul style="list-style-type: none"> • Once, 10 days prior to hearing <i>* Policy is to publish in two papers</i>
<ul style="list-style-type: none"> • Minor Accommodation • Notice of Overnight Stay • Open Air Dining • R4 Permit • Second Unit Permit • R1 Permit (Central, Hillside, Trousdale - PC Only, no site posting required) • Substantial Compliance 	10-3-3602 10-3-3654 10-3-3503 10-3-2852 10-3-409 10-3-2452 10-3-2552 10-3-2652 10-3-203	Director of Planning and Community Development Planning Commission/City Council	<ul style="list-style-type: none"> • <u>Owners and residential occupants</u> within 100 ft. Notice of Intended Decision <ul style="list-style-type: none"> • 10 days prior to decision Notice of Decision <ul style="list-style-type: none"> • After decision Notice of Public Hearing <ul style="list-style-type: none"> • 10 days prior to hearing • <u>Owners and occupants</u> within 300 ft. 	Notice of Application <ul style="list-style-type: none"> • Within 3 days after application deemed complete • Posted for 10 days • Visible from 60 ft. 	
<ul style="list-style-type: none"> • Development Plan Review 	10-3-3103	Director of Planning and Community Development Planning Commission	Notice of Decision Only <ul style="list-style-type: none"> • Abutting <u>owners</u>, any party who requested information Notice of Hearing <ul style="list-style-type: none"> • 10 days prior • <u>Owners</u> in SFR zone within 500 ft. • <u>Owners</u> in other zones within 300 ft. 	<i>*As a policy, sites were posted at one time</i>	
<ul style="list-style-type: none"> • Density Bonus Permit 	10-3-1525	Planning Commission	<ul style="list-style-type: none"> • Notice of Hearing • 10 days prior • <u>Owners</u> in SFR zone within 500 ft. • <u>Owners</u> in other zones within 300 ft. 		
<ul style="list-style-type: none"> • Extended Hours (PC Only) • Planned Dev. Review (PC Only) 	10-3-1958 10-3-1843	Planning Commission	<ul style="list-style-type: none"> • Notice of Hearing • 10 days prior • <u>Owners</u> in SFR zone within 500 ft. • <u>Owners and Occupants</u> in other zones within 300 ft. 	<i>*As a policy, sites were posted at one time</i>	

Noticing Requirements in the City of Beverly Hills Zoning Code
(Grouped by similar noticing requirements)

Entitlement	Code	Reviewing Authority	Mailed Notice	Posted Notice	Newspaper Announcement
• Permit to Operate Large Family Daycare	10-3-408	Director of Planning and Community Development	<ul style="list-style-type: none"> To <u>owners</u> within 100 ft. Notice of Application <ul style="list-style-type: none"> 10 days prior 		
• Reasonable Accommodation	10-3-3672	Director of Planning and Community Development	<ul style="list-style-type: none"> Adjacent <u>owners</u> Notice of intended decision <ul style="list-style-type: none"> 10 days prior to written determination 		
		Planning Commission	<ul style="list-style-type: none"> Adjacent <u>owners</u> Notice of hearing <ul style="list-style-type: none"> 10 days prior to hearing 		
• Trousdale View Restoration Permit	10-8-106	Planning Commission	Notice of hearing <ul style="list-style-type: none"> 30 days prior to hearing To all <u>owners</u> identified as foliage owners in the application and occupants of those properties 		
• Tentative Map	10-2-201 to 10-2-206	Director of Planning and Community Development/Planning Commission	<ul style="list-style-type: none"> Follows state law Notice of hearing <ul style="list-style-type: none"> 10 days prior To all <u>owners</u> within 300 feet 		Required: Newspaper announcement <ul style="list-style-type: none"> Once, 10 days prior to hearing
• Common interest Development	10-2-710 (Mandated by the State)	Planning Commission	<ul style="list-style-type: none"> To <u>building tenants</u> Notice of Intent <ul style="list-style-type: none"> 60 days prior to submitting application for tentative map Notice of Public Report <ul style="list-style-type: none"> 10 days before application for a public report will be submitted to the State Department of Real Estate Notice of final Map Approval <ul style="list-style-type: none"> Within 10 days of approval of a final map for the proposed conversion Additional Notice to Terminate Tenancy <ul style="list-style-type: none"> 180 days prior to termination of tenancy Notice of Public hearing on Map <ul style="list-style-type: none"> 10 days prior to hearing 		

Noticing Requirements in the City of Beverly Hills Zoning Code (Grouped by similar noticing requirements)						
Entitlement	Code	Reviewing Authority	Mailed Notice	Posted Notice	Newspaper Announcement	
Entitlements Heard by Commissions other than the Planning Commission						
• Design Review	10-3-4413	Director of Planning and Community Development	Notice of decision <ul style="list-style-type: none"> • Within 5 days • To <u>applicant</u> and others who submitted request 			
		Design Review Commission	Notice of Hearing <ul style="list-style-type: none"> • 10 days prior • <u>Owners and occupants</u> within 100 ft. Notice of Decision <ul style="list-style-type: none"> • Within 5 days • To <u>applicant</u> and those who submitted requests 	Notice of pending application <ul style="list-style-type: none"> • 10 days prior to hearing 		
• Sign Accommodation	10-4-904	Architectural Review	Noticing of hearing <ul style="list-style-type: none"> • 10 days prior • To <u>owners and residential occupants</u> within 100 ft. 			
• Historic Designation	10-3-3215	Cultural Heritage Commission	Noticing of hearing <ul style="list-style-type: none"> • 10 days prior • To <u>applicant</u> and all owners of property (individual building) • To all <u>owners</u> within proposed district 			
• Certificate of appropriateness (historic)	10-3-3219	Cultural Heritage Commission	Noticing of hearing <ul style="list-style-type: none"> • 10 days prior • <u>Owners</u> or <u>owner's</u> representatives 			

Attachment 2

Noticing Requirements in Other Cities

Noticing Requirements in Other Cities					
	Mailed Notice	Posted Notice	Newspaper Announcement	Website and Email	Code Organization
Beverly Hills	Required for all PC hearings and Admin. reviews Generally 100, 300 or 500 ft. radius; can include owners and occupants, some adjacent owners only, sometimes more noticing for R1 At least 10 days before hearing or review	Required for some hearings and reviews Posted on-site for 10 days- visible from 60 ft. Posting near the site is an option for some permits for 5 days No standardized size/template	Only required for Variance, CUP, Amendment, Tract Map Once at least 10 days prior to decision	No dedicated City webpage for posting of all notices Option to subscribe to email updates, agendas, minutes	Requirements throughout zoning code
Culver City	Required for all hearings and admin reviews (except zoning code and general plan text amendments) 300 ft. radius, adjacent owners/occupants only for admin site plan review Hearing: Mailed at least 21 days prior Admin. Decision: Mailed at least 15 days prior	Required for most hearings On-site sign: 12 sq. ft. Not less than 1 foot or more than 10 feet inside property line Within 30 days after application deemed complete	Required for Comprehensive Plan, General Plan text change and Zoning Code changes Once at least 14 days prior to decision	City Website for posting of all notices Option to subscribe to email updates/notices Can pick topics/areas of interest Can specify frequency of emails received	Requirements in chapter 17.630 Public Hearings and Administrative Review
West Hollywood	Required for all hearings and admin. reviews 500 ft. radius can be increased to 750 ft. or 1,000 ft. at discretion of Director At least 10 days prior to hearing For admin. reviews mailed to adjacent properties 14 days prior to end of public comment period	Required for all hearings and administrative reviews Hearing: 28 days prior to hearing 12 square feet, Not less than 1 foot or more than 10 feet inside property line No Hearing: 10 days before end of public comment 11x17 in. sign	Required when publication is required by state law Once at least 10 days prior to decision	City Webpage for posting of all notices Requirement in code for posting notice online 10 days prior to hearing Option to subscribe to email updates/notices	Requirements in chapter 19.74 Public Hearings and Notice

Noticing Requirements in Other Cities					
	Mailed Notice	Posted Notice	Newspaper Announcement	Website and Email	Code Organization
Pasadena	<p>500 ft. radius required for hearings</p> <p>300 ft. radius for minor variance, minor use permit, variances for historic resources, sign exceptions, and modifications for disabilities</p> <p>At least 14 days before hearing</p>	<p>Required for all hearings</p> <p>On street: For at least 14 days within 500 ft. of property</p> <p>On-site: 12 square feet posted 14 days before hearing, not less than 5 feet or more than 10 feet from property line</p>	<p>Required for text amendments to General Plan or Zoning Code</p> <p>3 times at least 14 days prior</p>	<p>City Webpage for posting of all notices</p> <p>Option to subscribe to email updates/notices</p>	<p>Requirements in chapter 17.76 Public Hearings</p>
Santa Monica	<p>Required for all hearings</p> <p>500 ft. radius for CUP, Development Review Permit, site specific zoning ordinances and General Plan Amendments</p> <p>300 ft. radius for all other hearings</p> <p>100 ft. radius for notice of application for "adjustment" (does not require hearing)</p> <p>At least 10 days prior to hearing</p>	<p>Required for Architectural Review</p> <p>Posted on-site within 10 days of application filing</p> <p>Required for CUP, Development review permit and site plan review permit</p> <p>Posted within 15 days of application filing</p> <p>30 in. by 40 in.</p> <p>Posted in a manner established by the Zoning Administrator (height, text, format requirements presented in permit application - includes project rendering for Architectural Review)</p>	<p>Required for all public hearings</p> <p>Once at least 10 days prior to hearing</p>	<p>City Webpage with a list of Planning Commission cases and status</p> <p>City "Government on the GO system" allows community to submit comments, complaints and service requests 24/7</p>	<p>Requirements throughout zoning code</p> <p>Most addressed in section 9.04.20.22.050 Notice of Hearings</p>

Sources :

- Culver City zoning code Chapter 17.630 Public Hearings and Administrative Review [http://www.amlegal.com/nxt/gateway.dll/California/culver/themunicipalcodeofthecityofculvercitycal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:culvercity_ca](http://www.amlegal.com/nxt/gateway.dll/California/culver/themunicipalcodeofthecityofculvercitycal?f=templates$fn=default.htm$3.0$vid=amlegal:culvercity_ca)
- Pasadena zoning code Chapter 17.76 Public Hearings, <http://www.cityofpasadena.net/zoning/P-7.html#17.76>
- Santa Monica zoning code 9.04.20.22.050 Notice of Hearings, <http://www.qcode.us/codes/santamonica/>
- West Hollywood zoning code Chapter 19.74 Public Hearings and Notice, <http://qcode.us/codes/westhollywood/>