



Planning Commission Report

Meeting Date: January 8, 2015

Subject: Zoning Code Reorganization

Recommendation: Review update of Zoning Code Reorganization project and provide comments

REPORT SUMMARY

The purpose of this study session is to provide the Planning Commission with information on the zoning code reorganization process. The report contains background information on the project, discussion of the reorganization efforts, and next steps. Staff anticipates returning to the Planning Commission in February with a draft reorganized Code.

BACKGROUND

On February 5, 2013, the City Council approved a contract and work scope for Dyett & Bhatia, Urban and Regional Planners, to: 1) complete a reorganization of the City's Zoning Code and assist in the completion of associated minor zoning text amendments; and, 2) provide a study of Central Area single family (R-1) development and make recommendations to amend development standards to address the bulk and mass of new homes. On July 11, 2013, staff and consultant Michael Dyett of Dyett and Bhatia presented a draft outline of the proposed reorganized code to the Planning Commission and the Commission supported the draft outline. On August 6, 2013, staff provided City Council with an update on the Zoning Code Reorganization effort along with the R-1 Bulk and Mass study. With single family development increasing in the City, the Central Area R-1 study and recommendations to address single family bulk and mass became a priority and staff and the Planning Commission focused on this effort. On November 4, 2014, the City Council adopted an ordinance, including most of the Planning Commission's recommendations to amend the Central Area development standards to reduce the perceived bulk and mass of new homes and provide more on-site parking.

DISCUSSION

The City's consultant has completed a draft, reformatted planning and zoning code consistent with the outline reviewed by the Planning Commission in July, 2013 and staff is in the process of reviewing it. Since the Planning Commission's previous review of this project was over a year ago, this study session

Attachment(s):

1. Draft Zoning Code Reorganization Outline
2. Current Zoning Code Table of Contents
3. Draft Section of Reorganized Zoning Code
4. Draft Section of Reorganized and Reformatted Zoning Code

Report Author and Contact Information:

Michele McGrath, Principal Planner
mmcgrath@beverlyhills.org
(310) 285-1135

is an opportunity to review the project goals and status with the Planning Commission in advance of consideration of the reformatted zoning code.

The Zoning Code Update project is organized as follows:

Part 1 – Reorganize and Reformat the Zoning Code

Phase A: Reorganize

The intent of reorganizing the Code is to rearrange, but not substantively change, the City's Zoning Code so it is more user-friendly. Reorganization will improve the code's readability and improve the community's ability to locate needed code sections. Following are key organizing principles:

- Planning and zoning regulations should follow a logical structure so the document is easy to sue and to amend over time. The numbering system should accommodate the addition of sections within the overall framework.
- General provisions should come before special provisions and the most frequently consulted sections should be up front unless the logic of the planning process dictates otherwise.
- Permanent provisions should come before temporary provisions.
- Procedures and permit requirements should be grouped together and placed at the beginning or end (it is placed at the end here in the 800 series). This should be balanced by the logic of a topical organization that generally follows the planning process.
- Responsibilities for all of the planning authorities with review and decision making roles should be described in one place (Commissions, director, staff).
- Allowed uses and development standards for specific zones should be grouped together.
- The consultant recommends placing zoning definitions at the end of the zoning code and ensures they do not include policy statements or regulations.

Phase B: Reformat

The purpose of this phase is to establish and codify a new format, but not to modify existing development standards or review processes to the extent that it changes the meaning of intent of any existing provisions. As part of the reformatting, the City's consultant will also be proposing some language changes that will not change the meaning and intent of the code, but will improve readability. Because changes will focus on format and will not be substantive in nature, no environmental analysis is anticipated.

The reformatted code will further improve readability and the community's ability to apply the City's zoning codes to development projects through the following changes:

- Use of tables, charts, graphics and other illustrations to convey the meaning of certain standards;
- Establish consistent terminology; express identical provisions in an identical manner;
- Correct City Department names, professional titles and other language as appropriate.

These changes to correct, clarify and illustrate the Code are expected to improve, and may reduce the time required to issue zoning approvals and building permits.

Part 2 – Minor Code Amendments

As a result of the reorganization, minor zoning text amendments may be identified that would improve readability and clarity, such as correcting conflicting requirements, clarifying decision-making responsibilities, and streamlining application/permit review and approval. Additionally, other minor code amendments may be recommended to ensure compliance with various state laws, as necessary, including consistency of the Zoning Code with the General Plan.

Amendments that have already been identified include:

- Public notice requirements.
- Director-level modification of standards and processes.
- Clarify the intent of certain zoning standards.

The first amendment has been completed, and the second partially completed, while the Zoning Code Update effort has been underway. Permitting and noticing requirements were spread throughout the code with no set of common procedures. Last spring, the City Council adopted the public notice ordinance that consolidated all of the public notice requirements for planning and design applications into one code section, in anticipation of the reformatted zoning code. The public notice ordinance includes tables to allow users to more easily find notice requirements for particular applications. This is a good example of the type of formatting used in the proposed, updated zoning code. A Code amendment allowing Director-level determinations of substantial compliance with the Zoning Code was adopted in 2013 and amended in 2014. This allows the Director to approve deviations from the Zoning Code in certain limited instances after construction has begun but does not allow the Director to approve such deviations prior to issuance of a building permit. Additional amendments intended to clarify the Code and streamline the development approval process will be addressed as part of this phase of the project.

Part 1: Phase A – Reorganized Zoning Code

Staff has been working with Dyett & Bhatia to complete the zoning code reorganization, paying special attention to tracking all changes made in order to ensure transparency and accuracy.

The proposed reorganized zoning code contains the following sections:

1. Introductory Provisions
2. Base Zones
3. Overlay Zones and Planning Development
4. Specific Plans and Development Variances Approved
5. Regulations Applying to Some of All Zones
6. Historic Preservation
7. Land Divisions, Dedications, and Improvements
8. Administration and Permits
9. General Terms

The current proposed outline of the reorganized Zoning Code is attached as Attachment 1. Attachment 2 is the Table of Contents for the current Zoning Code for comparison purposes. Attachment 3 is a draft of the Hillside R-1 Development Standards showing reorganization (project Phase 1). Attachment 4 is a draft of the Hillside R-1 Development Standards showing reorganization and reformatting (project Phase 2). Staff will be prepared to go through the proposed outline and draft Code sections with the Planning Commission at the Study Session.

PUBLIC OUTREACH

Staff created a webpage with information on the zoning code reorganization, which can be accessed at: <http://www.beverlyhills.org/citygovernment/departments/communitydevelopment/planning/zoningcodeorganization/>. The website has been active for approximately a year. Staff is preparing a public outreach plan and will present a draft at the meeting.

RECOMMENDATION

Staff recommends that the Commission discuss the proposed zoning code reorganization and provide comment to staff.

NEXT STEPS

Staff will return to the Planning Commission with a draft ordinance for consideration in February, 2015.



Report Prepared By:
Michele McGrath
Principal Planner

Attachment 1

Draft Zoning Code Reorganization Outline

Working Draft
Reorganized Zoning Code

December 11, 2014

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Introduction

This document, *Reorganized Code Version 1.0*, presents the framework for preparing revisions to Beverly Hills' zoning and subdivision regulations and a basis for reviewing the proposed changes to the overall organization of Title 10. Built upon the *Annotated Outline*, it takes the existing Title 10 provisions and reorganizes them into the new Series, Chapters, and Sections. It is meant to be a tool to assist the review of the reorganized Code when it is drafted. There are no 'edits' or changes to the existing text, rather, sections have been placed in their new locations according to the *Annotated Outline*. Headings have been revised or added for clarification.

For example, Title 10 currently discusses appeals processes throughout the document. The proposed *Reorganized Code Version 1.0* consolidates all of these processes and regulations (800 Series, Administration, Chapter 802.17, Appeals) into one section. All references to appeals processes are included under this heading. Again, no changes have been made to the language, no styling has been done. The legislative history and 'former' Code section is referenced at the end of each. Below is a partial example of 802.17, Appeals:

802.17 Appeals

Residential Density Bonus Appeals. Any decision of the planning commission made pursuant to this article may be appealed by the applicant or any other interested party as provided in title 1, chapter 4, article 1 of this code. (Ord. 05-O-2482, eff. 9-16-2005, formerly 10-3-1530)

Planned Development Appeals. The decision of the planning commission pursuant to this article may be appealed by to city council in the manner provided by title 1, chapter 4, article 1 of this code. (Ord. 91-O-2127, eff. 11-8-1991, formerly 10-3-1845)

Preservation Appeals. Only the owner of the property subject to a certificate of appropriateness or certificate of economic hardship, or an owner of property within a historic district in which the property subject to a certificate of appropriateness or certificate of hardship is located, shall be entitled to file an appeal of a decision on the certificate. The city council shall have the authority to call such decisions for review pursuant to the provisions of title 1, chapter 4, article 2 of this code. (Ord. 12-O-2617, eff. 2-24-2012, formerly 10-3-3222)

The *Reorganized Code Version 2.0* (that is, the final updated version) will consolidate processes and regulations and contain condensed language that will eliminate duplicative language. Sections where the existing Title 10 is silent will be drafted and incorporated into the whole. For example, most appeal processes refer to another Title of the Municipal Code. Those regulations will be incorporated into the *Reorganized Code Version 2.0*. This document will assist in understanding current regulations, where they are being relocated, and to ensure that the revised *Reorganized Code Version 2.0* encompasses all provisions. The language will be updated, naming conventions will be consistent, and duplicative and out-of-date provisions will be eliminated.

Attachment 2

Current Zoning Code Table of Contents

Beverly Hills Municipal Code

Table of Contents (as it appears online)

-  Beverly Hills, California: City Code
-  **ORDINANCES PENDING CODIFICATION**
-  PREFACE
-  Title 1 - GENERAL PROVISIONS
-  Title 2 - ADMINISTRATION, PERSONNEL, AND PROCEDURES
-  Title 3 - TAXATION, FINANCE, PURCHASING, AND RISK MANAGEMENT
-  Title 4 - REGULATION OF CERTAIN TYPES OF BUSINESSES AND ACTIVITIES
-  Title 5 - PUBLIC HEALTH, WELFARE, AND SANITATION
-  Title 6 - UTILITIES AND FRANCHISES
-  Title 7 - TRAFFIC, PARKING, AND PUBLIC TRANSPORTATION
-  Title 8 - PARKS, STREETS, AND OTHER PUBLIC PROPERTY
-  Title 9 - BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS
-  **Title 10 - PLANNING AND ZONING**
 -  Chapter 1: PLANNING COMMISSION
 -  Chapter 2: SUBDIVISIONS
 -  Chapter 3: ZONING
 -  Chapter 4: ZONING; SIGNS
 -  Chapter 5: MINING AND EXTRACTION
 -  Chapter 6: STREET, ALLEY, AND HIGHWAY DEDICATIONS AND IMPROVEMENTS
 -  Chapter 7: CONGESTION MANAGEMENT
 -  Chapter 8: VIEW RESTORATION
-  **Title 10 - PLANNING AND ZONING**
 -  Chapter 1: PLANNING COMMISSION
 -  10-1-101: ESTABLISHMENT:
 -  10-1-102: JURISDICTION:
 -  10-1-103: ADMINISTRATIVE SUPPORT:
 -  **Chapter 2: SUBDIVISIONS**
 -  Article 1. Definitions
 -  Article 2. Tentative Maps
 -  Article 3. Subdivision Improvements
 -  Article 4. Final Maps
 -  Article 5. Parcel Maps
 -  Article 6. Soil Reports
 -  Article 7. Common Interest Development Projects
 -  Article 8. Lot Line Adjustments
 -  Article 8A. Lot Mergers
 -  Article 9. Environmental Impact; Grading And Erosion Control
 -  Article 10. Vesting Tentative Maps

Chapter 3: ZONING

- + Article 1. Definitions
- + Article 2. Purpose, Conflicts, Compliance And Enforcement Of Provisions
- + Article 2.5. Public Notice Requirements
- + Article 3. Establishment Of Zones; Permitted And Conditionally Permitted Uses
- + Article 4. One-Family Residential Zone (R-1)
- + Article 5. One-Family Residential Zone (R-1.X)
- + Article 6. One-Family Residential Zone (R-1.5)
- + Article 7. One-Family Residential Zone (R-1.5X)
- + Article 8. One-Family Residential Zone (R-1.5X2)
- + Article 9. One-Family Residential Zone (R-1.6X)
- + Article 10. One-Family Residential Zone (R-1.7X)
- + Article 11. One-Family Residential Zone (R-1.8X)
- + Article 12. Multiple Residential Zone (R-4)
- + Article 12.3. Multiple-Family Residential-Commercial Parking Zone (RMCP)
- + Article 12.5. Incentives For Constructing Multiple-Family Housing For The Elderly Or Disabled
- + Article 12.7. Special Needs Housing Overlay Zone
- + Article 12.8. Multiple-Family Congregate Housing For Elderly And Disabled Persons
- + Article 13. Residential Income And Multiple Dwelling Zone (R-4X1)
- + Article 14. Multiple Residential Zone (R-4X2)
- + Article 15. Multiple Residential Zone (R-3)
- + Article 15.2. Residential Density Bonus
- + Article 15.3. Residential-Parking Zone (R-4-P)
- + Article 15.5. Beverly Hills Hotel Specific Plan Area
- + Article 15.6. Beverly Hills Gardens Specific Plan Area
- + Article 15.7. 9900 Wilshire Specific Plan
- + Article 15.8. Beverly Hilton Specific Plan
- + Article 16. Commercial Zone (C-3)
- + Article 16.2. Commercial-Transition Zone (C-3T-1)
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- + Article 18.4. Planned Development
- + Article 18.5. Medical Use Overlay Zone (C-PD-M)
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- + Article 19. Commercial Zone (C-4)
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- + Article 19.5. Transition Between Commercial And Residential Uses
- + Article 19.6. Adaptive Reuse Planned Development Overlay Zone (C-3 (AR))
- + Article 19.8. Mixed Use Planned Development Overlay Zone (M-PD-3)
- + Article 19.9. Mixed Use Planned Development Overlay Zone (M-PD-4)
- + Article 20. Commercial Zone (C-5)
- + Article 20.3. Public Service Zone (P-S)
- + Article 21. Industrial Zone
- + Article 22. Church Zone
- + Article 22.1. Public School Zone (S)
- + Article 23. Transportation Zones (T-1, T-2)
- + Article 23.5. Transportation Overlay Zone (T-O)
- + Article 24. Single-Family Residential Development Standards For The Central Area Of The City
- + Article 24.5. Central R-1 Permits
- + Article 25. Single-Family Residential Development Standards For The Hillside Area Of The City
- + Article 25.5. Hillside R-1 Permit
- + Article 26. Single-Family Residential Development Standards For Trousdale Estates
- + Article 26.5. Trousdale R-1 Permit
- + Article 27. Other Use And Building Restrictions
- + Article 27.7. Adult Entertainment Businesses
- + Article 28. Multiple-Family Residential Development Standards
- + Article 28.5. R-4 Permits
- + Article 28.6. Hotel Regulations
- + Article 28.8. Commercial Hotel Overlay Zone (C-H (O))
- + Article 29. Regulation Of Trees On Private Property
- + Article 30. Architectural Commission, Architectural Review, And Procedure
- + Article 31. Development Plan Review
- + Article 32. Historic Preservation
- + Article 33. In Lieu Parking
- + Article 34. Commercial-Retail Overlay Zone (C-R)

- ✚ Article 35. Open Air Dining
- ✚ Article 36. Minor Accommodations To Certain Development Standards
- ✚ Article 36.5. Overnight Stay Permits
- ✚ Article 36.7. Reasonable Accommodation Procedures For Disabled Persons
- ✚ Article 37. Variances
- ✚ Article 38. Conditional Use Permits
- ✚ Article 39. Amendments
- ✚ Article 40. General Plan
- ✚ Article 41. Nonconforming Buildings And Uses
- ✚ Article 42. Demolition Of Structures
- ✚ Article 43. Home Occupations
- ✚ Article 44. R-1 Design Review
- ✚ Article 45. Radio And Television Antennas And Wireless Telecommunications Antenna Facilities
- ✚ Chapter 4: ZONING; SIGNS
- ✚ Chapter 5: MINING AND EXTRACTION
- ✚ Chapter 6: STREET, ALLEY, AND HIGHWAY DEDICATIONS AND IMPROVEMENTS
- ✚ Chapter 7: CONGESTION MANAGEMENT
- ✚ Chapter 8: VIEW RESTORATION

Attachment 3

Draft Zoning Code Section

Hillside R-1 Development Standards

Reorganized (Phase 1)

2090, eff. 3-8-1990; Ord. 95-O-2239, eff. 7-7-1995; Ord. 02-O-2403, eff. 9-6-2002, formerly 10-3-2416)

4. **Windows.** No building which is located on a site area south of Santa Monica Boulevard shall contain windows facing the street which are above a second story unless otherwise permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter. (Ord. 89-O-2056, eff. 4-20-1989; amd. Ord. 95-O-2239, eff. 7-7-1995; Ord. 02-O-2403, eff. 9-6-2002, formerly 10-3-2415)



Hillside Single Family Residential Development Standards

- A. **Purpose and Applicability.** The development standards set forth in this article shall apply to all properties zoned for single-family residential uses in the Hillside Area of the city. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2501)
- B. **Minimum and Maximum Floor Area.** The following minimum and maximum floor area restrictions shall apply to buildings in the Hillside Area of the city:
 1. **Minimum Restrictions:** Any building that serves as the primary residential building on a site area shall have a minimum floor area of one thousand six hundred (1,600) square feet and shall have a minimum width, at its widest point, of twenty feet (20').
 2. **Maximum Restrictions:** The standards set forth in this subsection shall govern the maximum cumulative floor area that may be developed on any site within the Hillside Area.

Notwithstanding any other provision of this section, an owner of a site within the Hillside Area may develop buildings or structures on that site which cumulatively contain up to four thousand five hundred (4,500) square feet of floor area even if the application of the standards set forth in this section would not permit that amount of development.

In addition, notwithstanding any other provision of this section, the cumulative floor area developed on any one site area, in combination with the floor area of all basements constructed on that site, shall not exceed fifteen thousand (15,000) square feet unless permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. Provided, however, that up to one thousand six hundred (1,600) square feet of basement garage area and up to three hundred (300) square feet of basement mechanical area shall not be included within the calculation of the floor area of a basement for the purposes of this paragraph.

- a. For site areas which have no level pad, or a level pad of less than seven hundred fifty (750) square feet in area, and the average slope of the site area is twenty percent (20%) or greater, then the maximum cumulative floor area for all buildings and structures shall be twenty percent (20%) of the site area.
- b. For those sites not governed by subsection B1 of this section, the maximum permitted cumulative floor area of all buildings and structures shall be calculated as follows:

- (1) If the area of a site is fifteen thousand (15,000) square feet or less, then the maximum permitted cumulative floor area for buildings and structures on the site shall be forty percent (40%) of the area of the level pad plus ten percent (10%) of the area of the slope.
 - (2) If the area of a site is between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty seven percent (37%) of the area of the level pad plus ten percent (10%) of the area of the slope.
 - (3) If the area of a site is between twenty five thousand one (25,001) and thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty four percent (34%) of the area of the level pad plus ten percent (10%) of the area of the slope.
 - (4) If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope.
- c. If the area of a site equals or exceeds two acres, the maximum cumulative floor area may exceed the limitations set forth in subsections B1 and B2 of this section if permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.

For the purposes of this section, the maximum cumulative permitted floor area shall be calculated based upon the finished grade of the site.

Further, if a portion of a site area is to be dedicated to the city for the purposes of establishing or enlarging a street or an alley, and such dedication is to be made in conjunction with a development approval, then, for the purposes of calculating the maximum permitted floor area for the proposed development pursuant to this section, the site area shall include that portion of the site area that is to be dedicated to the city. However, the dedicated area shall not be included in the calculation of floor area for subsequent development, including additions to the original development. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 95-O-2242, eff. 8-5-1995, formerly 10-3-2502)

C. Landscaping and Landscaping Plans

1. **Setbacks:** All required front yards, side yards, and rear yards shall be landscaped with plant materials capable of covering the landscaped areas within two (2) years of planting.
2. **Slopes:** All cut or fill slopes shall be planted with plant materials which are intended to protect the slope against erosion and to cover the slope within two (2) years

of planting. All cut or fill slopes shall be irrigated by automatic sprinkler or drip irrigation systems.

3. **Water Conservation:** In order to promote water conservation, the city of Beverly Hills encourages the use of plant materials shown on the list of recommended plant materials for slopes and yard areas. This list is maintained by the department of planning and community development. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 93-O-2176, eff. 8-20-1993; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2519)

D. **Height.** Except as provided in section 10-3-2522 of this article for view preservation lots, as provided in section 10-3-2516 of this article for walls and fences, and as provided below for uphill lots, construction over a slope, construction over fill, and small level pads, the maximum permitted height for a structure constructed on a site area in the Hillside Area shall be twenty six feet (26'). However, a structure may exceed this height if the structure is constructed within a height envelope that begins at twenty two feet (22') in height at the front setback line and increases toward the rear of the site at a thirty three degree (33°) slope to a maximum height of thirty feet (30').

1. **Uphill Lots:** If a site area in the Hillside Area has a level pad elevation that is at least ten feet (10') higher than any adjacent portion of a street, then the structures constructed on that site area shall be constructed within a height envelope that begins at fourteen feet (14') in height at the level pad setback line and increases toward the center of the level pad at a slope of thirty three degrees (33°) to a height of thirty feet (30').
2. **Construction Over A Slope:** Notwithstanding the height limits set forth in this section, if a building extends beyond the edge of the level pad by at least twenty feet (20'), measured horizontally to the pad, then the maximum permitted height for that portion of the building located on the pad shall be thirty feet (30'). The maximum permitted height for a structure constructed over a slope shall be twenty two feet (22'). However, the vertical distance between the lowest exposed point of the structure and the highest element of the structure shall not exceed fifty five feet (55').
3. **Construction Over Fill:** Notwithstanding any other height limit set forth in this section, the maximum permitted height for a structure constructed over fill shall be reduced by the maximum height of any retaining wall or walls for that fill if such retaining wall or walls are located within ten feet (10') of the structure.
4. **Small Level Pads:** Notwithstanding the height limits set forth above, if a site contains no level pad, or a site contains a level pad that does not exceed seven hundred fifty (750) square feet in area, then the maximum height of that portion of a structure within forty feet (40') of the front setback line of the site shall be twenty six feet (26'). However, a structure may exceed this height if the structure is constructed within a height envelope that begins at twenty two feet (22') in height at the front setback line and increases toward the rear of the site at a thirty three degree (33°) slope to a maximum height of thirty feet (30').

For that portion of a structure located more than forty feet (40') from a front set-back line, the maximum height shall be twenty two feet (22'). However, the vertical distance between the lowest exposed point of the structure and the highest element of the structure shall not exceed fifty five feet (55'). (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2503)

- E. **Paving.** All paved areas and other impervious surfaces, including game court surfaces, shall be set back a minimum of five feet (5') from any property line. However, nothing in this section shall prohibit the paving of that portion of a driveway or walkway within five feet (5') of the intersection of the driveway or walkway and the public right of way.

In addition, paving within a front yard shall require a building permit and shall comply with the following restrictions:

1. **Coverage of Paving:** Not more than thirty three percent (33%) of the area of a front yard shall be paved. In addition, one walkway that does not exceed five feet (5') in width shall be permitted to be paved provided that the total area of the paved walkway does not exceed the total square footage derived by multiplying the depth of the front yard by five feet (5').
2. **Circular Driveways:** Notwithstanding the provisions of subsection A of this section, if a site area is permitted to have two (2) driveway approaches pursuant to section 8-4-4 of this code, and a circular driveway is constructed on such site area, the front yard may be paved in the minimum amount necessary to construct a circular driveway not exceeding twelve feet (12') in width. In addition, paving shall be permitted to construct one walkway not exceeding four feet (4') in width connecting such driveway to the residence, and one driveway not exceeding nine feet (9') in width connecting the circular driveway to parking that is required by this code and if located behind the front yard.
3. **Building Setbacks for Paving:** No portion of a front yard within five feet (5') of a building shall be paved, except for a driveway, and a walkway of no more than ten feet (10') in width.
4. **Flag Lots:** Notwithstanding the provisions of subsections A and B of this section, if the front yard of a site area does not exceed thirty six feet (36') in width, no provision of this section shall prohibit the paving of a driveway that does not exceed twelve feet (12') in width, or such additional width as determined necessary by the city engineer to provide for reasonably safe access to the site area.
5. **Paving Buffer:** An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach.
6. **Paving Materials:** All paving shall be Portland cement concrete or its equivalent, applied in accordance with specifications satisfactory to, and approved by, the director of building and safety. Paving with asphaltic concrete shall not be permitted. No more than three (3) different types of pavement materials shall be used in any front yard. Any additions to paved areas shall be consistent with the existing paved areas in design, appearance, and material used.

7. **Alternate Materials and Methods:** The provisions of this section are not intended to prevent the use of any material, or method of construction not specifically prescribed by this section provided that any such alternate has been approved pursuant to this subsection as follows:
 - a. The director of building and safety may approve any such alternate provided that the director finds that the material or method of construction advances the purposes of this section and provides at least the equivalent of that prescribed by this section in quality, strength, effectiveness, and durability.
 - b. The director of building and safety shall require that sufficient evidence be submitted to substantiate any claim that may be made regarding the suitability of an alternate.
8. **Minor Accommodation:** Notwithstanding any other provision of this section, a reviewing authority may authorize the replacement of legally nonconforming pavement with an amount of paving less than or equal to the existing pavement pursuant to article 36 of this chapter if the reviewing authority finds that such paving will be compatible with the character of the adjacent streetscape. (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. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2176, eff. 8-20-1993; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2518)

F. **Setbacks.**

8. **Front Setbacks.**

- a. The front setback for site areas located in the Hillside Area of the city shall be the setback as established in the records for each site area maintained by the city's community development department, unless that setback is not established in the city's records, or it is zero.
- b. If the front setback for a particular site area is zero or is not established in the city's records, then the front setback distance for that site area shall be determined as follows:
 - (1) For developed site areas, the front setback shall be the lesser of either:
 - (a) The distance between the front lot line and the closest element of the existing primary residence; or
 - (b) The average of the front setbacks of the other site areas on the same side of the street in the same block.
 - (2) For undeveloped lots, the front setback shall be the average of the front setbacks of the other site areas on the same side of the street in the same block. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 07-O-2512, eff. 5-11-2007, formerly 10-3-2504)

2. **Rear Setbacks.** The rear setback for site areas located in the Hillside Area shall equal fifteen percent (15%) of the lot depth or twenty feet (20'), whichever is greater. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2505)

3. **Side Setbacks.** Except as provided in this section, each side setback, including street side setbacks, for buildings in the Hillside Area shall be ten feet (10') or twelve percent (12%) of the lot width for each setback, whichever is greater.

a. **Street Side Setbacks:** A street side setback shall be as indicated on the "residential street setback map of the city of Beverly Hills", if such setback is greater than the minimum setback otherwise required by this section.

If the street side setback is not shown on the "residential street setback map of the city of Beverly Hills" then the setback shall be governed by the provisions of this section regarding side setbacks.

b. **Side Setback Extension:** If a legally constructed existing building does not conform to the setback requirements of this section, then the building may be enlarged through the extension of the existing, nonconforming, side setback provided that the existing setback is not less than three feet (3') and the enlarged portion of the building does not exceed fourteen feet (14') in height.

(1) **Minor Accommodation:** If the existing setback is not less than three feet (3') and the extension exceeds fourteen feet (14') in height, then the extension may be permitted by a minor accommodation permit issued pursuant to article 36 of this chapter provided that the floor area of the extension is less than one thousand (1,000) square feet and less than twenty percent (20%) of the existing floor area authorized by building permit as of September 2, 1988, and provided that the reviewing authority finds that the extension 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.

(2) **Hillside R-1 Permit:** If the existing setback is not less than three feet (3'), the extension exceeds fourteen feet (14') in height, and the area of the extension exceeds one thousand (1,000) square feet or twenty percent (20%) of the existing floor area authorized by building permit as of September 2, 1988, then the extension may be permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.

c. **Structures Built Into Uphill Slopes:** If a building is built into an uphill slope located between the level pad and a rear property line, then the sum of the side setbacks for the portion of the building built into the uphill slope shall be the setbacks otherwise required by this section plus thirty percent (30%) of the lot width. Furthermore, in no case shall any side setback be less than the setback otherwise required by this section.

- d. *Application of Side Setback Requirements to Existing Legally Nonconforming Side Yards:* In all cases that the side setback requirements of this section are applied to construction on lots with existing legally nonconforming side setbacks, the largest setback required by this section shall be applied to the side of the lot with the largest existing side yard. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 86-O-1977, eff. 10-2-1986; Ord. 89-O-2056, eff. 4-20-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2261, eff. 7-5-1996, formerly 10-3-2506)
4. ***Pad Edge Setbacks.*** No portion of any building shall be constructed closer than five feet (5') to the edge of a level pad, adjacent to a slope downhill from the pad, except those buildings that extend more than twenty feet (20') beyond the edge of the level pad, measured horizontally to the pad. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2507)

G. **Permissible Encroachments**

1. ***Permissible Encroachments in a Front Yard.*** No structure or element of a building may encroach into any front yard, except the following:
 - a. A fence, gate, or wall that otherwise complies with the requirements of this code;
 - b. Paving in accordance with section 10-3-2518 of this article;
 - c. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting not more than eighteen inches (18") into such yard;
 - 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. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2508)
2. ***Permissible Encroachments in Side Yards, Street Side Yards, Pad Edge Setbacks, and Rear Yards.*** No structure or element of a building may encroach into any side yard, street side yard, pad edge setback, 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. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;

- e. 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 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 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;
- f. Swimming pools provided that no mechanical equipment servicing any such pool is located within a side yard or street yard;
- g. Trash storage facilities;
- h. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yards;
- i. A porte-cochere; and
- j. 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.
- k. 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 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 the scale and massing of the streetscape; neighbors' access to light and air; neighbors' privacy; and 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. 88-O-2025, eff. 6-9-1988; Ord. 90-O-2101, eff. 10-4-1990; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 05-O-2461, eff. 3-18-2005; Ord. 09-O-2563, eff. 2-22-2009, formerly 10-3-2509)

H. **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.

1. **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.
2. **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.
3. **Front and Street Side Yards:** No wall or fence shall be located within three feet (3') of a front lot line or street side lot line.

Walls or fences located more than three feet (3') from a front lot line or street side lot line, but less than or equal to ten feet (10') from a front lot line or street side lot line shall be no more than three feet (3') in height.

Walls or fences located more than ten feet (10') from a front lot line or street side lot line, but within a front yard or street side yard, shall be no more than six feet (6') in height. Furthermore, any portion of such walls or fences that exceeds three feet (3') in height shall be open to public view.

- a. *Hillside R-1 Permit:* Notwithstanding the provisions of this subsection C, a reviewing authority may issue a Hillside R-1 permit to permit a wall of no more than six feet (6') in height to encroach into a front yard or street side yard without otherwise complying with the requirements of this subsection C.
 - b. *Minor Accommodation:* Notwithstanding the provisions of this subsection C, a reviewing authority may issue a minor accommodation permit pursuant to article 36 of this chapter to allow a wall or fence of up to six feet (6') in height to be located between three feet (3') and ten feet (10') from a front lot line or street side lot line, provided that the wall or fence is open to public view and provided that the reviewing authority finds that the wall or fence will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the city.
4. *Areas Other Than Front and Street Side Yards:* The maximum allowable height for that portion of a wall, fence, or hedge located outside of all front and street side yards shall be seven feet (7').
 5. *Series of Walls:* If a series of walls, or portions of a wall, are constructed so that perpendicular section cut through a wall would intersect more than one wall segment and would intersect a total height of seven feet (7') or more, then a minimum three foot (3') landscaped area must be provided between the wall segments. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 84-O-1934, eff. 10-11-1984; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2271, eff. 12-27-1996, formerly 10-3-2516)

I. **Accessory Buildings.**

1. *Front Setback for Accessory Buildings.* Accessory buildings shall be set back at least one hundred feet (100') from the front lot line or all elements of the accessory building shall be located within fifty feet (50') of the rear lot line of the site area. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2510)
2. *Side Setback Encroachment for Accessory Buildings.* Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a side yard provided that such buildings are set back five feet (5') from all property lines.

Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of fourteen feet (14') in height must be constructed within the principal building area and shall be governed by

the height restrictions for that area. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2511)

3. **Rear Setback Encroachment for Accessory Buildings.** Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a rear yard provided that such buildings are set back five feet (5') from all property lines.

Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of fourteen feet (14') in height must be constructed within the principal building area and shall be governed by the height restrictions for that area. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2512)

4. **Structure Separation for Accessory Buildings.** Accessory buildings shall be located no closer than six feet (6') to any other building on the same site area. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2513)

5. **Accessory Building Porches and Decks.** No accessory building shall have a porch or deck located more than three feet (3') above the finished grade. For the purposes of this section, grade shall be defined as it is defined in title 9 of this code.

- a. **Exception.** Notwithstanding the provisions of this section, the planning commission may permit an accessory building located on a residential site with an area that equals or exceeds twenty four thousand (24,000) square feet to include a porch or deck located more than three feet (3') above finished grade through a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 02-O-2403, eff. 9-6-2002, formerly 10-3-2513.5)

6. **Accessory Buildings on Estate Properties.** If the area of a residential site equals or exceeds twenty four thousand (24,000) square feet, or if the area of two (2) or more contiguous lots or parcels which are owned by the same person and used as one site equals or exceeds twenty four thousand (24,000) square feet, accessory buildings to a residence may be located on any part of the site if authorized by the planning commission as part of a Hillside R-1 permit issued in accordance with the procedures set forth in article 25.5 of this chapter.

All accessory buildings approved pursuant to this section shall be immediately removed if the site is altered so that:

- a. The area of the site on which the accessory buildings are located is reduced below twenty four thousand (24,000) square feet, or
- b. The primary residential building is separated or removed from the site on which the accessory buildings are located so that the buildings or properties in question no longer function as one home or estate. (1962 Code § 10-205; amd. Ord. 95-O-2239, eff. 7-7-1995; Ord. 02-O-2403, eff. 9-6-2002, formerly 10-3-2526)

J. **Additional Development Standards.**

1. **Building Materials.** All structures constructed in the Hillside Area of the city shall comply with the following materials restrictions:

- a. **Roofing:** Except as otherwise prohibited by law, every structure used as a residence in any single-family residential zone shall have a roof constructed with wood shake, shingle, asphalt composition, crushed rock, or other roofing material which the director of building and safety deems equivalent. Reflective, glossy, polished, and/or roll formed type metal roofing shall be prohibited.
 - b. **Siding:** Except as otherwise prohibited by law, every structure used as a residence in any single-family residential zone shall have exterior siding of brick, wood, stucco, metal, concrete, or other siding material which the director of building and safety deems equivalent. Reflective, glossy, polished, and/or roll formed type metal siding shall be prohibited on such structures.
 - c. **Alternate Materials:** Notwithstanding any other provision of this section, the director of building and safety may authorize the use of materials not otherwise authorized pursuant to this section if the director finds that:
 - (1) The use of an otherwise prohibited material would enhance the architectural compatibility of the proposed structure with existing structures in the neighborhood;
 - (2) A proposed alteration or addition to an existing residential structure with the prohibited material will be continuation of such structure's architectural style; or
 - (3) The use of an otherwise prohibited material is necessary to provide adequate safety or to comply with other laws or regulations applicable to the subject structure. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2520)
2. **Construction Parking and Hauling.** No construction related parking shall be permitted on a public street except as otherwise approved by the director of building and safety and the city engineer.
- All hauling related to construction in the Hillside Area shall conform to a hauling plan approved by the city engineer. Hauling within the Hillside Area shall be limited to the hours established by the city engineer, but in no case shall hauling occur before the hour of nine o'clock (9:00) A. or after the hour of four o'clock (4:00) P. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2523)
3. **Game Courts and Game Court Fences.** Game courts in the Hillside Area of the city shall be subject to the following regulations:
- a. No game court or game court fence shall be located on a through lot, within a front yard, between a principal residence and a front setback line, or over or on top of any building or structure unless the city council finds, after notice and a hearing pursuant to the procedures set forth in article 25.5 of this chapter, that such court or fence will not have a substantial adverse

visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety.

- b. Game courts shall be constructed on a level pad.
- c. Notwithstanding any other regulation set forth in this chapter, the maximum allowable height of game court fences constructed in the principal building area shall be twelve feet (12').
- d. Notwithstanding any other regulation set forth in this chapter, the maximum allowable height of game court lighting standards constructed in the principal building area shall be twenty two feet (22').
- e. Game court fences and game court lighting standards located within a side or rear yard shall comply with the height requirements for fences set forth in section 10-3-2516 of this article unless otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.
- f. All game court fences shall be constructed of open wire mesh or similar material, except that a game court fence may include a retaining wall that does not exceed a maximum height of seven feet (7') provided that the cumulative height of the retaining wall and the fence does not exceed twelve feet (12')
- g. The maximum permitted height of a game court fence or game court lighting standard constructed over fill shall be reduced by the maximum height of any retaining wall or walls for that fill if such wall or walls are located within ten feet (10') of the fence or standard.
- h. No paved game court surface shall be located within five feet (5') of a property line unless otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 77-O-1652, eff. 6-2-1977; amd. Ord. 80-O-1771, eff. 10-16-1980; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2517)

4. **Garages.**

- a. *Garage Entrance Restrictions.* If the vehicular entrance to a garage is greater than twenty four feet (24') in width, then the vehicular entrance to the garage shall be either: a) perpendicular to the street from which it has access, b) within the rear fifty feet (50') of the site, or c) at least one hundred feet (100') from the front lot line. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2514)
- b. *Garage and Other Parking Requirements.* No less than four (4) parking spaces shall be provided for each primary residence located within the Hillside Area unless the primary residence has a floor area of less than six thousand (6,000) square feet. If the primary residence has a floor area of less than six thousand (6,000) square feet, then only three (3) parking spaces shall be required.

- (1) At least two (2) of the parking spaces required by this section shall be covered by a permanent structure.
 - (2) 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, or if the width of a portion of a paved driveway is restricted by the construction of a porte cochere, 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.
 - (3) No required parking space shall be provided within a front yard. Furthermore, any additional parking areas that are not required by this code shall be set back a minimum of five feet (5') from any front lot line or street side lot line. Such five foot (5') setback area shall be landscaped.
 - (4) 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. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2515)
5. **Landform Alteration.** Within any five (5) year period, the total cubic yards that may be cut and filled on any site in the Hillside Area, including excavation for basements, shall be calculated as follows:

$$\{(4-10S)^4\}$$

$$C = \{ + .1\} \times \text{Site Area in Square Feet}$$

$$\{162\}$$

For the purposes of this formula:

C Shall mean the total cubic yards of cut and the total cubic yards of fill permitted,

S Shall mean the "average slope" of the site as defined in section 10-3-100 of this chapter.

The following is an example of the application of this formula to a site that is 30,000 square feet in area with an average slope of twenty five percent (25%):

$$\{(4-2.5)4\}$$

$$C = \{ + .1\} \times 30,000$$

$$\{162\}$$

$$C = \{031 + .1\} \times 30,000$$

$$C = 3,937.5$$

3,937.5 cubic yards of cut and 3,937.5 cubic yards of fill would be permitted

However, within any five (5) year period, no more than three thousand (3,000) cubic yards of earth material may be imported or exported from a site in the Hillside Area.

The limitations set forth in this section may be modified by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2521)

6. ***View Preservation.***

- a. Except as authorized by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, and notwithstanding the provisions of section 10-3-2503 of this article concerning building heights, no structure in the Hillside Area shall be constructed to a height in excess of fourteen feet (14') if such construction in excess of fourteen feet (14') would substantially disrupt a view of the Los Angeles area basin from the level pad which contains the primary residential building on a property within three hundred feet (300') of the subject property, and such view would not have been substantially disrupted by development of a fourteen foot (14') structure. Notwithstanding the provisions of subsection D of the definition of "height of building", section 10-3-100 of this chapter, for purposes of this section, measurement of the height of the building or structure to be constructed at any point shall mean the vertical distance between that point and the point below it on a plane defined by ground level as it existed on September 4, 1992, at all points along the building or structure perimeter.
- b. For the purposes of this section, a view "from the level pad which contains the primary residential building" shall mean a view from a point six feet (6') above the finished grade of the pad. If no primary residential building has been constructed on a property within three hundred feet (300') of the subject property, then a "view from a level pad which contains the primary residential building" shall mean the view from a point six feet (6') above the finished grade of the pad upon which, in the judgment of the director of planning, the primary residential building is most likely to be constructed.
- c. Notwithstanding the provisions of subsection A of this section, for purposes of this section, if a driveway is located adjacent to a perimeter wall of a

building, and the driveway leads to a subterranean garage, then the plane described in subsection A of this section that is defined by the September 4, 1992, ground level at all points along the building perimeter shall, for that portion of the building located adjacent to the driveway, be defined instead by the points along the building perimeter at the elevation of the highest point of the driveway. However, if the high point of the driveway exceeds the highest point of the September 4, 1992, ground level along the building perimeter, then the high point of the driveway shall not be used to define the plane and the plane shall be defined by the natural ground level along the building perimeter excluding that portion of the perimeter located adjacent to the driveway.

Also, notwithstanding the provisions of subsection A of this section, for purposes of this section, if a lightwell is located adjacent to a building, then the plane defined by the September 4, 1992, ground level at all points along the building perimeter shall, for that portion of the perimeter located adjacent to the lightwell, be defined instead by the September 4, 1992, grade at all points along the perimeter of the lightwell. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2228, eff. 1-13-1995; Ord. 95-O-2239, eff. 7-7-1995; Ord. 99-O-2339, eff. 12-31-1999, formerly 10-3-2522)

- K. ***Additional Application Requirements.*** In addition to all other requirements, all applications for a grading or building permit within the Hillside Area shall contain the following materials:
1. A topographic survey map prepared by a licensed surveyor showing existing contours with a maximum interval of ten feet (10').
 2. A landscape plan showing existing trees, shrubs, and ground cover.
 3. A proposed plot plan showing the location of all structures and showing existing and proposed contours with a maximum interval of ten feet (10'). The plan shall also contain total quantities of cut and fill as measured in cubic yards.
 4. A proposed landscaping plan which shows the name, size and location of the plant materials proposed. The plan shall indicate the irrigation system to be utilized.
 5. Cross sections of all buildings to be constructed.
 6. Building elevations of all buildings to be constructed.
 7. A vicinity map showing structures and pad elevations within three hundred feet (300') of the subject property.
 8. A report prepared by a licensed geotechnical engineer describing the existing geologic, seismic, drainage, and soils conditions at the subject property.
 9. A construction schedule, construction parking plan and hauling plan to be used for importing and exporting material. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2524).

Trousdale Estates Single Family Development and View Restoration Standards

Attachment 4

Draft Zoning Code Section

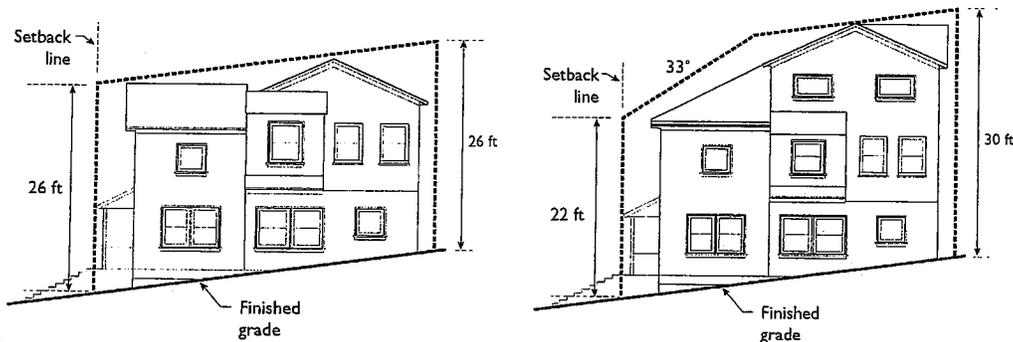
Hillside R-1 Development Standards

Reformatted (Phase 2)

201.05201.04 Hillside Single Family Residential Development Standards

A. **Purpose and Applicability.** The development standards set forth in this articleSection shall apply to all properties zoned for single family residential uses in a One-Family Residential Zone in the Hillside Area of the cityCity. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2501)

TABLE 201.04.A FLOOR AREA HEIGHT AND LANDSCAPING STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA



Standard	Hillside	Additional Regulations
Floor Area		
Minimum	1,600 square feet; Minimum width of 20 feet	
Maximum	See (B)	
Height	Max. 26 feet; Max. 30 feet if the structure is within a height envelope that begins at 22 feet at the front setback line and increases toward the rear at a 33 degree slope. See (D) for exceptions	See Section 201.04.J for regulations pertaining to View Preservation and 201.04.H for regulations pertaining to Walls and Fences
Landscaping		
Landscaping of Setbacks	All required yards shall be landscaped with plant materials capable of covering the landscaped areas within two years of planting. (C)	
Landscaping of Slopes	All cut or fill slopes shall be planted with plant materials which are intended to protect the slope against erosion and to cover the slope within two years of planting. (C)	

~~B. **Maximum Minimum and Maximum Floor Area.** The following minimum and maximum floor area restrictions shall apply to buildings in the Hillside Area of the city:~~

~~B. **Minimum Restrictions:** Any building that serves as the primary residential building on a site area shall have a minimum floor area of one thousand six hundred (1,600) square feet and shall have a minimum width, at its widest point, of twenty feet (20').~~
Restrictions:

~~The standards set forth in this subsection shall govern the Cumulative Floor Area.~~

1. ~~The maximum cumulative floor area that may be developed on any site within the Hillside Area.~~
2. ~~Notwithstanding any other provision of this section, an owner of a site within the Hillside Area may develop buildings or structures on that site which cumulatively contain up to four thousand five hundred (shall be 4,500) square feet of floor area even if the application of the standards set forth in this section would not permit that amount of development.~~
1. ~~In addition, notwithstanding any other provision of this section square feet or as provided below, whichever is greater. However, the cumulative floor area developed on any one site area, in combination with inclusive of the floor area of all basements constructed on that site, shall not exceed fifteen thousand (15,000) square feet unless permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. Provided, however, that up to one thousand six hundred (Development Plan Review, provided that a maximum 1,600) square feet of basement garage area and up to three hundred (a maximum 300) square feet of basement mechanical area shall is not be included within the calculation of the floor area of a basement for the purposes of this paragraph.~~
 - a. ~~For site areassites which have no level pad, or a level pad of less than seven hundred fifty (750) square feet in area, and thean average slope of the site area is twenty20 percent (20%) or greater, then the maximum cumulative floor area for all buildings and structures shall be twenty20 percent (20%) of the site area.~~
 - a. ~~For thoseall other sites not governed by subsection B1 of this section, the maximum permitted cumulative floor area of all buildings and structures shall be calculated as follows:~~
 - (1)b. ~~If the area of a site is fifteen thousand (For sites 15,000) square feet or less, then the maximum permitted cumulative floor area for buildings and structures on the site shall be forty: 40 percent (40%) of the area of the level pad plus ten10 percent (10%) of the area of the slope.~~
 - (2)c. ~~If the area of a site isFor sites between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty seven: 37 percent (37%) of the area of the level pad plus ten10 percent (10%) of the area of the slope.~~
 - (3)d. ~~If the area of a site isFor sites between twenty five thousand one (25,001) and thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty four: 34 percent (34%) of the area of the level pad plus ten10 percent (10%) of the area of the slope.~~

~~(4)e. If the area of a site is~~ For sites greater than thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty-one; 31 percent (31%) of the area of the level pad plus ten 10 percent (10%) of the area of the slope.

~~b.2. If the area of a site equals or exceeds~~ For sites two acres or greater, the maximum cumulative floor area may exceed the limitations set forth in subsections B1 and B2 of this section Section 201.05.B.1 if permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter Development Plan Review.

~~3. For the purposes of this section, the~~ The maximum cumulative permitted floor area shall be calculated based upon the finished grade of the site.

~~3. Further, if~~ If a portion of a site area is to be dedicated to the city City for the purposes of establishing or enlarging a street or an alley, and such dedication is to be made in conjunction with a development approval, then, for the purposes of calculating the maximum permitted floor area for the proposed development pursuant to this section, the site area shall include that portion of the site area that is to be dedicated to the city City. However, the dedicated area shall not be included in the calculation of floor area for subsequent development, including additions to the original development. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 95-O-2242, eff. 8-5-1995, formerly 10-3-2502)

~~B. Landscaping and Landscaping Plans~~

~~C. Setbacks: All required front yards, side yards, and rear yards shall be landscaped with plant materials capable of covering the landscaped areas within two (2) years of planting.~~

~~D. Slopes: All cut or fill slopes shall be planted with plant materials which are intended to protect the slope against erosion and to cover the slope within two (2) years of planting. All cut or fill slopes shall be irrigated by automatic sprinkler or drip irrigation systems.~~

~~2.C. Water Conservation:~~ In order to promote water conservation, the city City of Beverly Hills encourages the use of plant materials shown on the List of Recommended Plant Materials for slopes Slopes and yard areas. This list is Yard Areas maintained by the department Department of planning Planning and community development Community Development. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 93-O-2176, eff. 8-20-1993; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2519)

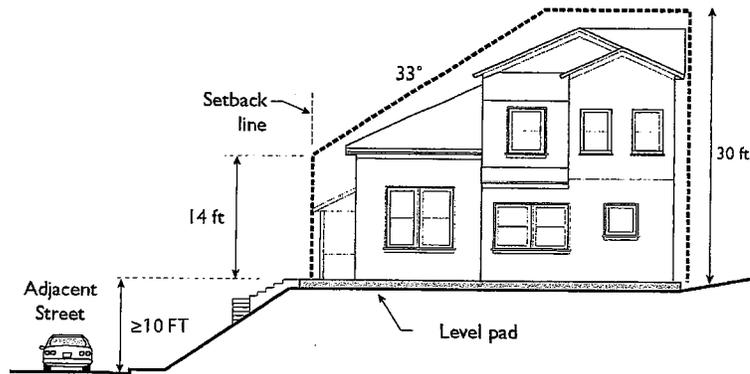
~~C. Height. Except as provided in section 10-3-2522 of this article for view preservation lots, as provided in section 10-3-2516 of this article for walls and fences, and as provided below for uphill lots, construction over a slope, construction over fill, and small level pads, the maximum permitted height for a structure constructed on a site area in the Hillside Area shall be twenty six feet (26'). However, a structure may exceed this height if the structure is constructed within a height envelope that begins at twenty two feet (22') in height at the front setback line and increases toward the rear of the site at a thirty three degree (33°) slope to a maximum height of thirty feet (30').~~

|

D. Height.

1. ***Uphill Lots:*** If a site area in the Hillside Area has, ~~For sites with~~ a level pad elevation that is at least ~~ten~~ 10 feet (10') higher than any adjacent portion of a street, ~~then~~ ~~the~~ ~~all~~ structures constructed on that site area shall be constructed within a height envelope that begins at ~~fourteen~~ 14 feet (14') in height at the level pad setback line

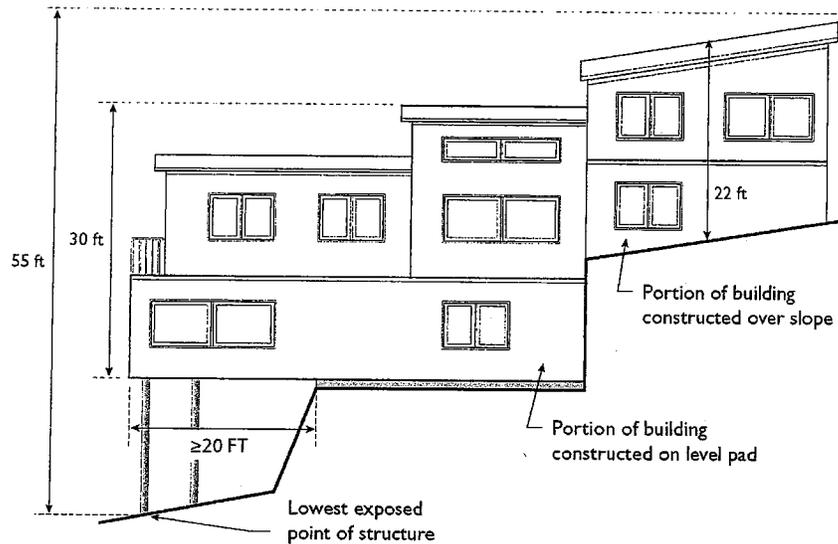
MAXIMUM BUILDING HEIGHT ENVELOPE,
WHERE LEVEL PAD \geq 10 FEET ABOVE ADJACENT STREET



and increases toward the center of the level pad at a slope of ~~thirty three~~ 33 degrees (33°) to a height of ~~thirty~~ 30 feet (30').

2. **Construction Over A a Slope:** Notwithstanding the height limits set forth in this section, if a building extends beyond the edge of the level pad by at least ~~twenty~~ 20 feet (20'), measured, measured horizontally to the pad, then the maximum permitted height for that portion of the building located on the pad shall be ~~thirty~~ 30 feet (30'). The maximum permitted height for a structure constructed over a slope shall be ~~twenty-two~~ 22 feet (22'). However, the vertical distance be-

MAXIMUM BUILDING HEIGHT, WHERE BUILDING EXTENDS AT LEAST 20 FEET BEYOND LEVEL PAD



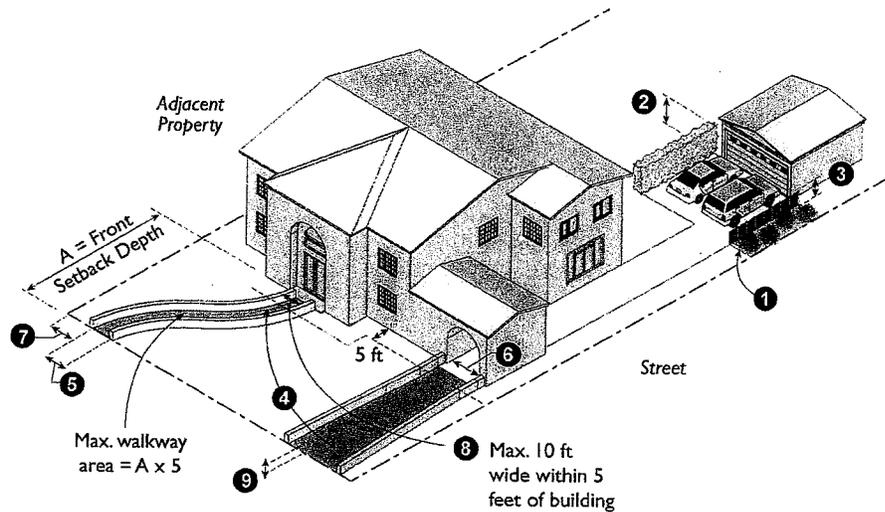
tween the lowest exposed point of the structure and the highest element of the structure shall not exceed ~~fifty-five~~ 55 feet (55').

3. **Construction Over Fill:** Notwithstanding any other height limit set forth in this section, the maximum permitted height for a structure constructed over fill shall be reduced by the maximum height of any retaining wall or walls for that fill if such retaining wall or walls are located within ~~ten~~ 10 feet (10') of the structure.
4. **Small Level Pads:** Notwithstanding the height limits set forth above, if a site contains, For sites that contain no level pad, or a site contains a level pad that does not exceed seven hundred fifty (less than 750) square feet in area, then the maximum height of that portion of a structure within ~~forty~~ 40 feet (40') of the front setback line of the site shall be ~~twenty-six~~ 26 feet (26'). However, a structure may exceed this height if the structure is constructed within a height envelope that begins at ~~twenty-two~~ 22 feet (22') in height at the front setback line and increases toward the rear of the site at a ~~thirty-three~~ 33 degree (33°) slope to a maximum height of ~~thirty~~ 30 feet (30').

For that portion of a structure located more than ~~forty~~ 40 feet (40') from a front setback line, the maximum height shall be ~~twenty-two~~ 22 feet (22'). However, the ver-

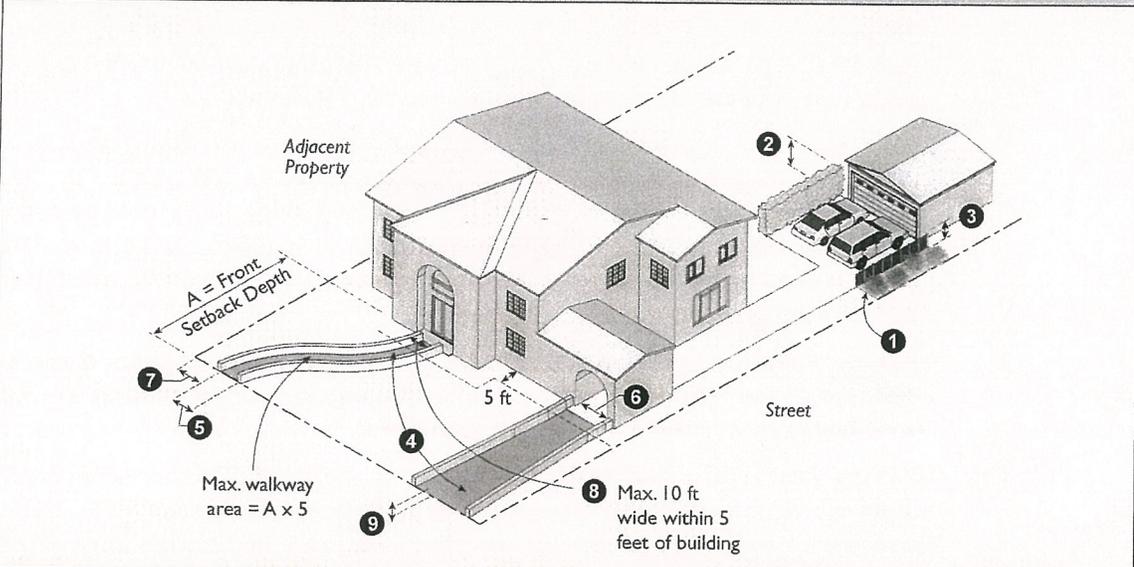
tical distance between the lowest exposed point of the structure and the highest element of the structure shall not exceed ~~fifty five~~ 55 feet ~~(55')~~. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly ~~10-3-2503~~ 2504)

TABLE 201.04.B. PARKING AND PAVING STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA



Standard	Hillside	#
Parking		
Required Spaces	4 spaces per primary residence \geq 6,000 square feet in floor area; 3 spaces per primary residence $<$ 6,000 square feet in floor area; At least 2 spaces must be covered by a permanent structure	
Location	Required parking may not be located within front yard. Any additional spaces not required by code shall be set back at least 5 feet from the front lot line or street side lot line, and such setback areas shall be landscaped.	1
Screening	Any side or rear yard parking areas and any parking areas visible from a street must be screened from the view of the adjacent property by a fence or hedge at least 6 feet high, and from any street by a fence or hedge at least 3 feet high, excluding an entryway from the street \leq 10 feet wide	2, 3
Paving (E)		
Permitting	Building permit required when within front yard.	
Within a Front Yard	Max. 33 percent of the area of a front yard	4
Walkway	Max. 1 paved walkway no greater than 5 feet in width; Maximum area of walkway = the depth of the front yard \times 5.	5
Driveways	Min. 8 feet wide for paved driveways where driveway is restricted by an existing residence or porte-cochere.	6
Setbacks for Paving	Min. 5 feet from any property line, except for that portion of any driveway or walkway that approaches the public right-of-way. For paving within a front yard, min. 5 feet between any building and paving, with the exception of a driveway and a walkway max. 10' in width	7, 8

TABLE 201.04.B: PARKING AND PAVING STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA



Standard	Hillside	#
Buffers	Opaque wall or hedge along the front and side of each paved area, Min. 2 feet, max. 3 feet in height (driveway approaches excluded)	9

E. Paving.

~~D. Paving. All paved areas and other impervious surfaces, including game court surfaces, shall be set back a minimum of five feet (5') from any property line. However, nothing in this section shall prohibit the paving of that portion of a driveway or walkway within five feet (5') of the intersection of the driveway or walkway and the public right of way.~~

~~In addition, paving within a front yard shall require a building permit and shall comply with the following restrictions:~~

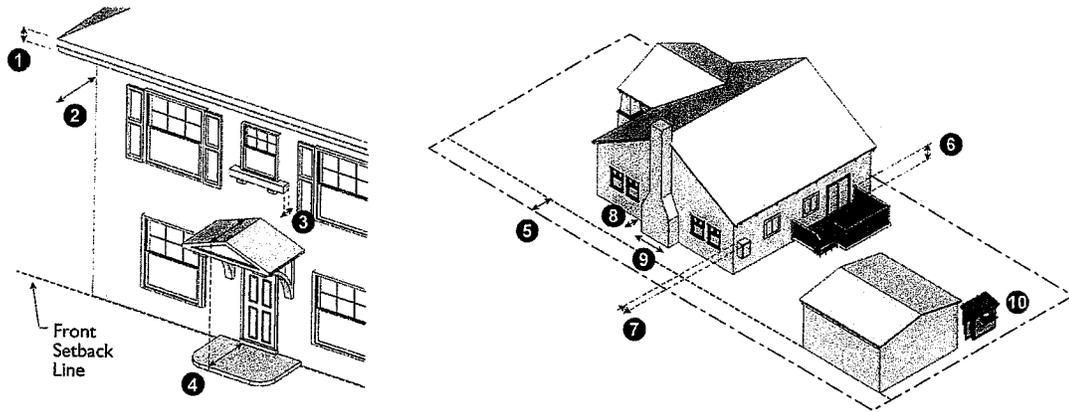
~~1. Coverage of Paving: Not more than thirty three percent (33%) of the area of a front yard shall be paved. In addition, one walkway that does not exceed five feet (5') in width shall be permitted to be paved provided that the total area of the paved walkway does not exceed the total square footage derived by multiplying the depth of the front yard by five feet (5').~~

~~2.1. Exception for Circular Driveways: Notwithstanding the provisions of subsection A of this section, if a site area is permitted to have two (2) driveway approaches pursuant to sectionSection 8-4-4 of this code, and a circular driveway is constructed on such site area, Driveways and Driveway Approaches, of the Municipal Code, the front yard may be paved in the minimum amount necessary to construct a circular driveway not exceeding twelve12 feet (12') in width. In addition, paving shall be permitted to construct one walkway not exceeding four feet (4') in width connecting suchthe driveway to the residence, and one driveway not~~

- exceeding nine feet (9') in width connecting the circular driveway to parking that is required by this code and if parking located behind the front yard.
1. ~~Building Setbacks~~ **Exception for Paving:** No portion of a **Flag Lots**. On lots with front yard within five yards 36 feet (5') of a building shall be paved, except for a driveway, and a walkway of no more than ten feet (10') in width.
 - 3.2. **Flag Lots:** Notwithstanding the provisions of subsections A and B of this section, if the front yard of a site area does not exceed thirty six feet (36') or less in width, no provision of this section shall prohibit the paving of a driveway that does not exceed twelve up to 12 feet (12') in width, or such additional width as determined necessary by the city engineer City Engineer to provide for reasonably safe access to the site area.
 2. **Paving Buffer:** An opaque wall or hedge not less than two feet (2') nor more than three feet (3') in height shall be provided and maintained along the front and sides of each area paved, except at a driveway approach.
 - 4.3. **Paving Materials and Methods.** All paving shall be Portland cement concrete or its equivalent, applied in accordance with specifications satisfactory to, and approved by, the director of building and safety. Paving with asphaltic concrete shall not be permitted. No more than three (3) different types of pavement materials shall be used in any front yard. Any additions to paved areas shall be consistent with the existing paved areas in design, appearance, and material used.
 - a. ~~Alternate Materials and Methods: The provisions of this section are not intended to prevent the use of any material, or method of construction not specifically prescribed by this section provided that any such alternate has been approved pursuant to this subsection as follows:~~
 - a. ~~The director of building~~ **Alternate Materials and Methods.**
 - a.(1) The Director of Building and safety **Safety** may approve any such alternate provided that the director finds that the material or method of construction advances the purposes of this section Section and provides at least the equivalent of that prescribed by this section Section in quality, strength, effectiveness, and durability.
 - b.(2) ~~The director~~ Director of building **Building and safety** Safety shall require that sufficient evidence be submitted to substantiate any claim that may be made regarding the suitability of an alternate.
 - 5.4. **Minor Accommodation:** Notwithstanding any other provision of this section, a reviewing authority may authorize the replacement of legally Legally nonconforming pavement may be replaced with an amount of paving less than or equal to the existing pavement pursuant to article 36 of this chapter with the approval of a Minor Accommodation if the reviewing authority Reviewing Authority finds that such paving will be compatible with the character of the adjacent streetscape. (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-

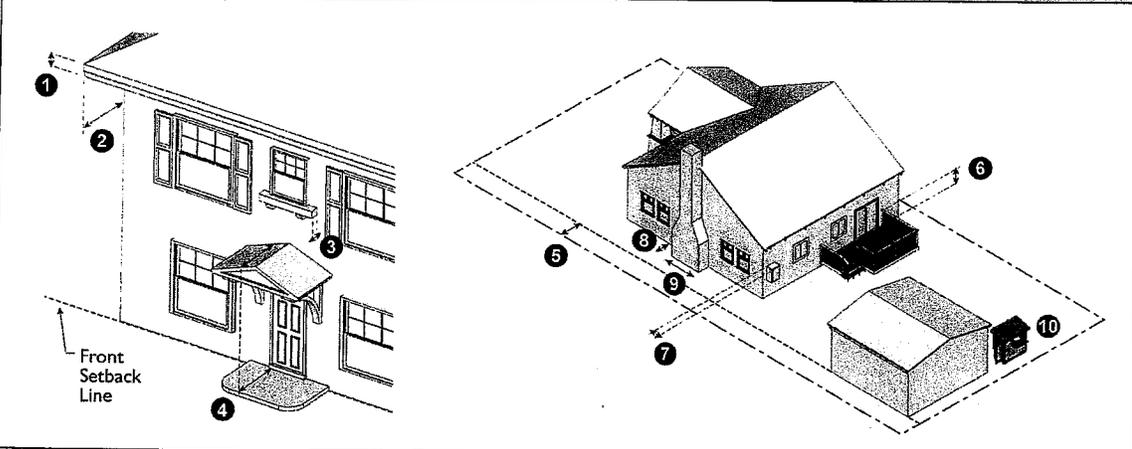
2081, eff. 12-7-1989; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2176, eff. 8-20-1993; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2518)

TABLE 201.04.C. SETBACK AND ENCROACHMENT STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA



Standard	Hillside	#
Setbacks (F)		
Front, where not established by the Community Development Department, or where zero	For developed lots: The distance between the front lot line and the primary residence; or the average of the front setbacks of the other lots on the same side of the street on the same block (whichever is lesser)	
	For undeveloped lots: The average of the front setbacks of the other site on the same side of the street on the same block	
Rear	15% of the lot depth or 20 feet, whichever is greater	
Side	Min. 10 feet or 12% of the lot width, whichever is greater	
Street Side	Min. 10 feet or 12% of the lot width, whichever is greater, unless a greater setback is established by the "Residential Street Setback Map of the City of Beverly Hills"	
Permissible Encroachments – All Yards		
Roof Eaves, Vertical Dimension	Max. 12 inches	1
Roof Eaves, Projection	Max. 18 inches	2
Architectural Projections	Max. 6 inches	3
Permissible Encroachments – Front Yard		
Covered Entry Porch	One permitted, at or below first floor level, max. 4 feet deep, with no vertical supporting elements	4
Permissible Encroachments – Side Yard, Street Side Yard, and Rear Yard		
Access for Emergency Vehicles	Min. 3 feet clear must extend from then front lot line to the rear lot line and must be free of any obstruction (G)	5

TABLE 201.04.C. SETBACK AND ENCROACHMENT STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA



Standard	Hillside	#
<i>Porches and Decks</i>	One permitted, at or below first floor level, where handrails are max. 42 inches above the first floor level	6
<i>Gas and Electric Meter Enclosures</i>	Max. 18 inches	7
<i>Fireplaces</i>	One fireplace, provided: The required setback is ≥ 7.5 feet; the encroachment is ≤ 30 inches, and the length measured parallel to the property line is ≤ 10 feet; OR, The required setback is < 7.5 feet; the encroachment is ≤ 12 inches, the length measured parallel to the property line is < 6 feet, and the fireplace is located a minimum of 10 feet from front of the building.	8, 9
<i>Trash Storage Facilities</i>	Permitted	10
<i>Swimming Pools</i>	No associated mechanical equipment may be located within a side yard or street side yard.	
<i>Porte-Cochere</i>	Max. 1	
<i>Freestanding Support Structures for Wireless Facilities</i>	No associated mechanical or accessory equipment may be located within a side yard or street side yard.	
<i>Elevators and Elevator Enclosures</i>	See (G)	

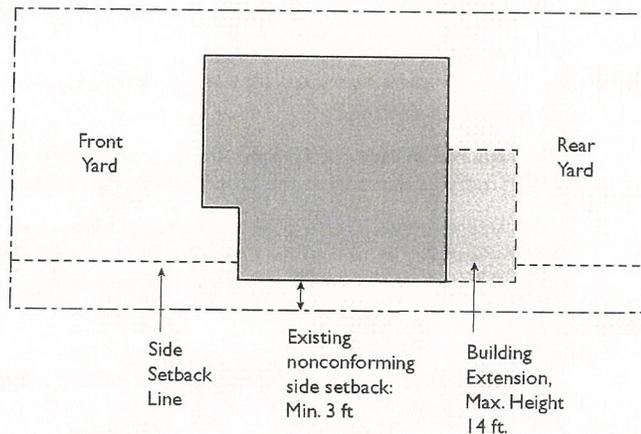
E-F. Setbacks.

1. ~~Side Setbacks.~~ Except as provided in this section, each side setback, including street side setbacks, for buildings in the Hillside Area shall be ten feet (10') or twelve percent (12%) of the lot width for each setback, whichever is greater.

a. ~~Street Side Setbacks:~~ A street side setback shall be as indicated on the "residential street setback map of the city of Beverly Hills", if such setback is greater than the minimum setback otherwise required by this section.

If the street side setback is not shown on the "residential street setback map of the city of Beverly Hills" then the setback shall be governed by the provisions of this section regarding side setbacks.

b.1. ~~Side Setback Extension:~~ If a legally constructed existing building does not conform to the setback requirements of this ~~section,~~ Section, the building may be enlarged through the extension of the existing, nonconforming, side setback provided that the existing setback is not less than three feet (3') and the enlarged portion of the building does not exceed ~~fourteen~~ 14 feet (14') in height.



Minor Accommodation:

(1)a. If the existing setback is not less than three feet (3') and the extension exceeds ~~fourteen~~ 14 feet (14') in height, then the extension may be permitted by a ~~minor accommodation permit issued pursuant to article 36 of this chapter~~ Minor Accommodation provided that the floor area of the extension is less than ~~one thousand~~ (1,000) square feet and less than ~~twenty~~ 20 percent (20%) of the existing floor area authorized by building permit as of September 2, 1988, and provided that the ~~reviewing authority~~ Reviewing Authority finds that the extension 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~~ City.

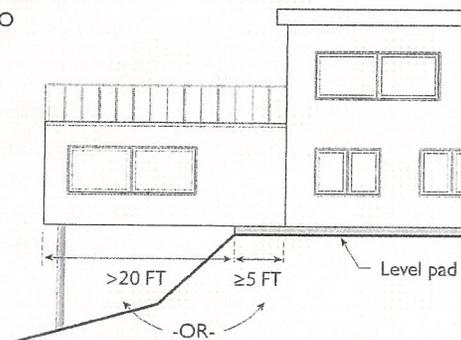
(2)b. Hillside R-1 Permit: If the existing setback is not less than three feet (3'), the extension exceeds fourteen (14) feet (14') in height, and the area of the extension exceeds one thousand (1,000) square feet or twenty (20) percent (20%) of the existing floor area authorized by building permit as of September 2, 1988, then the extension may be permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter through approval of a Development Plan Review.

e.2. Structures Built Into Uphill Slopes: If a building is built into an uphill slope located between the level pad and a rear property line, then the sum of the side setbacks for the portion of the building built into the uphill slope shall be the setbacks otherwise required by this section plus thirty (30) percent (30%) of the lot width. Furthermore, in no case shall any side setback be less than the setback otherwise required by this section.

d.3. Application of Side Setback Requirements to Existing Legally Nonconforming Side Yards: In all cases that the side setback requirements of this section are applied to construction on lots with existing legally nonconforming side setbacks, the largest setback required by this section shall be applied to the side of the lot with the largest existing side yard. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 86-O-1977, eff. 10-2-1986; Ord. 89-O-2056, eff. 4-20-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2261, eff. 7-5-1996, formerly 10-3-2506)

2.4. Pad Edge Setbacks. No portion of any building shall be constructed closer than five feet (5') to the edge of a level pad, adjacent to a slope downhill from the pad, except those buildings that extend more than twenty (20) feet (20') beyond the edge of the level pad, measured horizontally to the pad. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2507)

MINIMUM PAD EDGE SETBACK ADJACENT TO A SLOPE DOWNHILL FROM A LEVEL PAD



3.G. Permissible Encroachments in a Front Yard. No structure or element of a building may encroach into any front yard, except the following:

- a. A fence, gate, or wall that otherwise complies with the requirements of this code;
- b. Paving in accordance with section 10-3-2518 of this article;

- c. ~~Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting not more than eighteen inches (18") into such yard;~~
 - 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. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2508)~~
4. ~~*Permissible Encroachments in Side Yards, Street Side Yards, Pad Edge Setbacks, and Rear Yards.* No structure or element of a building may encroach into any side yard, street side yard, pad edge setback, 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. ~~Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;~~
 - e. ~~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 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 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;~~~~
 - f. ~~Swimming pools provided that no mechanical equipment servicing any such pool is located within a side yard or street yard;~~
 - g. ~~Trash storage facilities;~~
 - h. ~~Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yards;~~
 - i. ~~A porte-cochère; and~~

~~j. 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.~~

~~k.1. ***Elevators and Elevator Enclosures.*** Elevators and elevator enclosures may encroach into side yards, street side yards, pad edge setbacks, or rear yards, provided the following criteria are met:~~

~~(1)a. The subject residence is not a newly was constructed building. "Newly constructed building" shall mean a building that has been constructed within the past more than five (5) years or remodeled and no more than fifty 50 percent (50%) during the past of the total floor area was replaced or reconstructed in the last five (5) years as described in section 10-3-4100 of this chapter.~~

~~(2)b. The length of the encroachment measured parallel to the property line does not exceed seven feet (7'), except that a minor accommodation permit Minor Accommodation may be issued approved to allow a greater length. In order to approve the minor accommodation permit, the reviewing authority must find if the Reviewing Authority finds that the encroachment will not have an adverse impact on:~~

~~(a)(1) The scale and massing of the streetscape;~~

~~(b)(2) Neighbors' access to light and air;~~

~~(c)(3) Neighbors' privacy; and~~

~~(d)(4) The garden quality of the city City.~~

~~(3)c. 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 13 feet (13'), except as allowed pursuant to approval of a minor accommodation permit issued pursuant to subsection K2 of this section Minor Accommodation.~~

~~(4)d. The encroachment is not closer than three feet (3') from the front of the building.~~

~~(5)e. The elevator and elevator enclosure does not have any windows.~~

~~(6)f. Noise generated by the elevator complies with city City noise regulations set forth in title Title 5, chapter Chapter 1, article Article 2 of this code the Municipal Code.~~

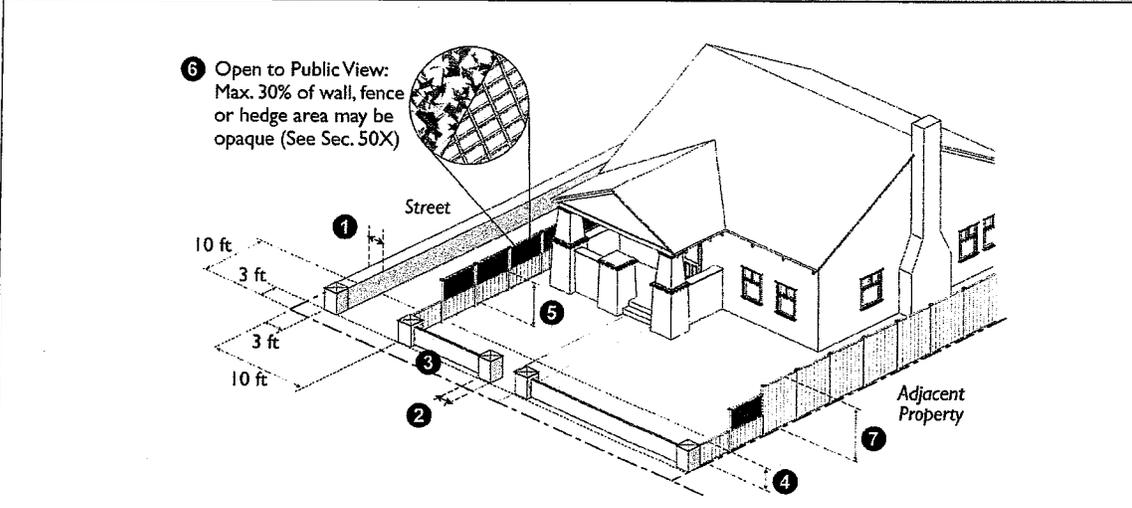
~~(7)g. The elevator and enclosure is designed to be compatible with the existing residence in color, material and design.~~

~~b. 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:~~

~~e. Thirty 30 inches (30"), or~~

- d. ~~Sixty. An encroachment up to 60 inches (60th) may be allowed through approval of a Minor Accommodation 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 the Reviewing Authority finds that the encroachment will not have an adverse impact on: the scale and massing of the streetscape; neighbors' access to light and air; neighbors' privacy; and the garden quality of the city.~~
 - h. ~~City. A minimum setback of three feet shall be maintained in all cases. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 88-O-2025, eff. 6-9-1988; Ord. 90-O-2101, eff. 10-4-1990; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 05-O-2461, eff. 3-18-2005; Ord. 09-O-2563, eff. 2-22-2009, formerly 10-3-2509)~~
2. ~~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 Passageway or Access for Emergency Vehicles. A wall, fence or hedge otherwise permitted 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. 88-O-2025, eff. 6-9-1988; Ord. 90-O-2101, eff. 10-4-1990; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 05-O-2461, eff. 3-18-2005; Ord. 09-O-2563, eff. 2-22-2009, formerly 10-3-2509)~~

TABLE 201.04.D. WALLS, FENCES AND HEDGES STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA



Standard	Hillside	#
Walls, Fences and Hedges		
Permitting	Building permit required for any wall or fence greater than 6 feet in height, and for any wall or fence, regardless of height, within a front yard.	
Walls and Fences	Max. 2 feet thick (H)	1
Supporting Elements of Walls and Fences	Max. 24 inches wide	2
Front and Street Side Yards, Less than 3 Feet from Lot Line	Not permitted.	3
Front and Street Side Yards, 3 to 10 Feet from Lot Line	Max 3 feet in height	4
Front and Street Side Yards, More than 10 feet from Lot Line	Max. 6 feet in height, with any portion over 3 feet open to public view. (H)	5, 6
Side and Rear Yards (Portions Not within Front or Street Side Yards)	Max. 7 feet	7

3-

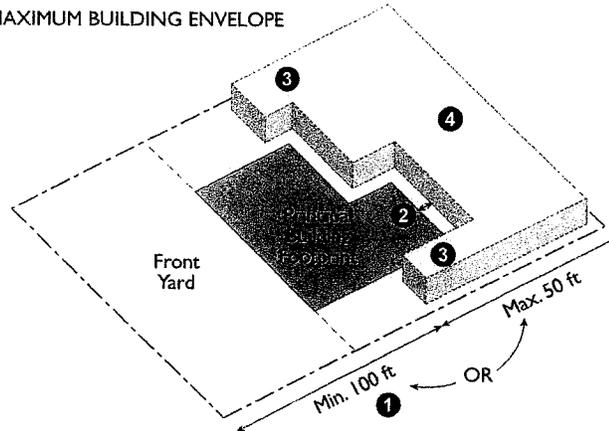
5.H. Walls, Fences and Hedges.

F. 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.

1. Wall 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.
2. Supporting Elements: No column, pillar, post, or other supporting element of a Front and Street Side Yards.
 - a. ~~A~~ wall or fence shall be more than twenty four inches (24") in width.
 - b. ~~Front and Street Side Yards~~: No wall or fence shall be located within three feet (3') of a front lot line or street side lot line.
 - c. ~~Walls or fences located more than three feet (3') from a front lot line or street side lot line, but less than or equal to ten feet (10') from a front lot line or street side lot line shall be no more than three feet (3') in height.~~
 - d. ~~Walls or fences located more than ten feet (10') from a front lot line or street side lot line, but within a front yard or street side yard, shall be no of no more than six feet (6') in height. Furthermore, any portion of such walls or fences that exceeds three feet (3') in height shall be open to public view.~~
 - a. Hillside R-1 Permit: Notwithstanding the provisions of this subsection C, a reviewing authority may issue a Hillside R-1 permit to permit a wall of no more than six feet (6') in height to encroach into a front yard or street side yard without otherwise complying with the requirements of this subsection ~~C~~the Section pursuant to Development Plan Review Permit approval.
 - b. Minor Accommodation: Notwithstanding the provisions of this subsection C, a reviewing authority may issue a minor accommodation permit pursuant to article 36 of this chapter to allow a A wall or fence of up to six feet (6') in height ~~to~~may be located between three feet (3') and ~~ten~~10 feet (10') from a front lot line or street side lot line pursuant to Minor Accommodation approval, provided that the wall or fence is open to public view and provided that the ~~reviewing authority~~Reviewing Authority finds that the wall or fence will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the ~~city~~City.
4. ~~Areas Other Than Front and Street Side Yards~~: The maximum allowable height for that portion of a wall, fence, or hedge located outside of all front and street side yards shall be seven feet (7').
- 2.3. Series of Walls: If a series of walls, or portions of a wall, are constructed so that perpendicular section cut through a wall would intersect more than one wall segment and would intersect a total height of seven feet (7') or more, then a minimum three foot (3') landscaped area must be provided between the wall segments. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 84-O-1934, eff. 10-11-1984; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2271, eff. 12-27-1996, formerly 10-3-2516)

TABLE 201.04.E. ACCESSORY STRUCTURE STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE HILLSIDE AREA

MAXIMUM BUILDING ENVELOPE



Standard	Hillside	#
Accessory Buildings (I)		
Placement	Min. 100 feet from the front lot line; or, all elements of the accessory building shall be located within 50 feet of the rear lot line	①
Separation	Min. 6 feet from any other building	②
Porches and Decks	Max. 3 feet above the finished grade (I)	
Side Setback Encroachment	Allowed, provided the accessory building within the side setback does not exceed 14 feet in height and is at least 5 feet from all property lines (I)	③
Rear Setback Encroachment	Allowed, provided the accessory building within the rear setback does not exceed 14 feet in height and is at least 5 feet from all property lines (I)	④
Game Courts and Game Court Fences		
Location	May not be located on a through lot, within a front yard, between a principal residence and a front setback line, over any building or structure. (J) No paved game court surface shall be located within 5 feet of a property line unless permitted by a Development Plan Review	
Construction	Game courts must be constructed on a level pad.	
Fence Height	Max. 12 feet. If constructed over fill, maximum height is reduced by the maximum height of any retaining wall or walls for that fill, if the wall(s) are within 10 feet of the fence.	
Lighting Height	Max. 22 feet. If constructed over fill, maximum height is reduced by the maximum height of any retaining wall or walls for that fill, if the wall(s) are within 10 feet of the lighting	
Fence Material	Open wire mesh or similar material; may include a retaining wall max. 7 feet in height provided the cumulative height of the wall and fence does not exceed 12 feet	

I. Accessory Buildings.

G.

1. ~~*Front Setback for Accessory Buildings.* Accessory buildings shall be set back at least one hundred feet (100') from the front lot line or all elements of the accessory building shall be located within fifty feet (50') of the rear lot line of the site area. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2510)~~
5. ~~*Side Setback Encroachment for Accessory Buildings.* Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a side yard provided that such buildings are set back five feet (5') from all property lines.~~
 1. Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter through Development Plan Review approval, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of ~~fourteen~~14 feet (14') in height must be constructed within the principal building area and shall be governed by the height restrictions for that area. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2511)
6. ~~*Rear Setback Encroachment for Accessory Buildings.* Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a rear yard provided that such buildings are set back five feet (5') from all property lines.~~
 2. Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter through Development Plan Review approval, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of ~~fourteen~~14 feet (14') in height must be constructed within the principal building area and shall be governed by the height restrictions for that area. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2512)
7. ~~*Structure Separation for Accessory Buildings.* Accessory buildings shall be located no closer than six feet (6') to any other building on the same site area. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2513)~~
8. ~~*Accessory Building Porches and Decks.* No accessory building shall have a porch or deck located more than three feet (3') above the finished grade. For the purposes of this section, grade shall be defined as it is defined in title 9 of this code.~~
 - a.3. ~~*Exception.* Notwithstanding the provisions of this section, the planning commission~~The Planning Commission may permit an accessory building located on a residential site with an area that equals or exceeds ~~twenty four thousand (24,000)~~ square feet to include a porch or deck located more than three feet (3') above finished grade through Development Plan Review approval. (Ord. 02-O-2403, eff. 9-6-2002, formerly 10-3-2513.5)
- 2.4. ~~*Accessory Buildings on Estate Properties.* a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. If the area of a residential site equals or exceeds twenty four thousand (24,000) square feet, or if the area of two (2) or more contig-~~

uous lots or parcels which are owned by the same person and used as one site equals or exceeds ~~twenty four thousand (24,000)~~ square feet, accessory buildings to a residence may be located on any part of the site if authorized by the ~~planning commission as part of a Hillside R-1 permit issued in accordance with the procedures set forth in article 25.5 of this chapter~~ Planning Commission as part of a Development Plan Review approval.

All accessory buildings approved pursuant to this ~~section~~ Section shall be immediately removed if the site is altered so that:

- a. The area of the site on which the accessory buildings are located is reduced below ~~twenty four thousand (24,000)~~ square feet, or
- b. The primary residential building is separated or removed from the site on which the accessory buildings are located so that the buildings or properties in question no longer function as one home or estate. (1962 Code § 10-205; amd. Ord. 95-O-2239, eff. 7-7-1995; Ord. 02-O-2403, eff. 9-6-2002, formerly 10-3-2526)

~~H.J.~~ Additional Development Standards:

~~1. Building Materials. All structures constructed in the Hillside Area of the city shall comply with the following materials restrictions:~~

~~1. Building Materials.~~

- a. ~~Roofing:~~ Except as otherwise prohibited by law, every ~~structure used as a residence in any single family residential zone~~ One-Family Residential Zone shall have a roof constructed with wood shake, shingle, asphalt composition, crushed rock, or other roofing material which the ~~director~~ Director of ~~building~~ Building and ~~safety~~ Safety deems equivalent. Reflective, glossy, polished, and/or roll formed type metal roofing shall be prohibited.
- b. ~~Siding:~~ Except as otherwise prohibited by law, every ~~structure used as a residence in any single family residential zone~~ One-Family Residential Zone shall have exterior siding of brick, wood, stucco, metal, concrete, or other siding material which the ~~director~~ Director of ~~building~~ Building and ~~safety~~ Safety deems equivalent. Reflective, glossy, polished, and/or roll formed type metal siding shall be prohibited on such structures.
- c. ~~Alternate Materials:~~ ~~Notwithstanding any other provision of this section, the director of building and safety may authorize the use of materials not otherwise authorized pursuant to this section if the director finds that if:~~
 - (1) The use of an otherwise prohibited material would enhance the architectural compatibility of the proposed structure with existing structures in the neighborhood;
 - (2) A proposed alteration or addition to an existing residential structure with the prohibited material will be continuation of such structure's architectural style; or

- (3) The use of an otherwise prohibited material is necessary to provide adequate safety or to comply with other laws or regulations applicable to the subject structure. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2520)

9. ~~Construction Parking and Hauling.~~ **Construction Parking and Hauling.** No construction-related parking shall be permitted on a public street except as otherwise approved by the ~~director~~ Director of ~~building~~ Building and ~~safety~~ Safety and the city engineer.
2. ~~City Engineer.~~ **City Engineer.** All hauling related to construction in the Hillside Area shall conform to a hauling plan approved by the ~~city engineer~~ City Engineer. Hauling within the Hillside Area shall be limited to the hours established by the ~~city engineer~~ City Engineer, but in no case shall hauling occur before ~~the hour of nine o'clock (9:00) A. a.m.~~ or after ~~the hour of four o'clock (4:00) P. (p.m.)~~ (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2523)
10. ~~Game Courts and Game Court Fences.~~ **Game Courts and Game Court Fences.** ~~Game Restrictions on game courts in the Hillside Area of the city shall be subject to the following regulations:~~
11. ~~No game court or and game court fence shall be located on a through lot, within a front yard, between a principal residence and a front setback line, or over or on top of any building or structure unless the city council fences may be waived if the City Council finds, after notice and a hearing pursuant to the procedures set forth in article 25.5 of this chapter, that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety.~~
12. ~~Game courts shall be constructed on a level pad.~~
13. ~~Notwithstanding any other regulation set forth in this chapter, the maximum allowable height of game court fences constructed in the principal building area shall be twelve feet (12').~~
14. ~~Notwithstanding any other regulation set forth in this chapter, the maximum allowable height of game court lighting standards constructed in the principal building area shall be twenty two feet (22').~~
15. ~~Game court fences and game court lighting standards located within a side or rear yard shall comply with the height requirements for fences set forth in section 10-3-2516 of this article unless otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.~~
16. ~~All game court fences shall be constructed of open wire mesh or similar material, except that a game court fence may include a retaining wall that does not exceed a maximum height of seven feet (7') provided that the cumulative height of the retaining wall and the fence does not exceed twelve feet (12')~~
17. ~~The maximum permitted height of a game court fence or game court lighting standard constructed over fill shall be reduced by the maximum height of any re-~~

taining wall or walls for that fill if such wall or walls are located within ten feet (10') of the fence or standard.

d.3. ~~No paved game court surface shall be located within five feet (5') of a property line unless otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 77-O-1652, eff. 6-2-1977; amd. Ord. 80-O-1771, eff. 10-16-1980; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2517)~~

18. ~~Garages.~~

4. ~~**Garage Entrance Restrictions.** *Entries.* If the vehicular entrance to a garage is greater than ~~twenty four~~24 feet (24') in width, then the vehicular entrance to the garage shall be either: a) perpendicular~~

a. ~~Perpendicular to the street from which it has access; b) within;~~

b. ~~Within the rear fifty~~50 feet (50') of the site; or c) at

e.c. ~~At least one hundred~~100 feet (100') from the front lot line. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2514)

19. ~~*Garage and Other Parking Requirements.* No less than four (4) parking spaces shall be provided for each primary residence located within the Hillside Area unless the primary residence has a floor area of less than six thousand (6,000) square feet. If the primary residence has a floor area of less than six thousand (6,000) square feet, then only three (3) parking spaces shall be required.~~

20. ~~At least two (2) of the parking spaces required by this section shall be covered by a permanent structure.~~

21. ~~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, or if the width of a portion of a paved driveway is restricted by the construction of a porte cochere, 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.~~

22. ~~No required parking space shall be provided within a front yard. Furthermore, any additional parking areas that are not required by this code shall be set back a minimum of five feet (5') from any front lot line or street side lot line. Such five-foot (5') setback area shall be landscaped.~~

23. ~~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. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2515)

- 2-5. **Landform Alteration.** Within any five (5) year period, the total cubic yards that may be cut and filled on any site in the Hillside Area, including excavation for basements, shall be calculated as follows:

$$\{(4-10S)4\}$$

$$C = \{ + .1 \} \times \text{Site in Square Feet}$$

$$\{162 \}$$

For the purposes of this formula:

_____ C Shall mean the total cubic yards of cut and the total cubic yards of fill permitted,

_____ S Shall mean the "average slope" of the site as defined in ~~section 10-3-100 of this chapter~~ Code.

The following is an example of the application of this formula to a site that is 30,000 square feet in area with an average slope of ~~twenty five~~ 25 percent (25%):

$$\{(4-2.5)4\}$$

$$C = \{ + .1 \} \times 30,000$$

$$\{162\}$$

$$C = \{031 + .1\} \times 30,000$$

$$C = 3,937.5$$

3,937.5 cubic yards of cut and 3,937.5 cubic yards of fill would be permitted

- a. However, within any five (5)-year period, no more than ~~three thousand (3,000)~~ cubic yards of earth material may be imported or exported from a site in the Hillside Area.
- b. The limitations set forth in this ~~section~~ Section may be modified by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter ~~Development Plan Review~~. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2521)

3-6. **View Preservation.**

- a. Except as authorized by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, and notwithstanding the provisions of section 10-3-2503 of this article concerning building heights ~~Development Plan Review~~,

no structure in the Hillside Area shall be constructed to a height in excess of ~~fourteen~~14 feet (14') if such construction in excess of ~~fourteen~~14 feet (14') would substantially disrupt a view of the Los Angeles area basin from the level pad which contains the primary residential building on a property within ~~three hundred~~300 feet (300') of the subject property, and such view would not have been substantially disrupted by development of a ~~fourteen~~14 foot (14') structure. ~~Notwithstanding the provisions of subsection D of the definition of "height of building", section 10-3-100 of this chapter, for~~For purposes of this ~~section~~Section, measurement of the height of the building or structure to be constructed at any point shall mean the vertical distance between that point and the point below it on a plane defined by ground level as it existed on September 4, 1992, at all points along the building or structure perimeter.

- b. ~~For the purposes of this section, a~~A view "from the level pad which contains the primary residential building" shall mean a view from a point six feet (6') ~~above the finished grade of the pad. If no primary residential building has been constructed on a property within three hundred~~300 feet (300') of the subject property, then a "view from a level pad which contains the primary residential building" shall mean the view from a point six feet (6') above the finished grade of the pad upon which, in the judgment of the ~~director~~Director of ~~planning~~Planning, the primary residential building is most likely to be constructed.
- c. ~~Notwithstanding the provisions of subsection A of this section, for purposes of this section, if~~if a driveway is located adjacent to a perimeter wall of a building, and the driveway leads to a subterranean garage, then the plane described in ~~subsection A of this section~~Section a above that is defined by the September 4, 1992, ground level at all points along the building perimeter shall, for that portion of the building located adjacent to the driveway, be defined instead by the points along the building perimeter at the elevation of the highest point of the driveway. However, if the high point of the driveway exceeds the highest point of the September 4, 1992, ground level along the building perimeter, then the high point of the driveway shall not be used to define the plane and the plane shall be defined by the natural ground level along the building perimeter excluding that portion of the perimeter located adjacent to the driveway.
- d. ~~Also, notwithstanding the provisions of subsection A of this section, for purposes of this section, if~~if a lightwell is located adjacent to a building, then the plane defined by the September 4, 1992, ground level at all points along the building perimeter shall, for that portion of the perimeter located adjacent to the lightwell, be defined instead by the September 4, 1992, grade at all points along the perimeter of the lightwell. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2228, eff. 1-13-1995; Ord. 95-O-2239, eff. 7-7-1995; Ord. 99-O-2339, eff. 12-31-1999, formerly 10-3-2522)

~~L.K.~~ **Additional Application Requirements.** ~~In addition to all other requirements, all~~ All applications for a grading or building permit within the Hillside Area shall contain the following materials:

1. A topographic survey map prepared by a licensed surveyor showing existing contours with a maximum interval of ~~ten~~10 feet (~~10~~).
- ~~2.4.2.~~ A landscape plan showing existing trees, shrubs, and ground cover.
- ~~2.3.~~ A proposed plot plan showing the location of all structures and ~~showing the~~ existing and proposed contours with a maximum interval of ~~ten~~10 feet. The plan shall also contain total quantities of cut and fill as measured in cubic yards.
- ~~3.4.~~ A proposed landscaping plan which shows the name, size and location of the plant materials proposed. The plan shall indicate the irrigation system to be utilized.
- ~~4.5.~~ Cross sections of all buildings to be constructed.
- ~~5.6.~~ Building elevations of all buildings to be constructed.
- ~~6.7.~~ A vicinity map showing structures and pad elevations within ~~three hundred~~300 feet (~~300~~) of the subject property.
- ~~25.8.~~ A report prepared by a licensed geotechnical engineer describing the existing geologic, seismic, drainage, and soils conditions at the subject property.
9. A construction schedule, construction parking plan and hauling plan to be used for importing and exporting material. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 94-O-2202, eff. 7-22-1994; Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2524)

~~201.06~~**201.05 Trousdale Estates Single Family Residential Development and View Restoration Standards**

A. **Purpose and Applicability.** The development standards set forth in this Section shall apply to all properties in Trousdale Estates. (Ord. 95-O-2239, eff. 7-7-1995, formerly 10-3-2601)

TABLE 201.05.A: FLOOR AREA, HEIGHT, AND LANDSCAPING STANDARDS FOR ONE-FAMILY RESIDENTIAL ZONES IN THE TROUSDAL ESTATES AREA	
<i>Standard</i>	<i>Trousdale Estates</i>
Floor Area	
<i>Minimum</i>	1,600 square feet; Minimum width of 20 feet
<i>Maximum</i>	1,500 square feet plus 40% of lot (B)