



City of Beverly Hills

Planning Division

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Planning Commission Report

Meeting Date: September 11, 2014

Subject: Amendments to the Central Area Single-Family development standards.

Recommendation: Consider recommendation to the City Council to adopt an ordinance amending the Beverly Hills Municipal Code to address concerns related to building scale and mass and parking requirements in the Central Area Single-Family development standards. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission may also consider a determination of exemption from CEQA.

REPORT SUMMARY

This report presents a draft ordinance developed by the Planning Commission, with input from the Design Review Commission and community stakeholders, in response to City Council direction to consider discrete amendments to the Central Area single-family development standards to address concerns related to building scale and mass and parking requirements. The ordinance is based on a Single Family Mass and Bulk Recommendations Report that was prepared by the City's consultants, Dyett & Bhattia Urban and Regional planners with John Kaliski Architects. The attached draft resolution recommending the draft ordinance to the City Council includes recommendations to the Council to consider future work items including a review of the City's Design Review program and Residential Style Guide.

The bulk of the proposed amendments to the single-family development standards have been discussed by the Planning Commission for months and the main change in the attached ordinance regards Section 3, changes to the height standards, pursuant to direction from the Planning Commission at the August 7, 2014 Planning Commission meeting and from the Planning Commission Task Force which met once since the August meeting. The code amendments as proposed would not reduce the maximum floor area permitted on any Central Area property.

Attachments:
Resolution Recommending Ordinance
Draft Ordinance
Public Notice

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Staff recommends discussing the resolution and draft ordinance at the meeting and making any necessary changes at the meeting so the draft ordinance can move forward to the City Council.

Report Prepared By:



Michele McGrath
Principal Planner

RESOLUTION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE BEVERLY MUNICIPAL CODE'S DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY TO ADDRESS ISSUES RELATED TO PARKING AND BUILDING DESIGN, SCALE, AND MASS

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

WHEREAS, the Planning Commission considered the various amendments at a public workshop on October 24, 2014, and at study sessions on November 21, 2013, March 27, 2014, May 8, 2014, June 26, 2014, and July 24, 2014, and at duly noticed public hearings on August 7, 2014, and September 11, 2014, at which times it received oral and documentary evidence relative to the proposed Amendments; and,

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that such Amendments are consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The proposed Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. This Ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. Therefore, the Planning Commission recommends that the City Council find that it can be seen with certainty that the proposed Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 2. The Planning Commission does hereby find that the proposed Amendments are intended to address community concerns about the scale and massing of buildings in the Central R-1 zone. Beverly Hills residential neighborhoods have traditionally been renowned for their beauty, quality, and value and provide the city's residents with an unparalleled quality of life. The characteristics are the product of generous setbacks, gracious architecture, and careful attention to detail. However, since the late 1980s emerging trends have led some owners and developers in residential areas to depart from the prevailing styles and neighborhood character in an effort to maximize development and density. The City Council has found in the past that this trend has led to homes that greatly overpower the general local "lot to house size" ratio ("mansionization") and the Council adopted the City's R-1 Design Review process in 2004. Beverly Hills Municipal Code Section 10-3-4400, "R-1 Design Review," states:

“The mansionization of the city's residential neighborhoods poses a serious danger that such overbuilding will degrade and depreciate the character, image, beauty, and reputation of the city's residential neighborhoods with adverse consequences for the quality of life of all residents. The bulk and mass of such homes, as well as their general appearances, affect the desirability of the immediate area and neighboring areas for residential purposes and, by so doing, impair the benefits of occupancy of existing property in such areas, impair the stability in value of both improved and unimproved real property in such areas, prevent the most appropriate development of such areas, produce undesirable conditions affecting the health, safety, comfort, and general welfare of the inhabitants of the city, and destroy the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor.”

The Design Review process is intended to prevent these and other harmful effects of such overbuilding in residential neighborhoods. The Design Review process has been in effect for ten years and the community and City Council have expressed concern that negative effects from mansionization continue to be evident. As a result, the City Council directed staff and the Planning Commission to consider, discrete amendments to the R-1 development standards to address concerns related to building scale and mass and parking requirements. The proposed Amendments are intended to encourage appropriate development within the city's Central R-1 residential neighborhoods and, thus, to promote and protect the health, safety, comfort, and general welfare of the community and to promote the public convenience and prosperity.

The City's General Plan includes the following land use policies and implementation strategies that address the goals above including: “LU 1 Long-Term Stability,” “LU 3 Managed Change,” “LU 5 Complete, Livable and Quality Neighborhoods,” “LU 10, Economically Vital

Districts,” “LU 11 Well-Designed and attractive Districts,” “LU 12 Business Districts Adjoining Residential Neighborhoods,” and, “LU 15 Economic Sustainability.” The following goals are specifically addressed by the proposed Amendments:

Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors. Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City’s distinctive residential neighborhoods, business districts, corridors, and open spaces.

Policy LU 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, and quality of the City’s residential neighborhoods, recognizing their contribution to the City’s identity, economic value, and quality of life.

Policy LU 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City’s single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes

Section 3. 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 herein by reference.

Section 4. The Planning Commission hereby recommends that the City Council consider the following in addition to reviewing and adopting the proposed ordinance:

- (a) Direct staff, the Design Review Commission and Planning Commission to review the City’s R-1 Design Review process at this ten-year anniversary mark, and recommend revisions to the R-1 Design Review section of the Zoning Code and to the Design Review Style

Catalogue as may be necessary to provide additional tools for the Design Review Commission and staff to successfully execute the program and meet the City's goals. Two specific recommendations are: 1) consider requiring Design Review for walls and fences in front or street side yards of single-family properties, and 2) consider adding an incentive to the Code that would allow new one-story single-family homes with a maximum height of fourteen feet (14') or less, one-story additions, or the exterior remodel of existing one-story homes to be eligible for a staff-level design review even if the project is not designed by a licensed architect or in a pure architectural style.

(b) Direct staff, the Design Review Commission and Planning Commission to review the development standards for hedges in single-family areas in the Central Area and consider increasing the maximum allowed height for hedges in side and rear yards, while promoting the enforcement of the City's current hedge height standards in front yards.

(c) Direct City staff to review and consider recommendations to achieve the following:

- (1) strengthening landscape requirements to promote water conservation in single family areas;
- (2) allowing automated parking to fulfill required parking in single family areas; and,
- (3) limiting the amount of lot area that may be occupied by accessory structures at the rear of single family properties to address issues of privacy and preservation of the garden quality of the City.

Section 5. 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:

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

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Susan Healy Keene, AICP
Director of Community Development

DRAFT ORDINANCE

EXHIBIT A

For PC Meeting of 9/11/2014.
Changes or additions to the current
code are shown in red.

[DRAFT]
ORDINANCE NO. 14-O- _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY MUNICIPAL CODE
DEVELOPMENT STANDARDS FOR SINGLE FAMILY
PROPERTIES IN THE CENTRAL AREA OF THE CITY TO
ADDRESS ISSUES RELATED TO PARKING AND BUILDING
DESIGN, SCALE, AND MASS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY

ORDAINS AS FOLLOWS:

Section 1. The City Council considered this Ordinance at a duly noticed public hearing on [date]_____, and at the conclusion of the hearing introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. This Ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. Therefore, the City Council finds that it can be seen with certainty that this Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 3. City Council hereby amends Section 10-3-2403 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding height in principal building area to read as follows:

“10-3-2403: Height in Principal Building Area:

A. The following height restrictions shall apply to structures located in the principal building area of a site located in the Central Area of the City north of Santa Monica Boulevard:

1. For a structure with a flat roof or a sloped roof/no ridgeline:
 - a. The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-eight feet (28').
 - b. For every two feet (2') of front setback provided in addition to the required minimum front setback as required pursuant to this article, one foot (1') of plate height may be added to the maximum plate height, not to exceed the maximum building height.
 - c. If each side yard equals or exceeds ten feet (10'), then the maximum building height shall be thirty-two feet (32')
2. For a structure with a sloped roof with ridgeline:
 - a. The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be thirty-two feet (32') with an average roof height of twenty-eight feet (28').
 - b. For every two feet (2') of front setback provided in addition to the required minimum front setback as required pursuant to this article, one foot (1') of plate height may be added to the maximum plate height, not to exceed the maximum building height.
 - c. If each side yard equals or exceeds ten feet (10'), then the maximum building height shall be thirty-four feet (34') with an average roof height of thirty feet (30').

B. The following height restrictions shall apply to structures located in the principal building area of a site located in the Central Area of the City south of Santa Monica Boulevard:

1. For a structure with a flat roof:
 - a. The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-five feet (25').
2. For a structure with a sloped roof/no ridgeline:
 - a. The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be twenty-eight feet (28').
 - b. For every two feet (2') of front setback provided in addition to the required minimum front setback as required pursuant to this article, one foot (1') of plate height may be added to the maximum plate height, not to exceed the maximum building height. Front setback averaging as allowed in accordance with Section 10-3-2418 of this chapter may be used in conjunction with this section but portions of the structure may encroach beyond the new front setback line, as established in this section, only as far as the front setback line established in Section 10-3-2404 of this chapter.
3. For a structure with a sloped roof with ridgeline:
 - a. The maximum plate height shall be twenty-two feet (22') and the maximum building height shall be thirty-two feet (32').
 - b. For every two feet (2') of front setback provided in addition to the required minimum front setback as required pursuant to this article, one foot (1') of plate height may be added to the maximum plate height, not to exceed the maximum building height. Front setback averaging as allowed in accordance with Section 10-3-2418 of this chapter may be used in conjunction with this section but portions of the structure may encroach

beyond the new front setback line, as established in this section, only as far as the front setback line established in Section 10-3-2404 of this chapter.

4. The maximum height of structures other than buildings shall be twenty five feet (25').

C. Site Area South Of Olympic Boulevard And East Of Doheny Drive: Those buildings located in the principal building area of site areas that are southerly of Olympic Boulevard and easterly of Doheny Drive shall be subject to the following height restrictions:

1. For the first twenty feet (20') of area behind the front yard and for the purposes of subsection 10-3-2405B of this article: The maximum plate height of a building shall be ten feet (10'), the maximum height of that portion of a building covered by a flat roof shall be twelve feet (12'), the maximum height of that portion of a building covered by a sloped roof/~~no ridgeline~~ shall be fourteen feet (14'), ~~the maximum height of that portion of a building covered by a sloped roof with ridgeline shall be sixteen feet (16')~~ and the maximum height of all other structures shall be twelve feet (12').

2. For that portion of the principal building area not governed by subsection C1 of this section, the maximum permitted height of structures shall be as set forth in subsection B of this section.

D. ~~Flat Roofs Described:~~ For the purposes of ~~subsections B and C of~~ this section, a roof shall be considered to be flat if more than five percent (5%) of the roof area has a slope of less than ten percent (10%); a “sloped roof/~~no ridgeline~~” shall be defined as a roof that slopes inward from the property lines without a linear horizontal ridgeline formed by the juncture of two

sloping surfaces and ninety-five percent of the roof area has a slope of ten percent (10%) or more; and, “sloped roof with ridgeline” shall be defined as a roof that slopes inward from the property lines with a linear horizontal ridgeline formed by the juncture of two sloping surfaces and ninety-five percent of the roof area has a slope of ten percent (10%) or more.

(Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 86-O-1977, eff. 10-2-1986; Ord. 87-O-2004, eff. 10-15-1987; Ord. 89-O-2056, eff. 4-20-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 91-O-2114, eff. 4-19-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2261, eff. 7-5-1996).”

Section 4. City Council hereby amends Subsection (B) of Section 10-3-2406 of Chapter 3 of title 10 of the Beverly Hills Municipal Code regarding side setbacks to read as follows, with all other subsections in Section 10-3-2406 remaining without amendment:

“B. South of Santa Monica Boulevard: Except as otherwise provided in this section, the side setback for buildings located south of Santa Monica shall be five feet (5’) on one side. **On the other side, the side setback shall be nine feet (9’).** Parking may be provided in this nine foot (9’) **setback** area pursuant to section 10-3-2419 of this chapter.”

Section 5. City Council hereby amends Section 10-3-2408 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding permissible encroachments in front yards to read as follows:

“10-3-2408: Permissible Encroachments in Front Yard:
No structure or element of a building, **including lightwells as defined in this Chapter,** may encroach into any front yard except the following:

- A. A fence, gate, or wall that otherwise complies with the requirements of this code, including, but not limited to, subsection F of this section; and
- B. Paving in accordance with section 10-3-2422 of this chapter;
- C. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting not more than eighteen inches (18") into such yards, unless a greater projection is permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter;
- D. One covered entry porch located at or below the first floor level that is a maximum of four feet (4') in depth and which has no vertical supporting elements;
- E. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yard, unless a greater projection is permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter; and
- F. Architectural projections that project more than six inches (6") into the yard but no more than ten percent (10%) of the setback depth provided that the following conditions are met:
 - 1. Walls, fences, or hedges located in the front yard shall be limited to three feet (3') in height unless approved pursuant to article 44, "R-1 Design Review", of this chapter; and
 - 2. Architectural projections which encroach into the front yard shall cover no more than twenty percent (20%) of the maximum potential facade of the building, except as permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter; and
 - 3. All paving within the front yard conforms to the requirements of section 10-3-2422 of this chapter.

For the purposes of this subsection F, the depth of an architectural projection into a front

setback shall be the distance between the front setback line and the point of the projection closest to the front lot line. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 89-O-2056, eff. 4-20-1989; Ord. 95-O-2239, eff. 7-7-1995; Ord. 12-O-2623, eff. 7-8-2012)

Section 6. City Council hereby amends Section 10-3-2409 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding permissible encroachments in side yards, street side yards, and rear yards to read as follows:

“10-3-2409: Permissible Encroachments in Side Yards, Street Side Yards, and Rear Yards:

No structure or element of a building may encroach into any side yard, street side yard or rear yard except the following:

- A. A fence, gate, or wall that otherwise complies with the requirements of this code;
- B. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting no more than eighteen inches (18") into such yards;
- C. Porches and decks located at or below the first floor level provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the first floor level;
- D. Decks located at the first floor level, covering portions of driveway ramps that lead directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than 42 inches (42") above the first floor level;
- E. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;
- F. One fireplace provided one of the following two (2) criteria is met:

1. The required setback equals or exceeds seven and one-half feet ($7\frac{1}{2}'$), the encroachment is limited to thirty inches (30") or less, and the length of the fireplace measured parallel to the property line does not exceed ten feet (10'); or
 2. The required setback is less than seven and one-half feet ($7\frac{1}{2}'$), the encroachment is twelve inches (12") or less, the length of the fireplace measured parallel to the property line does not exceed six feet (6'), and the fireplace is located a minimum of ten feet (10') from the front of the building;
- G. Swimming pools, provided that no mechanical equipment servicing any such pool is located within a side yard or street side yard;
- H. Trash storage facilities;
- I. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yards;
- J. A porte-cochere, **set back a minimum of four feet (4') from the front setback line**, provided that no garage or carport faces the front lot line within the first thirty eight feet (38') behind the front setback line;
- K. Freestanding support structures for wireless facilities, provided that no mechanical or accessory equipment servicing any such wireless facility is located within a side yard or a street side yard;
- L. **Lightwells as defined in this Chapter**, provided that no lightwell is located in a side yard and, if located in a street side yard, the lightwell is screened from the public right of way by a wall, fence or hedge that complies with the requirements of section 10-3-2420 of this chapter.
- M. Elevators and elevator enclosures, provided the following criteria are met:

1. The subject residence is not a newly constructed building. "Newly constructed building" shall mean a building that has been constructed within the past five (5) years or remodeled more than fifty percent (50%) during the past five (5) years as described in section 10-3-4100 of this chapter.
2. The length of the encroachment measured parallel to the property line does not exceed seven feet (7'), except that for lots located north of Santa Monica Boulevard a minor accommodation permit may be issued to allow a greater length. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:
 - a. The scale and massing of the streetscape,
 - b. Neighbors' access to light and air,
 - c. Neighbors' privacy, and
 - d. The garden quality of the city.
3. The aggregate length of the encroachment of the elevator and elevator enclosure together with a fireplace encroaching into the same setback, pursuant to subsection E of this section, does not exceed thirteen feet (13'), except pursuant to a minor accommodation permit issued pursuant to subsection K2 of this section.
4. The encroachment is not closer than three feet (3') from the front of the building.
5. The elevator and elevator enclosure does not have any windows.
6. Noise generated by the elevator complies with city noise regulations set forth in title 5, chapter 1, article 2 of this code.

7. The elevator and enclosure is designed to be compatible with the existing residence in color, material and design.
8. The encroachment into the setback does not exceed the following, provided that a minimum setback of three feet (3') shall be maintained in all cases:
 - a. Thirty inches (30"), or
 - b. Sixty inches (60") if a minor accommodation permit pursuant to article 36 of this chapter is issued. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:
 - (1) The scale and massing of the streetscape,
 - (2) Neighbors' access to light and air,
 - (3) Neighbors' privacy, and
 - (4) The garden quality of the city.

Notwithstanding any other provision of this section, a passageway or access for emergency services shall extend for the length of the entire site area from the front lot line to the rear lot line. Such passageway or access shall be a minimum of three feet (3') in width and shall be free of any obstruction, except that a wall, fence or hedge otherwise permitted by the provisions of this chapter may be placed along the rear lot line and a gate may be placed across such passageway or access behind the front yard. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 90-O-2101, eff. 10-4-1990; Ord. 95-O-2239, eff. 7-7-1995; Ord. 05-O-2461, eff. 3-18-2005; Ord. 09-O-2563, eff. 2-22-2009)

Section 7. City Council hereby amends Section 10-3-2419 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding parking requirements to read as follows:

“10-3-2419: Parking Requirements:

Three (3) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains no more than four (4) bedrooms, four (4) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains five (5) bedrooms, five (5) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains six (6) or seven (7) bedrooms, six (6) parking spaces shall be provided for each single-family residential site area in the Central Area of the city that contains eight (8) or more bedrooms.”

A. The dimensions of each parking space shall comply with the parking standards adopted by the city council and on file in the department of building and safety. However, if the width of a portion of an existing paved driveway is restricted by the location of an existing residence to a width less than that required by the parking standards, but not less than eight feet (8'), then, notwithstanding its inadequate width, such portion of the driveway shall be considered to comply with the parking standards provided that such area complies with all other requirements of the parking standards. Furthermore, if the width of a portion of a paved driveway of an existing residence is restricted by an existing porte-cochere to a width less than that required by the parking standards, but not less than nine feet (9'), then, notwithstanding its inadequate width, such portion of the driveway shall be considered to

comply with the parking standards provided that such area complies with all other requirements of the parking standards.

B. No required parking space shall be provided within a front yard or street side yard.

C. Parking areas, or portions thereof, located in any side or rear yard or exposed to view from a street shall be completely screened from the view of the adjacent property by a fence or hedge at least six feet (6') in height and from any street by a fence or a hedge at least three feet (3') in height, except that an entryway not to exceed ten feet (10') in width may be provided from the street. Such screening shall not encroach into the required dimensions of the parking space.

(1962 Code § 10-746; amd. Ord. 1256, eff. 11-1-1966; Ord. 1261, eff. 2-16-1967; Ord. 69-O-1364, eff. 12-4-1969; Ord. 72-O-1435, eff. 3-16-1972; Ord. 76-O-1620, eff. 10-7-1976; Ord. 82-O-1866, eff. 11-4-1982; Ord. 89-O-2081, eff. 12-7-1989; Ord. 95-O-2239, eff. 7-7-1995; Ord. 02-O-2403, eff. 9-6-2002)

Section 8. City Council hereby amends Section 10-3-2420 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding walls, fences and hedges to read as follows:

“10-3-2420: Walls, Fences and Hedges:

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.

B. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.

C. Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line, shall be three feet (3'). Walls and fences over eighteen inches (18") in height shall be set back a minimum of three feet (3') from the front lot line and landscaping shall be provided in the area between the wall or fence and the front lot line, except for paving, including driveways and walkways, that conforms to the requirements of section 10-3-2422 of this chapter.

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

D. Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable

height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Furthermore, any portion of such wall, fence or hedge that exceeds three feet (3') in height and is located in a street side yard shall be open to public view or the wall, fence or hedge shall be set back an average of at least one foot (1') and no less than six inches (6") from the street side lot line for the purpose of providing landscaping on the street side of the wall.

Section 9. City Council hereby amends Section 10-3-2422 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding paving to read as follows, with all other subsections in Section 10-3-2422 remaining without amendment:

“Paving within a front yard shall require a building permit and shall comply with the following restrictions:

A. Coverage South Of Santa Monica Boulevard: For those site areas located south of Santa Monica Boulevard, no more than four hundred (400) square feet of area within a front yard shall be paved and paved areas greater than five feet (5') in width accessed by a driveway approach shall lead directly to a carport, garage, or parking area located beyond the front setback area.”

Section 10. City Council hereby amends Section 10-3-2423 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding landscaping and landscaping plans to read as follows:

“10-3-2423: Landscaping and Landscaping Plans:

All unpaved portions of a front yard shall be improved and maintained with landscaping. A minimum of one (1) deciduous or evergreen tree with a minimum forty eight inch (48") box size shall be planted in the front yard of lots with a width at the front lot line less than or equal to sixty feet (60'). A minimum of two (2) trees that may be either deciduous, evergreen, or a combination thereof, with a minimum forty eight inch (48") box size shall be planted in the front yard of lots with a width at the front lot line exceeding sixty feet (60'). Palm trees, cypress trees and ficus trees may not be used to meet this requirement. For purposes of this section, "tree" shall have the meaning as set forth in section 10-8-102 of this chapter. Each required side yard shall include a minimum two-foot (2') wide landscaped area the length of the side yard, except in locations occupied by approved accessory structures, approved elevators or elevator enclosures, a permitted swimming pool or a driveway in accordance with sections 10-3-2419 and 10-3-2422 of this chapter.

For the purposes of this section, "landscaping" shall mean the development of the open space on a property with plantings, such as trees, bushes, shrubs, hedges, lawns, other live ground cover, or greenery. Landscaping may include nonliving decorative treatment, such as walls, fences, curbs, groupings of rock, or similar accent material, interspersed with plantings, but shall not include paving.

Each proposal for the construction of a single-family residence shall be accompanied by a landscaping plan that is designed with the goal of maintaining the garden quality of the city of Beverly Hills. Prior to final inspection of a new residence, the property owner shall attest, on a form provided by the city, that the subject site area has been planted in accordance with the

landscaping plan.

This section is intended to require design and implementation of a landscaping plan prior to occupancy of a new development in order to ensure that landscaping is not ignored in the design and construction process. However, this section is not intended to require a specific type or standard of landscaping. (Ord. 1158, eff. 9-20-1962; amd. Ord. 1216, eff. 10-21-1965; Ord. 73-O-1493, eff. 11-1-1973; Ord. 75-O-1575, eff. 7-3-1975; Ord. 81-O-1787, eff. 4-2-1981; Ord. 89-O-2081, eff. 12-7-1989; Ord. 95-O-2239, eff. 7-7-1995; Ord. 01-O-2384, eff. 11-2-2001; Ord. 02-O-2403, eff. 9-6-2002).”

Section 11. This ordinance shall not apply to 1) pending applications for single family development projects that include discretionary review filed with the Community Development Department on or before the effective date of this ordinance, or 2) ministerial projects with a valid building permit issued prior to the effective date of this ordinance.

Section 12. 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 remain in full force and effect.

Section 13. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 14. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government

Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 15. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

LILI BOSSE
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

JEFFREY KOLIN
City Manager

SUSAN HEALY KEENE, AICP
Director of Community Development

NOTICE



NOTICE OF PUBLIC HEARING

The Planning Commission of Beverly Hills, at its regular meeting to be held on **Thursday, September 11, 2014, at 1:30 p.m.**, or as soon after as the matter is heard, in Commission Meeting Room 280A at City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will hold a public hearing to consider:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADDRESS CONCERNS RELATED TO BUILDING SCALE AND MASS AND PARKING.

The proposed Ordinance would amend the City of Beverly Hills development standards for single family properties in the Central Area of the City. The proposed amendments include the following:

- 1) Revise the standards for maximum height and maximum roof plate height in the principal building area for houses north and south of Santa Monica Boulevard;
- 2) Require houses to have greater front setbacks for greater height;
- 3) Prohibit light wells from being located in front or side setback areas except for street side setbacks where light wells may be located if screened;
- 4) Require porte cocheres to be set back a minimum of four feet (4') from the front façade of a house;
- 5) For properties located south of Santa Monica Boulevard, extend the nine-foot (9') wide side setback required on one side of the house the entire length of the property (currently this setback is only required for the first thirty eight feet behind the front setback line);
- 6) Require walls or fences over eighteen inches (18") high in the front setback to be set back a minimum of two to three feet (2'-3') from the front lot line and require landscaping in this area;
- 7) Require the following landscape standards: a) a two-foot wide area of landscaping along the entire length of each side yard; b) mature trees in front yards with restrictions on the types of trees permitted to meet this requirement;
- 8) Require additional parking spaces for new homes and for additional bedrooms beyond six bedrooms;

The Planning Commission resolution is also expected to include a recommendation to the City Council to review the City's Design Review process.

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. 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.

All interested persons are invited to attend and speak on this matter. Written comments may be submitted, c/o Planning Services, 455 N. Rexford Drive, 1st Floor, Beverly Hills, CA 90210 and should be received prior to 5:00 p.m. on September 3, 2014 to be included with the Planning Commission's agenda packet. Written materials may be submitted during the public hearing.

Please note that if you challenge the City's action in court, you may be limited to raising only those issues you or someone else raised at a public hearing or in written correspondence delivered to the City, either at or prior to the end of the public comment period.

If there are any questions regarding this notice, please contact **Michele McGrath**, Principal Planner, Community Development Department, Planning, at 310.285.1135 or mmcgrath@beverlyhills.org. The case file, including a copy of the proposed ordinance, is available for review in the Community Development Department/Planning Services Section, 1st Floor, 455 N. Rexford Drive, Beverly Hills, California.


MICHELE MCGRATH
Principal Planner