

City of Beverly Hills
Zoning Code Reorganization

*Proposed
Annotated Outline*

DRAFT
FOR COMMISSION REVIEW



May 15, 2013

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Introduction

This paper presents a draft Annotated Outline to provide a framework for preparing revisions to Beverly Hills' zoning and subdivision regulations and a basis for discussing proposed changes to the overall organization of Title 10. In designing the proposed re-organization, we have tried to respond to all of the issues raised by City staff, Planning Commissioners and stakeholders. The outline lists the series, chapters, and sections that are recommended for inclusion in Title 10, Subdivisions and Zoning (a "Development Code"), of Beverly Hills' Municipal Code. It has been prepared with the following objectives in mind:

- To organize and consolidate zoning and subdivision provisions in a logical, user-friendly format with tables and graphics, where appropriate;
- To make zoning consistent with federal and State law;
- To utilize standards and guidelines to achieve high quality design throughout the City;
- To clarify public notice and public hearing provisions;
- To clarify decision-making responsibilities;
- To streamline application/ permit review and approval; and
- To facilitate creation of an interactive Web-based document.

The chapters and articles in Title 10 have been grouped into nine 'series' to provide an additional level of organization. Definitions and use classifications appear at the end of the title as an auxiliary reference section. Additionally, smaller changes to organization of Title 10 have been made to allow users to locate and understand information more efficiently.

Zoning regulations should be understandable to all interested persons and make it possible to find out, with a minimum of reading, the rules that apply to a particular land use situation and the procedures that must be followed.

- *Consistency of expression is critical.* The Beverly Hills Development Code should express identical provisions in an identical manner and use different language when goals are dissimilar. For example, when the same finding is required for several different types of permits, the code should use the same wording to avoid any confusion or uncertainty.
- *Logical organization is the goal.* The overall organization should reflect a systematic and sound arrangement; a logical structure contributes to equitable treatment of all of those affected by zoning because the rules will be clear.
- *Plain English is preferred.* The City should strive to rid the code of obscure terms, favoring normal usage whenever possible.
- *Excess verbiage is undesirable.* Redundancies and duplication should be avoided, and unnecessary requirements should be eliminated without changing development standards or the level of project review required at this time,

The reorganized Code should clearly communicate and effectively implement General Plan policies and incorporate development, design, and performance standards. We also believe that the revision should correct technical and legal deficiencies identified by City staff and stakeholders, and by our independent review of the current Code. Where we have identified deficiencies, we have proposed in the Code outline a means of correcting them. The reorganization should increase efficiency and predictability in the project development process, and should be designed using clear, web-ready graphics to illustrate key concepts.

APPROACH TO REORGANIZATION

The City's current Zoning Code (Chapter 3) is organized in a manner that exhibits an underlying structure, but appears to have been amended over time, resulting in a document without clear and consistent structure and organization. It starts with definitions and general provisions, and while districting framework is initially presented up front, similar zones are not located together and uses and development standards for a particular zone are not contained in the same article or section. For example, Articles 4 through 11 contain use regulations for one-family zones, but the development standards that apply to these areas are found in Articles 24, 25, and 26, towards the end of the Zoning Code. Specific Plan and Overlay Zones and additional standards such as transitional standards between residential and commercial uses are interspersed throughout the Zoning Code, without use of graphics. The Outline places supplemental standards so they follow base zone standard.

Another issue is that regulations in the definitions, and title reference to decision making authority needs to be updated in some cases (mostly from building official to city planner, or director of community development; or director of planning to director of community development).

Stepping back, Title 10 starts with provisions for the Planning Commission and then presents subdivision regulations before zoning, which may have made sense when large parcels with subdivision potential existed, but this chapter is likely to be used less today than Chapter 3. In Chapter 3, each zone has its own article, as does each specific plan, and each chapter its own definitions. This is unnecessarily duplicative. Permitting requirements are spread throughout the sections and additional review authorities are described in individual articles, with some additional review requirements in chapters other than zoning, with no set of common procedures for noticing, hearings and decision making. Transportation regulations, sign regulations, congestion management provisions, among others, then follow. There are too many separate permit types required for a project, and noticing procedures are not always cited. In addition, findings and standards for review are not uniformly set or linked with specific requirements. This work can be done in Part II of the project or, where the addition is straightforward, consistent with State law and does not raise a substantive issue, it could be done during the re-organization.

As a general rule, planning and zoning regulations should follow a logical structure so that the document is easy to use, and to amend over time. The numbering system should accommodate the addition of sections within the overall framework. The most frequently consulted sections should be up front, while procedures and permit requirements should be grouped together and placed either at the end, or the beginning of the code. This idea, though, 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 also be described in one place. Design standards should be clear in describing and regulating the desired form and character of the individual districts and types

of housing and other buildings. Design standards may be based on building types or the character of individual neighborhoods, districts, streets, or corridors depending on the community’s desired design outcomes. (The Central Area Bulk and Mass Study may result in some standards being added to the Code, but beyond that, no new design standards are going to be developed by the consultant team as part of the reorganization.)

Users should be able to find out by looking in the first part of the Code: what can be built on a site; what the rules are for a particular use, or what can be done with a particular lot in a zoning district; and how to get approval if any permits are required.

Finally, it is preferable to place definitions at the end of the document and ensure they do not include policy statements or regulations. The aim is that the definitions would be consulted to clarify a question about the meaning of a specific term.

The following guidelines are proposed for organizing the City’s zoning and subdivision regulations:

General Guidelines for Reorganizing the Zoning Code

- General provisions should come before special provisions;
- More important provisions should come before less important provisions;
- The most frequently consulted provisions should come before provisions less frequently consulted unless the logic of the planning process would dictate otherwise;
- Permanent provisions should come before temporary provisions (e.g. the procedures for a conditional use permit would be placed before procedures for a temporary use permit);
- Recurring provisions should be grouped together and follow the main provisions they affect; and
- Technical or “housekeeping” provisions should be at the end of the code.

In this document, chapters and articles are grouped into nine parts or series of numbers (100s, 200s, 300s, etc.) to make easier numbering during the reorganization process. Once the reorganization has been completed, the newly reorganized zoning code will be returned to the traditional chapter, article, section hierarchy present in the City’s Municipal Code.

Definitions and use classifications would appear at the end of the Code in the 900 series, General Terms. Additionally, many smaller changes to code organization have been made to allow users to locate and understand information more efficiently.

OUTLINE FOR REORGANIZED TITLE 10: PLANNING AND ZONING

The outline for a re-organized Title 10, presented below, is intended to provide a logical structure to the revised code, so that it will be easy to use and amend over time. As noted above, the traditional numbering system with Articles will be used in the final administrative draft. The final version of the code also would include “reserved” sections at the end of each series to facilitate incorporating text amendments into logical places within the code.

100 Series – Introductory Provisions (including, as appropriate, some fundamental administrative provisions)

200 Series – Base Zones

300 Series – Overlay Zones and Planned Development

400 Series – Specific Plans and Development Variances

500 Series – General Use and Development Regulations

600 Series – Historic Preservation

700 Series – Land Divisions, Dedications and Improvements

800 Series – Administration and Permits

900 Series – General Terms (Definitions)

Each of these major divisions, chapters, sections, and subsections will be ordered to flow logically from one idea to the next. Typically chapters begin with statements regarding their purpose and applicability, then list general standards and move progressively into more specific regulations. Many chapters will include references to other parts of the Code, such as permitting requirements, that present further, related regulations.

Introductory Provisions – 100 Series

These provisions establish the overall purposes of the zoning and subdivision regulations, the Zoning Map, and the general rules that govern their applicability and use. Because the proposed general rules for construction of language and interpretation and the specific rules for measurement and calculation apply to subsequent sections, they are included in the beginning of the Development Code for easy reference. This series also will outline the requirements for complying with the provisions contained in the code. It will define what non-conforming uses and structures are, and how they are treated. It also will describe generally what actions the City will take to correct any violation of code provisions, with additional details on procedures for Code enforcement in the 800 Series, Administration and Permits.

Base Zone – 200 Series

Zone regulations will specify the land use, density/intensity, development, and design standards for each of the base zones as well as supplemental regulations directly related to these base zones (e.g. Central Area R-1 standards). Each zone should have: a short, but clear purpose statement; a list of allowed uses specifying whether the use is allowed by-right, and if not, the level of discretionary review required; any development and design standards specifically applicable to uses in the particular zone; supplemental regulations addressing any additional concerns; and references to administrative chapters that specify required levels of review. The base zones have chapters for One Family Residential Zones, Multiple Residential Zones, Commercial Zones, a Public and Semi-Public Zone, and a Transportation Zone,. Sections and tables would show distinctions within sets of similar zones (e.g. R-1, R-1.X, R-1.5, etc.).

Purpose Statement

Each zone will have a specific purpose that is based on relevant General Plan policies and designations on the Land Use Diagram and explains in general language the way the zone is intended to be used and how it fits into the City’s land use policy. These statements will serve as a guide for administration of zone regulations, and can provide a basis for the findings required for action on discretionary permits. They can also serve as specific reference criteria for rezoning to implement General Plan policies. Purpose statements will ensure that each zone is clearly complementary to others and that Beverly Hills uses its full range of options when applying designations to the zoning map.

Land Use Regulations

Allowed uses will be classified according to use groups and presented in tables intended to provide a quick and easy summary of development possibilities in a given zone. Use tables will specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the ordinance where additional regulations apply.

Development Standards and Supplemental Regulations

The standards of each zone will list dimensional requirements for lots, setbacks, minimum open space and building heights, as well as limits on density and floor area ratios (FARs). In Part II of the project, City staff will determine whether the R-1 zones might be re-worked so that the “Areas” and the “Zones” match up better. Supplemental regulations will include elements such as transitional standards for commercial uses abutting residential use and performance criteria that can ensure compatibility among uses in a given zone or where zones abut. Examples of supplemental standards in residential areas would be, cottage food operations, home occupations, second units, and the development standards for the Hillside, Trousdale, and Central Areas, which may be further separated into north of Santa Monica Boulevard and south of Santa Monica Boulevard; in commercial areas, they may include:

- Parking location; in-lieu parking; number of spaces required¹
- Pedestrian amenities; restricted uses in pedestrian-oriented areas
- Rooftop uses
- Open air dining
- Landscaping, buffering, and screening

These standards may modify, expand upon, or allow exceptions to similar standards listed in Additional Use and Development Regulations, to achieve a zone’s stated purposes, or there may just be a cross-reference. The basic idea would to avoid duplication and only include a standard that is unique to a commercial zone.

¹ The 500 Series would include the dimensional standards for spaces and aisles and provisions on sharing parking and common parking, which would apply uniformly throughout the City and should not be repeated in the supplemental regulations for groups of zones.

Overlay Zones and Planned Development – 300 Series

This series will group similar overlay zones together (e.g. M-PD-2, M-PD-3 and M-PD-4) and include standards that apply to each zone or groups of zones. Each should have a purpose statement, a list of any adjustments to allowed uses in the base zone and the level of discretionary review required, development and design standards applicable to those uses, supplemental regulations addressing any additional concerns, and references to administrative chapters that specify required levels of review. No substantive changes are proposed. Enabling provisions for planned development also can be in this series. The Special Needs Housing Overlay Zone also is included in this series and given a Map reference (-SN) although it has not yet been delineated on the City's Zoning Map. Other overlays for which information will need to be provided so it can be incorporated include the Adaptive Reuse Overlay Zone, the Medical Overlay Zone, and the upcoming Gateway Overlay Zone. Care will be taken to avoid any substantive edit to a provision enacted by the voters or a right that is vested through a development agreement or vesting map.

Specific Plans and Development Variances – 400 Series

These include the City's existing Specific Plan zones, such as the Beverly Hills Hotel Specific Plan and the 9900 Wilshire Specific Plan, and would accommodate future Specific Plans. No substantive changes are proposed. Development variances, such as the one for Gibraltar Saving, could be included here or in the 500 Series, in the "Standards for Specific Uses, Activities and Specified Geographic Areas".

General Use and Development Regulations – 500 Series

This series will include those regulations and standards that apply generally to all zones. Standards applicable to particular zones will appear within the development and supplemental regulations of that zone chapter. Zone chapters also will contain relevant cross-references to these citywide standards. Chapters proposed for this series include the following:

- General Site and Building Regulations.
- Landscaping
- Affordable Housing Density Bonus And Incentives
- Nonconforming Uses and Structures (only for details not covered in Section 105)
- Parking and Loading (supplemental provisions, not numerical standards on spaces required, if included in the 200 Series)
- Signs (current provisions with no substantive changes)
- Standards for Specific Uses, Activities and Specified Geographic Areas (e.g. Adult Entertainment, Mining and Extraction, and Specified Geographic areas (e.g. Tract 4988, Lots 411, 412, and 413, if not included in the 400 Series)
- Telecommunications Facilities
- Transportation Demand Management
- Trees on Private Property (could be merged into Landscaping)

Historic Preservation – 600 Series

This series incorporates the provisions for historic preservation now in Article 32. The code language would be re-organized for consistency with language in the other series. No substantive changes are proposed. It is intended as a “standalone” series. Administrative provisions related to the Cultural Heritage Commission will be grouped together with similar provisions in the 800 Series.

Land Divisions; Dedications and Improvements – 700 Series

This series includes procedural provisions and regulations in Chapter 2, Subdivisions, updated to conform to the current Subdivision Map Act. It will also include specific provisions for dedications and improvements now in Chapter 6.

Administration and Permits – 800 Series

This series consolidates the various administrative sections in the current zoning ordinance, including Chapter 1, Planning Commission, Cultural Heritage Commission, Article 30, Architectural Review, and Article 44 R-1 Design Review. It begins with the responsibilities of all decision makers, followed by a new “common procedures” section that establishes procedures applicable to all types of review and approval and for appeals. A provision requiring all related applications to be processed together also will be included. The next set of chapters then proceeds to more specific processes and permits in an order meant to reflect their relative frequency of use and include a single set of provisions for minor accommodations, reasonable accommodations and waivers/exceptions that could be approved by staff or the Planning Commission.

Ways of consolidating separate permits (Trousdale R-1, Central R-1, Hillside R-1, R-4, Overnight Stay, etc.) into one or discretionary permits (e.g. Track 1 – Director; Track 2 – Commission) are proposed, with additional findings required to ensure compliance with the standards for these topical areas. Historic preservation permits will be included here as well. Development Plan review procedures will be integrated and correlated with other procedures. The series also will list the exact types of findings that each body is required to make when deciding on an application.

Approved variances for Gibraltar Savings and Loan Association and Union Bank Building are carried forward and described in the 400 Series.

A final chapter will provide a clear process for the creation and administration of local development agreements and other types of agreements between the City and a landowner, district, or other person having an interest in real property as authorized under California law.

General Terms – 900 Series

The last series proposed for the reorganization would serve as a reference section for previous chapters and articles. This series will contain two main parts: use classifications and definitions². The article on

² For an example of an adopted code with use classifications and a list of terms at the end, see <http://www.codepublishing.com/ca/SanCarlos/html/SanCarlos18/SanCarlos1840.html#18.40>

use classifications will list all use groups established by the Zoning Code in every zoning district by type (i.e., residential, commercial, industrial, institutional, etc.). The second article will contain definitions of all key terms used in the code, mainly drawn from the current code, supplemented by any terms used in supplemental standards and regulations formulated by City staff in Part II of the project.

ZONING ILLUSTRATIONS

Zoning illustrations will be used to convey the intent and facilitate administration of specific provisions. These will not only help planners at the counter interpret specific provisions for residences and developments, but also help architects and site planners to understand the specific requirements of a new Code. Business owners, homeowners, and neighborhood organizations also benefit from effective graphics as they visualize the basic requirements of the Code. Finally, planners also gain by using clear, readable graphics to facilitate presentations before the Commission and City Council.

Effective zoning illustrations typically adhere to the following principles:

- A zoning graphic should convey the specific provisions to which it applies as simply as possible to facilitate interpretation;
- Graphics should reflect intended relationships but only show dimensions that relate to the specific standard or provision being illustrated;
- The type of graphic – section, plan, axonometric, or combination of these – should depend on the specific standard being illustrated; and
- No implicit design style should be represented, but all graphics should have a consistent style and format, such as font type and size, name and section reference, labels, and dimensions.

The scope of work includes coordinating closely with City staff on desired illustrations. Appendix B includes a graphics “style template” that will be refined as work on diagrams proceeds.

NEXT STEPS

This draft of the Annotated Outline will be presented to the Planning Commission for review and comment. Following review and approval of the revised outline, it will serve as the framework for the preliminary draft regulations that follow. Once the annotated outline has been finalized, Series and articles of the Zoning Ordinance will be prepared as “modules” for City staff and Task Force/Planning Commission review, with introductory sections that will explain key differences from existing regulations and standards and highlight remaining policy questions for consideration. The Outline may be refined as part of the drafting process, based on City staff comments.

Modules are organized on a topic basis. They will include the following;

- Module 1: Use Regulations
- Module 2: Development Standards
- Module 3: Supplemental Regulations
- Module 4: Zoning Administration

Annotated Outline

NOTES ON REVIEWING THIS DOCUMENT

The Annotated Outline on the following pages shows the proposed organization for the Beverly Hills Zoning Ordinance. The numbering system reflects the idea of “series”, and an “automatic numbering” feature is used which facilitates revisions.

Commentary, in normal font or *italics*, is intended to explain the proposed content of a series, chapter or section. Also noted is whether a series or chapter incorporates existing provisions, which may have been modified or edited to reflect proposed changes, or new provisions, which are intended to implement State law or respond to an issue identified during the review of the zoning ordinance and other chapters of Title 10. Most of the “new” provisions are straightforward, but some may be logically included in Part II of the work program. This is indicated specifically by calling the provisions a “Part II study topic”.

As noted above, chapter numbers have been generated using an automated numbering system and are provisional only. If the City Clerk wants the adopted version to use the three-part numbering scheme as in other titles of the Code, this can be done later. The “series” approach is easier for review of interim documents as sections and chapters can be re-arranged with the automatic numbering/re-numbering function in Word software.

The Appendix includes a template for a correspondence table to facilitate reference to changes being made. It will be refined as the modules are prepared. Key changes recommended are noted in the commentary, so this appendix is really just a cross-check for use in Code drafting and editing.

Many sections noted as “new” may simply be a new title for an existing provision or a statement of fact (e.g. “The purpose of this overlay zone is to codify provisions approved by the voters for...”). In some cases, the new provision may correct for an omission (“what is the effect of the reorganized ordinance on approved projects or projects in process?”) or deal with an issue imposed on the City by new State legislation (e.g. AB 1616 on cottage food operations).

The revised outline does not fully resolve how to address accessory structures and parking standards (e.g. what standards below in the base zone regulations vs. general provisions applicable citywide). The principle will be, as suggested in the Introduction, to avoid duplication of identical provisions by consolidating them wherever possible.

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100 Series **Introductory Provisions**

Chapter 101 Introductory Provisions

The provisions of Chapters 1 and 2 will be consolidated to include only generally applicable “Introductory Provisions. A new section will include rules explaining how the new regulations apply to conditions and applications that exist on the date the new zoning ordinance becomes effective. Section on Time of Exercise of Rights moved to the 700 Series, Administration and Permitting. References to other titles in the Municipal Code will be included, as warranted.

Sections:

- 101.01** Purpose
- 101.02** Structure of Zoning Regulations (*New*)
 - A. Overall Organization
 - B. Types of Regulations (land use regulations, development regulations, subdivision regulations, administrative regulations, general terms and use classifications)
- 101.03** General Rules for Applicability
 - A. Applicability
 - B. Compliance with Regulations
 - C. Consistency with General Plan (*New*)
 - D. Delegation of Director’s Authority
 - E. Relation to other Regulations (*including Permit Streamlining Act*) (*New*)
 - F. Relation to Private Agreements (*New*)
 - G. Relation to Prior Ordinance (*New*)
 - H. Violations and Enforcement
 - I. Application during Local Emergency (*New*)
- 101.04** Rules for Transition – Effect on Previously Approved Projects and Projects in Process (*New*)
- 101.05** Severability

Chapter 102 Designation of Zones, Zoning Map and Boundaries

- 102.01** Zones Established; Unzoned Land
- 102.02** References to Classes of Zones and to Zones adopted by Voters (*New*)
- 102.03** Official Zoning Map and Zone Boundaries

- A. Uncertainty of Boundaries
- B. Streets and Alleys
- C. Properties Divided by City Limits

Chapter 103 Rules on Use of Language, Terms and Numbers (New)

This is a new chapter that will provide rules regarding the use of language, terms, and numbers throughout the code. Ideally, interpretations should be publicly available for review on the City’s website.

Sections:

- 103.01** Purpose
- 103.02** Rules for Use of Language
- 103.03** Rules for Use of Numbers
- 103.04** Rules for Interpretation

Chapter 104 Rules of Measurement (New)

This new chapter will explain how to perform calculations and measurements that are required to implement zoning regulations. It will include graphics to illustrate concepts. Consolidating these provisions in a single chapter makes them easier to find and helps to ensure consistency. The following list is illustrative and does not contain all of the sections and rules that may be included in this chapter. This chapter will include a section on measuring setbacks, but front, rear, and side yards will be defined and illustrated in The 700 series, List of Terms and Definitions.

Sections:

- 104.01** Purpose
- 104.02** Determining Average Slope
- 104.03** Determining Floor Area (*including what is not counted toward floor area*)
- 104.04** Determining Floor Area Ratio
- 104.05** Determining Lot Area (*including Flag lots*)
- 104.06** Determining Lot Coverage
- 104.07** Determining Lot Frontage
- 104.08** Determining Setbacks
- 104.09** Measuring Distances
- 104.10** Measuring Height
- 104.11** Measuring Lot Width and Depth

Chapter 105 Compliance, Violations and Enforcement (New)

This chapter will consolidate the current requirements for complying with the zoning ordinance that are unique and refer to other titles of the BHMC, as appropriate, to avoid any duplication. It will clarify nonconforming uses and structures and outline what the processes are for violations of code provisions. Presenting these provisions and related references in a single chapter will enable the public and City staff to understand the rules and procedures for noncompliance. A Part II topic could be whether to classify types of nonconforming uses for the purposes of determining whether continuation, expansion, alteration, or substitution would be permitted. This system would give more “benign” nonconforming uses the flexibility to continue and expand, while restricting unwanted nonconforming uses. The proposed regulations will retain most of the existing requirements for alteration and expansion of nonconforming uses and structures. Provisions for restoration of damaged structures probably should reflect current state law allowing for rebuilding of the pre-existing floor area of a single family home irrespective of the extent of damage. We recommend that they be included in the Code revision. A Part II topic might be to determine whether to allow the Director to call up for review by the Planning Commission any use that is a nuisance regardless of whether the use is conforming or nonconforming.

Sections:

- 105.01** Compliance of Uses Required
- 105.02** Compliance of Structures Required
- 105.03** Nonconforming Uses
 - A. Classification of Nonconforming Uses (*New - Part II study topic*)
 - B. Exemptions
 - C. Changes of Use
 - D. Continuation
 - E. Abandonment
- 105.04** Nonconforming Structures
 - A. Continuation and Maintenance
 - B. Enlargements or Alterations
 - C. Restoration of a Damaged Structure
- 105.05** Nonconforming Parking
- 105.06** Nonconforming Site Features
- 105.07** Compliance with Conditions, Stipulations and Special Restrictions (ex: hours of operation, etc.)
- 105.08** Enforcement against Violations
- 105.09** Administrative Enforcement Procedures
- 105.10** Supplemental Enforcement Procedures for Historic Properties
- 105.11** Discontinuation of Non-conforming Use Status (*forthcoming from City staff*)

200 Series Base Zones

Chapter 201 One-Family Residential Zones (R-1, R-1X, R-1.5, R-1.5X, R-1.6X, and R-1.7X)

Regulations for one-family residential zones will be combined into one article to enhance usability. Suffixed numbers will differentiate these zones further into densities using current distinctions (e.g. R-1, R-1X, etc.) and maintain distinctions needed to recognize zones adopted by the voters. Permitted uses will be presented in a table format according to permit type for ease of use, with cross-references to applicable standards in other sections. Development standards also will be in a table format, with diagrams for reference. Exceptions and supplemental regulations will group together like provisions to avoid duplication.

Sections:

201.01 Purpose and Applicability

201.02 Land Use Regulations

Land use regulations will allow the construction of second units by right, subject to specified standards. Use regulations also will need to provide for state and federally protected uses, such as cottage food operations (as defined in AB 1616, Gatto Bill), family day care, residential care and religious assembly, in appropriate zones. Site-specific exceptions will be listed here rather than in “Supplemental Regulations”, which is intended for more complicated provisions.

A. Permitted, Conditionally Permitted and Prohibited Uses (Table format)

B. Exceptions:

1. Sunset Reservoir
2. Churches
3. Beverly Hills Hotel
4. Beverly Hills Women’s Club

201.03 Development Regulations

- A. Height Limits
- B. Setbacks Space
- C. Modulation Requirements – Front Facades
- D. Parking: Location and Spaces Required
- E. Walls, Fences, and Hedges
- F. Accessory Buildings

201.04 Central Area Single Family Residential Development Standards

This chapter will include provisions in Article 24, Single Family Residential Development Standards for the Central Area of the City. Additional design and development standards will include recommendations from the Central Area Bulk and Mass Study. Distinctions for North of Santa Monica Boulevard vs. South of Santa Monica Boulevard will be made, where appropriate, within the topical areas. A separate Central R-1 Permit will not be proposed. A conditional use permit procedure may suffice, with decision-making authority given to the Planning Commission, as is currently done, and additional findings listed that apply to ensure these standards are met.

- A. Purpose and Applicability
- B. Design Review; Conditional Use Permit Required
- C. Development Incentives
- D. Floor Area
- E. Grading
- F. Landscaping and Landscape Plans
- G. Lot Width and Depth
- H. Height
- I. Parking and Paving
- J. Setbacks; Permissible Encroachments
- K. Structure Separation
- L. Walls, Fences and Hedges
- M. Additional Design and Development Standards (Partial list)
 - 1. Accessory Buildings
 - 2. Building Materials
 - 3. Game Courts and Game Court Fences
 - 4. Garage Entries
 - 5. Windows

201.05 Hillside Residential Standards

The chapter will carry forward provisions of Article 25, Single-family Residential Development Standards for the Hillside Area of the City, revised so their format is consistent with the other chapters. A conditional use permit procedure may suffice in lieu of a separate Hillside R-1 Permit, with decision-making authority given to the Planning Commission, as is currently done, and additional findings for hillside areas listed to ensure that these standards are met.

- A. Purpose and Applicability
- B. Minimum and Maximum Floor Area
- C. Setbacks Required; Encroachments Permitted

- D. Additional Development Standards
 - 1. Accessory Buildings (including Estate properties)
 - 2. Building Materials
 - 3. Construction Parking and Hauling
 - 4. Game Courts and Game Court Fences
 - 5. Garages
 - 6. Landform Alteration
 - 7. Landscaping and Landscaping Plans
 - 8. Paving
 - 9. View Preservation
 - 10. Walls, Fences and Hedges
- E. Additional Application Requirements

201.06 Trousdale Estates Development and View Restoration Standards

This section will include provisions in Article 26, Single Family Residential Development Standards for Trousdale Estate and in Chapter 8, Article 1, Trousdale Estate View Restoration.

- A. Purpose and Applicability
- B. Floor Area
- C. Grading
- D. Construction Restrictions
- E. Height of Structures
- F. Setbacks; Permissible Encroachments
- G. Additional Development Standards
 - 1. Accessory Buildings (*including Estate properties*)
 - 2. Building Materials
 - 3. Game Courts and Game Court Fences
 - 4. Landscaping and Landscaping Plans
 - 5. Parking
 - 6. Paving
 - 7. View Restoration
 - 8. Walls, Fences and Hedges

- H. Review and Approval (*including any additional application requirements and provisions for findings as a substitute for a separate View Restoration Permit*)

201.07 Supplemental Regulations

- A. Accessory Units - Second Units
- B. Cottage Food Operations
- C. Home Occupations
- D. Large Family Daycare Homes
- E. Mobile Homes (*Manufactured Housing*)
- F. Parking Restrictions – R-1.8X
- G. Rezoning and Variances – R-1.5

201.08 Review of Plans (New)

This section will direct users to the design review, historic preservation review, and permitting provisions in the 800 Series, Administration and Permits.

Chapter 202 Multiple Residential Zones (R-3, R-4, RM-CP, R-4X1, R4-X2, R-4-P)

Regulations for Multiple Residential Zones will be combined into one article to enhance usability. Zones that are no longer needed or can be addressed through standards (e.g. commercial parking restrictions) should be eliminated. Permitted uses will be presented in a table format according to permit type for ease of use, with cross-references to applicable standards in other sections. Development standards also will be a table form, with diagrams for reference. Exceptions and supplemental regulations will group together like provisions to avoid duplication.

Sections:

202.01 Purpose and Applicability

202.02 Land Use Regulations

Use regulations will incorporate current provisions in a table format; straightforward additional regulations that modify use regulations without separate procedures can be subsections.

- A. Basement Dwelling Units Prohibited
- B. Businesses Prohibited; Exceptions (*including home occupations and cottage food operations*)
 - 1. Lots 12 and 13, Tract 11875
 - 2. Lot 313, Tract 7710; Retail Business Permitted
 - 3. Lot 510, Tract 4988
 - 4. Crescent Drive between Wilshire Boulevard and Brighton Way
- C. Combined Uses

- D. Retail (*including retail accessory uses*)
- E. Dry Cleaning Plants; Restrictions
- F. Mixed Use
- G. Nonconforming Hotels (*including dining regulations and a reference to the general nonconforming uses and structures section*)
- H. Outdoor Game Courts Prohibited
- I. Parking Structures and Lots
 - 1. Ancillary Parking
 - 2. Location and Shielding of Facilities
 - 3. Public Parking
- J. School Playgrounds

202.03 Development Regulations

Development regulations will incorporate current provisions. Where front and street side setbacks are required, minimum landscaping standards will apply.

- A. Density
- B. Height Limits
- C. Setbacks; Permissible Encroachments
- D. Length of Building
- E. Minimum Floor Area for Dwelling Units
- F. Modulation Requirements – Front Facades
- G. Multiple Family Residential Buffer
- H. Outdoor Living Space Required
- I. Parking Facilities
- J. Parking - Variances for Parking Prohibited – R-4X2
- K. Walls, Fences and Hedges
- L. Accessory Buildings

202.04 Supplemental Regulations

- A. Congregate (Group) Housing for Senior and Disabled Persons
- B. Development Incentives
- C. Land Donations; Childcare Facilities
- D. Parking as a Temporary/Transitional Use
- E. Residences for Seniors and Disabled Persons

202.05 Review of Plans

This section will direct users to the review and permitting provisions in the 800 series, Administration and Permits, including specific requirements for R-4 Permits.

Chapter 203 Commercial Zones and Commercial Transition Zones (C-3, C-3A, C-3B, C-3T-1, C-3T2, C-3T-3, C-4, C-5)

Regulations for Commercial Zones and Commercial Transition Zones will be combined into one article to enhance usability. Certain zones can be eliminated or merged to help streamline the Code. Permitted uses will be presented in a table format according to permit type for ease of use, with cross-references to applicable standards in other sections. Development standards also will be a table form, with diagrams for reference. Exceptions and supplemental regulations will group together like provisions to avoid duplication.

Sections:

203.01 Purpose and Applicability

203.02 Land Use Regulations (*Table format: permitted, conditionally permitted, prohibited*)

- A. Automobile Body and Fender Repair Shops; Automobile Paint Shops (*including maintenance standards*)
- B. Eating and Drinking Establishments (*New - Part II study topic*)
- C. Exercise Clubs and Private Training Centers
- D. Hand Laundries (if still needed)
- E. Manufacturing Establishments
- F. Medical Uses
- G. Mini-shopping Centers
- H. Nightclubs and Cabarets
- I. Retail
- J. Specialty Clinics – Overnight Stay Restrictions
- K. Storage Warehouses
- L. Vehicle Sales, Service or Fuel Stations – Approval Criteria

203.03 Development Regulations

- A. Density
- B. Height Limits
- C. Setbacks
 - 1. Minimum Requirements
 - 2. Design
 - 3. Encroachments Allowed

- D. Building Lines Required
- E. Pedestrian Access and Public Open Space
- F. Parking
- G. Commercial-Residential Transitions
- H. Encroachments Allowed

203.04 Transition between Commercial and Residential Uses

This section will incorporate provisions of Article 19.5, with definitions moved to the 900 series. Administrative provisions for discretionary permits may be sufficient for temporary use licenses and extended hours permits; these could be granted through conditional use permits or minor use permits, for example. These provisions then would not be duplicated here.

- A. Purpose and Applicability
- B. General Provisions
 - 1. Development Requirements
 - 2. Operational Requirements
- C. Development Requirements and Standards
 - 1. Commercial Use Setbacks
 - 2. Walls Required
- D. Landscaping of Required Commercial Setbacks

203.05 Supplemental Regulations

- A. Architectural Features – Minor Accommodations
- B. Civic Center Drive – Uses Permitted
- C. Drive-up, Drive-in and Drive-through Facilities
- D. Driveway Access
- E. Intensification of Existing Nonconforming Uses (*What is unique to commercial zones; may be moved to Section 105*)
- F. Maple Drive – Restrictions
- G. Olympic Boulevard – Restrictions
- H. Pedestrian-Oriented Areas
 - 1. Purpose of Restrictions
 - 2. Areas Designated
 - 3. Uses Permitted and Prohibited
 - 4. Exceptions
- I. Storage Space - Floor Area Exemptions

J. Traffic General Limits

203.06 Review of Plans

- A. Architectural and Urban Design Guidelines for Development (*existing reference to guidelines, retitled*)
- B. Additional Criteria for Project Review

This section will direct users to the design review and permitting provisions in the 800 Series, Administration and Permits.

Chapter 204 Public and Semi-Public/Service Zone (P-S)

It might make sense to merge the P-S with the Church Zone, for which no regulations are set, and the Public School Zone into a PS Public and Semi-Public Zone. This would represent “best practices” and avoid issues under the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) because churches are being called out separately but no regulations or standards are established. If any governmental agency, including the City, were to sell land for private development, a re-zoning would be required and the proposed use considered during public hearings. This also would help ensure General Plan/zoning consistency for public and institutional lands in a straightforward way. It also may make sense to incorporate the “Open Space Zoning Regulations” of Article 40 into this zone; as currently drafted, they do not make much sense in that no land use or development regulations are established, nor are review procedures and approval criteria defined.

Sections:

204.01 Purpose and Applicability

204.02 Land Use Regulations

- A. Use of Lot 7 (*including Planning Commission review as specified*)

204.03 Development Regulations

- A. Transitional Standards Abutting Residential Zones (*New*)

This subsection could state that setbacks of an abutting residential zone would apply long interior property lines – a good neighbor concept promoting land use compatibility.

204.04 Supplemental Regulations

204.05 Review of Plans

This section will direct users to the permitting provisions in the 800 series, Administration and Permits.

Chapter 205 Transportation Zones (T-1, T-2)

These zones will incorporate provisions of Article 23.

Sections:

205.01 Purpose and Applicability

205.02 Land Use and Development Regulations

205.03 Review of Plans

This section will direct users to the permitting provisions in the 800 series, Administration and Permits.

300 Series Overlay Zones and Planned Development

Chapter 301 Planned Development – Procedures and Requirements (New-Optional)

This chapter could include a set of procedures and requirements for adoption and implementation of planned provisions for larger parcels through overlay zone designations, building on Article 18.4. A PD Planned Development Overlay Zone may be applied to smaller parcels on a case-by-case basis. The PD Overlay Zone would operate as a floating base zone to facilitate the development of properties where greater flexibility in design is desired than would be possible through strict application of conventional zone or land use regulations. Specific development standards would be as specified in approved plans, but this section can include some basic standards applicable to all planned developments, such as minimum area requirements and maximum residential densities set in relation to the General Plan.

Sections:

- 301.01** Purpose
- 301.02** Applicability; Minimum Site Area Requirements; Procedures (*New*)
- 301.03** Zoning Map Designation (*New*)
- 301.04** Land Use and Development Regulations
- 301.05** Required Findings
- 301.06** Conditions (*including performance bond or financial information required*)
- 301.07** Time for Exercise of Right; Expiration and Renewal
- 301.08** Amendment of Approved Plans (*New*)
- 301.09** Development Plan Review (*New*)

Chapter 302 Adaptive Use Overlay Zone (-AU)

This chapter will incorporate current provisions.

Sections:

- 302.01** Purpose
- 302.02** Applicability of Underlying Zoning Regulations
- 302.03** Land Use Regulations
- 302.04** Development Regulations

Chapter 303 Commercial Retail Overlay Zone (C-R)

This chapter will incorporate provisions in Article 34, with definitions moved to the 900 series.

Sections:

- 303.01** Purpose
- 303.02** Applicability of Underlying Zoning Regulations
- 303.03** Land Use Regulations
 - A. Floor Use
- 303.04** Development Regulations
 - A. Alley replacement and widening
 - B. Floor Area and Site Area
 - C. Ground Floor Height Limit of Retail Stores
 - D. Parking Facilities and Structures
 - E. Street Setbacks

Chapter 304 Commercial Retail Planned Development Overlay Zone (C-R-PD)

This chapter will incorporate provisions in Article 18.2, with definitions moved to the 900 series.

Sections:

- 304.01** Purpose (*Objectives*)
- 304.02** Applicability of Underlying Zoning Regulations
- 304.03** Land Use Regulations
 - A. Convenience Service Activities
- 304.04** Development Regulations
 - A. Height Limits of Department Stores
 - B. Maximum Floor Area
 - C. Parking, Loading, Access and Circulation
 - D. Privacy Protection
 - E. Setbacks
- 304.05** Supplemental Regulations
 - A. Geotechnical Requirements
 - B. Multiple-family Residential Buffers
- 304.06** Review of Plans
 - This section will direct users to the design review and permitting provisions in the 800 series, Administration and Permits.*

Chapter 305 Entertainment Office Planned Development Overlay Zone (E-O-PD)

This chapter will incorporate provisions in Article 18.6, with definitions moved to the 900 series.

Sections:

305.01 Purpose (*Objectives*) and Applicability (*Where allowed*)

305.02 Applicability of Underlying Zoning Regulations

305.03 Land Use Regulations

305.04 Development Regulations

A. Height Limit

B. Maximum Floor Area

C. Parking, Loading, Access and Circulation

305.05 Review of Plans (*New*)

This section will direct users to the review and permitting provisions in Division V, Administration and Permits and note any special provisions for approvals.

Chapter 306 Gateway Overlay Zone (Forthcoming from City Staff)

Chapter 307 Medical Use Overlay Zone (C-PD-M)

This chapter will incorporate provisions in Article 18.5, with definitions moved to the 900 series.

Sections:

307.01 Purpose (*Objectives*) and Applicability (*Where allowed*)

307.02 Applicability of Underlying Zoning Regulations

307.03 Land Use and Development Regulations

307.04 Restrictions

307.05 Review of Plans

This section will direct users to the 800 series, Administration and Permits and note any special provisions for approvals.

Chapter 308 Mixed Use Planned Development Overlay Zone (M-PD-2, M-PD-3, M-PD-4)

This chapter will incorporate provisions in Articles 19.3, 19.8 and 19.9, with definitions moved to the 900 series.

Sections:

308.01 Purpose (*Objectives*) and Application (*Where Applied*)

308.02 Applicability of Underlying Zoning Regulations

- 308.03 Land Use Regulations
 - A. Restrictions
 - B. Rooftop Uses
- 308.04 Development Regulations
 - A. Compatibility Standards
 - B. Density and Maximum Floor Area
 - C. Height Limits
 - D. Minimum Floor Area for Dwelling Units
 - E. Modulation Required
 - F. Outdoor Living Space Required
 - G. Parking, Loading, Access and Circulation
 - H. Setbacks (*including for balconies and architectural features*)
 - I. Transitional Operational Standards
- 308.05 Supplemental Regulations
 - A. Review Authority
 - B. Required Findings
 - C. Disclosure Statement Required
- 308.06 Review of Plans (New)

This section will direct users to the 800 series, Administration and Permits.

Chapter 309 Special Needs Housing Overlay Zone (-SN)

This chapter will incorporate provisions in Article 12.7, with definitions moved to the 900 series.

Sections:

- 309.01 Purpose and Application (*Where Applied*)
- 309.02 Applicability of Underlying Zoning Regulations
- 309.03 Land Use Regulations
- 309.04 Development Regulations
 - A. Emergency Shelters
 - B. Single-Room Occupancy Housing I (SROs)
- 309.05 Review of Plans

This section also will direct users to the 800 series, Administration and Permits.

Chapter 310 Transportation Overlay Zone (T-O)

This chapter will incorporate provisions in Article 23.5, with definitions moved to the 900 series.

Sections:

310.01 Purpose (*Objectives*) and Application (*Where Applied*)

310.02 Applicability of Underlying Zoning Regulations

310.03 Land Use Regulations

310.04 Development Regulations

310.05 Review of Plans

This section also will direct users to the 800 series, Administration and Permits.

400 Series **Specific Plans and Development Variances** **Approved**

No changes to existing specific plan language or approved development variances will be proposed, but formatting will be done to conform to the other series in the Code.

Chapter 401 Beverly Hills Hotel Specific Plan Area

Sections:

- 401.01** Purpose and Applicability (*New, a factual statement to the effect that this chapter presents regulations for the Beverly Hills Hotel Specific Plan area, and maybe a general geographic location, nothing more*)
- 401.02** Land Use Regulations
 - A. Businesses Prohibited
 - B. Exceptions
- 401.03** Development Regulations
- 401.04** Supplemental Regulations
 - A. Conditions Ensuring Implementation
- 401.05** Review of Plans
 - A. Architectural Review Required

This section also will direct users to the review and permitting provisions in the 800 series, Administration and Permits.

Chapter 402 Beverly Hills Garden Specific Plan Area

Sections:

- 402.01** Purpose and Applicability (*New a factual statement to the effect that this chapter presents regulations for the Beverly Hills Garden Specific Plan area, as approved by the voters, and maybe a general geographic location, nothing more*)
- 402.02** Land Use Regulations
 - A. Businesses Prohibited; Exceptions
- 402.03** Development Regulations
- 402.04** Supplemental Regulations
 - A. Conditions Ensuring Implementation
- 402.05** Review of Plans

This section also will direct users to the review and permitting provisions in the 800 Series, Administration and Permits.

Chapter 403 9900 Wilshire Specific Plan

Sections:

- 403.01 Purpose and Applicability (*New*)
- 403.02 Land Use Regulations
 - A. Businesses Prohibited; Exceptions
- 403.03 Development Regulations
- 403.04 Supplemental Regulations
 - A. Conditions Ensuring Implementation
- 403.05 Review of Plans (*New*)

This section also will direct users to the review and permitting provisions in the 800 Series, Administration and Permits.

Chapter 404 Beverly Hilton Specific Plan

Sections:

- 404.01 Purpose and Applicability (*New a factual statement to the effect that this chapter presents regulations for the Beverly Hilton Specific Plan, as approved by the voters, and maybe a general geographic location, nothing more*)
- 404.02 Land Use Regulations
- 404.03 Development Regulations
- 404.04 Supplemental Regulations
 - A. Conditions Ensuring Implementation
- 404.05 Review of Plans (*New*)

This section also will direct users to the review and permitting provisions in the 800 Series, Administration and Permits.

Chapter 405 Specific Variances Approved

- 405.01 Gibraltar Savings and Loan Association
- 405.02 Union Bank Building

500 Series Regulations Applying to Some or All Zones

Chapter 501 General Site and Building Regulations

This chapter will contain general site regulations applicable to all land within some or all zones, regardless of use.

Sections:

- 501.01 Purpose and Applicability
- 501.02 Accessory Structures (*may be included in zone regulations, and deleted from this chapter*)
- 501.03 Building Projections into Yards (*bays, architectural features*) (*New; may be modified by the R-1 Bulk and Mass Study*)
- 501.04 Development on Substandard Lots (*New*)
This section will address development on existing lots that do not meet the current minimum lot size.
- 501.05 Heights and Height Exceptions (*for flagpoles, chimneys, etc.*)
- 501.06 Lighting and Illumination (*New – Part II study topic?*)
- 501.07 Outdoor Storage (*New – Part II study topic*)
- 501.08 Screening (*New – Part II study topic?*)
- 501.09 Swimming Pools and Spas (*New – Part II study topic?*)
- 501.10 Trash and Refuse Collection Areas (*New – Part II study topic?*)
- 501.11 Underground Utilities (*New – Part II study topic?*)
- 501.12 Visibility at Intersections and Driveways (*New*)
- 501.13 Walls, Fences and Hedges (*may be included in zone regulations and deleted from this chapter*)

Chapter 502 Affordable Housing Density Bonus and Incentives

The chapter will incorporate provisions of Article 15.2 reflecting State mandates, with definitions moved to the 900 series. It will be edited to reflect recent court cases and State amendments to the density bonus law, as warranted. It could be moved to the Multiple Residential zones chapter, but conceivably these provisions might apply in an R-1 zone, a commercial or commercial transition zone or specific plan area, in which case having this chapter in the 600 Series would be logical.

Sections:

- 502.01 Purpose
- 502.02 State Mandated Density Bonuses
- 502.03 State Mandated Concessions and Incentives
- 502.04 Review Procedures for State Mandated Density Bonuses, Concessions, and Incentives
- 502.05 Requirements for Density Bonus for Below Market Rate Units

Chapter 503 Landscaping

Landscaping standards will be drawn from various sections of the existing chapter, with editing to maintain consistency with other sections of the chapter. This Chapter also should include water efficient landscape standards consistent with State law and the City's ordinance on this topic. Flexibility could be provided by allowing for review and approval of alternative compliance landscape plans. Minimum landscaping requirements, however, will be preserved.

Sections:

- 503.01 Purpose and Applicability
- 503.02 Design Principles (*New – Part II study topic*)
- 503.03 Areas to be Landscaped
- 503.04 General Requirements
- 503.05 Water Efficient Landscaping and Irrigation (*New – Part II study topic*)
- 503.06 Landscape Plans
- 503.07 Alternative Compliance (*New – Part II study topic*)

This would allow an applicant to demonstrate that the intent of the landscape requirements can be achieved through alternative compliance. Provisions could include the option to create an Alternative Landscape Plan (ALP) for sites with unique characteristics that may find the standard landscaping requirements difficult to satisfy, or where site planning concepts could benefit from flexibility in landscape standards. The purpose of the ALP is to allow development on such sites to meet or exceed the expectations of the City's landscaping regulations through innovative design in a way that would not otherwise be permitted. These provisions would allow flexibility in meeting the landscaping requirements while still providing the minimum amount of required landscaping.

Chapter 504 Parking and Loading

This chapter will include provisions for parking and loading facilities in Article 27 and in lieu parking regulations in Article 33, updated to reflect current practices. Fee schedules should be adopted separately and specific fees would not be established in the Code; only the authority for establishing

fees need be codified (see Chapter 802, Common Procedures). How actual space requirements specific to individual zones should best be codified still needs to be resolved.

Sections:

- 504.01** Purpose and Applicability
- 504.02** General Provisions
- 504.03** Required Parking Spaces (*if not established in individual zones*)
- 504.04** Location of Required Parking (*including off-site parking allowances*)
- 504.05** In Lieu Parking
 - A. In Lieu Parking District
 - B. Bulk and Size Limits
 - C. Eligible Uses; Exclusions; Non-specified uses
 - D. Restrictions and Additional Requirements
 - E. Procedures for Review
 - F. Standards of Review
 - G. Fees; Waivers of Fees and Other Exemptions
- 504.06** Design Standards for Parking Lots and Structures

These will include dimensional standards and requirements for surfacing, lighting, screening and landscaping, pedestrian access, drainage, shopping cart bays and parking space setbacks.
- 504.07** Alternative Compliance with Minimum Parking Requirements (*New – Part II study topic*)

This section could include provisions for alternative compliance with minimum parking requirements in order to reduce the amount of land dedicated to parking, while still accommodating the generated parking demand. This section would establish the parameters within which on-street parking may be counted toward the off-street parking requirement.
- 504.08** Bicycle Parking (*New – Part II study topic*)

This section could establish minimum requirements for bicycle parking spaces, organized by use type. This section would address the amount of required bicycle parking and the design, including minimum size and location, of such parking. The section also could address standards for bicycle access.
- 504.09** Off-Street Loading

This section would establish the minimum requirements for off-street loading: the number of off-street loading spaces, when they are required, and the design of the loading area.

Chapter 505 Performance Standards (Optional – Low Priority Part II study topic)

A new chapter on performance standards to be prepared by City staff could include clear, measurable standards for determining if a use or activity creates a nuisance on adjoining property.

Sections:

- 505.01 Purpose and Applicability
- 505.02 General Requirements
- 505.03 Measurement of Impacts
- 505.04 Hazardous Materials
- 505.05 Heat
- 505.06 Light and Glare
- 505.07 Liquid or Solid Waste
- 505.08 Noise
- 505.09 Odor
- 505.10 Smoke, Fumes, and Gases
- 505.11 Vibration

Chapter 506 Signs

The sign regulations in Chapter 4 will be carried forward and revised so their format is consistent with the other chapters. Changes to regulations will be limited to technical edits to reflect legal considerations. Definitions will be in the 900 series.

Sections:

- 506.01 Authority, Purpose, Scope
- 506.02 Permits; Fees and Inspections
 - A. Permits Required
 - B. Exemptions; Permits Not Required
 - C. Procedures; Approval and Revocation
 - D. Fees and Inspections
- 506.03 General Regulations (*including construction*)
- 506.04 Single Family Zones
- 506.05 Multiple-Family Zones
- 506.06 Nonresidential Zones
- 506.07 Parking Facilities
- 506.08 Special Signs

- 506.09 Temporary Signs
- 506.10 Prohibited Signs
- 506.11 Noncomplying Signs (*New*)
- 506.12 Historical Signs (*New – Part II study topic*)
- 506.13 Accommodations to Sign Regulations (*likely to be deleted*)

Chapter 507 Standards for Specific Uses, Activities and Specified Geographic Areas

This chapter will contain standards for specific uses and activities that have certain aspects that need control and that may be in several zones or specific plan areas, so consolidating provisions in this chapter may make sense. Standards will be consolidated from a number of articles and sections within the existing zoning chapter and also include provisions on mining and extraction currently in Chapter 5 because these logically belong in this chapter. The following list of specific uses is illustrative; additional uses may be added to respond to City staff or Planning Commission concerns.

Sections:

- 507.01 Purpose and Applicability
- 507.02 Adult Entertainment Businesses
- 507.03 Automobile/Vehicle Sales and Services
- 507.04 Cabarets
- 507.05 Congregate Housing
- 507.06 Drive-up, Drive-in, and Drive Through Facilities
- 507.07 Dry Cleaning Plants
- 507.08 Elderly or Disabled Housing
- 507.09 Emergency Shelters
- 507.10 Exercise Clubs and Private Training Centers
- 507.11 Home Occupations
- 507.12 Hotels
- 507.13 Large Family Daycare Homes
- 507.14 Live Entertainment outside the Business Triangle
- 507.15 Manufacturing Establishments
- 507.16 Marijuana Dispensary, Store, Co-op or Cultivation Prohibited
- 507.17 Medical Uses and Specialty Clinics (*Overnight Stay Restrictions*)
- 507.18 Mini-Shopping Centers
- 507.19 Mining and Extraction
 - A. Mines

- B. Water Wells
 - C. Oil Wells
 - D. Applications for Exploratory Areas and Directional Drilling
 - E. Permits Required; Review and Approval Procedures
 - F. Restrictions and Conditions
 - G. Appeals, Extensions, Modifications
- 507.20** Mobile Homes
- 507.21** Motion Picture Plants
- 507.22** Nightclubs
- 507.23** Open Air Dining
- 507.24** Outdoor Vending
- 507.25** Personal Services
- 507.26** Public Utilities
- 507.27** Recycling Collection Facilities (*New – Part II study topic*)
- 507.28** Restrooms
- 507.29** Rooftop Uses
- 507.30** Second Dwelling Units
- 507.31** Single Room Occupancy Housing
- 507.32** Specified Geographic Areas
- A. Robertson Boulevard and Third Street
 - B. Tract 4988, Lots 411, 412, and 413
 - C. Tract 7710
- 507.33** Storage Warehouses
- 507.34** Utilities

Chapter 508 Telecommunications Facilities

This chapter will incorporate Article 45. Radio and Television Antennas and Wireless Communications Antenna Facilities, as revised to be consistent with federal statutory and case law and Federal Communication Commission guidelines, with definitions moved to the 900 series. It may include more specific standards to promote sharing of antenna structures and “stealth” facilities that cannot be seen. The regulations also could have additional requirements to deal with abandoned telecommunications facilities. Administrative provisions related to permits, minor accommodations and waivers may be best handled just in the 800 series, and need not be duplicated here.

Sections:

- 508.01** Purpose
- 508.02** Applicability; Mandatory Compliance Required
- 508.03** Application Requirements
- 508.04** Development Requirements and Standards
 - A. Devices One Meter or Less
 - B. Devices Greater than One Meter
 - C. Facilities within Public Rights of Way
 - D. Facilities on City-owned Land and Buildings
 - E. Maintenance and Cessation of Use
 - F. Nonconforming Antennas
 - G. Placement Guidelines
 - H. Safety Standards
 - I. Temporary Installations; Emergencies or Disasters
- 508.05** Review Procedures (*may just be addressed in 800 series*)
 - A. Permits Required
 - B. Minor Accommodations
 - C. Waivers

Chapter 509 Transportation Demand Management

Transportation Demand Management provisions currently in Chapter 7, Congestion Management, will be moved to the chapter and edited, as appropriate, to reflect limitations on what the City can require. Definitions will be integrated with those in the 900 series. It may be most appropriate to have these in the 600 Series as they also would apply to Specific Plan areas. And not just some of the commercial zones.

Sections:

- 509.01** Purpose and Applicability
- 509.02** Exemptions
- 509.03** Transportation Demand and Trip Reduction Measures
- 509.04** Maintenance Requirements
- 509.05** Additional Environmental Review; Compliance Requirements
- 509.06** Monitoring and Enforcement – Supplemental Provisions

Chapter 510 Trees on Private Property

This chapter will incorporate provisions in Article 29, with definitions moved to 900 series. Whether a separate “Tree Removal Permit” is needed or a conditional use permit or minor use permit would suffice is a policy discussion issue.

Sections:

- 510.01** Purpose and Applicability
- 510.02** Exemptions
- 510.03** Performance Requirements (*Replacement of Native Trees; Protections during Construction*)
- 510.04** Alternative Compliance
- 510.05** Tree Removal Permit (*may be moved to 800 series and eliminated as a separate permit*)

600 Series Historic Preservation

Chapter 601 Historic Preservation

This chapter will incorporate provisions in Article 32, Historic Preservation, with definitions moved to the 900 series. Powers and duties of the Cultural Heritage Commission also will be addressed in Chapter 801, Planning Authorities, and duplication will be avoided.

Sections:

- 601.01** Purpose and Applicability
- 601.02** General Provisions
 - A. Permit Required
 - B. Administrative Guidelines
 - C. Preservation Incentives
- 601.03** Cultural Heritage Commission
- 601.04** Landmark and Historic District Designation
 - A. Establishment of Local Inventory and Local Register of Historic Resources
 - B. Designation Criteria
 - C. Procedures
 - D. Amendments or Rescissions
- 601.05** Land Use Regulations
 - A. Base and Overlay Zone Regulations Apply
 - B. Exceptions for Economic Hardship (optional?)
- 601.06** Development Regulations
- 601.07** Supplemental Regulations
 - A. City-owned Properties; School District Properties
 - B. Dangerous and Immediately Dangerous Properties
 - C. Street Improvements
 - D. Pending Demolition, Alteration or Relocation; Temporary Protections Pending Designation
 - E. Certificates of Appropriateness (*may be moved to 800 Series*)
 - F. Certificates of Economic Hardship (*may be moved to 800 Series*)
 - G. Historic Resource Disclosure

- H. Limited Applicability to Renovations of Property Required to Comply with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*

601.08 Review of Plans

- A. Hold Period for Permits to Alter Certain Buildings
- B. Preexisting Entitlements and Building Permits

This section also will direct users to the review and permitting provisions in the 800 Series, Administration and Permits.

601.09 Enforcement and Penalties – Supplemental Provisions (may be covered in 800 series)

700 Series Land Divisions, Dedications and Improvements

The 700 series will include provisions currently in Chapter 2, Subdivisions, updated as warranted to reflect the current Subdivision Map Act. Definitions will be incorporated into the 900 series, so they are integrated with all of the other definitions.

Chapter 701 General Provisions

Sections:

- 701.01 Introductory Provisions (*New*)
- 701.02 Administration and Common Procedures (*New*)
- 701.03 Maps Required (*New*)

Chapter 702 Major and Minor Subdivisions

This chapter will include provisions currently in Article 2, Tentative Maps, Article 4, Final Maps, Article 5, Parcel Maps, and Article 6, Soil Reports as well as relevant requirements now in Chapter 6, Street, Alley, and Highway Dedications... It makes sense to combine all of the requirements for “accompanying data”, such as soils reports and improvement plans, and present them together in this series.

Sections:

- 702.01 Tentative Maps
- 702.02 Parcel and Final Maps

Chapter 703 Vesting Tentative Maps

- 703.01 Vesting Tentative Maps
- 703.02 Vesting of Development Rights

Chapter 704 Dedications, Reservations and Improvements

- 704.01 Dedications
- 704.02 Reservations
- 704.03 Improvements
- 704.04 Design and Construction Standards

Chapter 705 Common Interest Development (Condominiums)

- 705.01 Purpose and Applicability
- 705.02 Exemptions
- 705.03 Precise Plans Required
- 705.04 Standards for New Residential Condominiums
- 705.05 Standards for Residential Conversions
- 705.06 Standards for New Non-Residential Condominiums
- 705.07 Non-residential Condominium Conversions
- 705.08 Application Requirements; Procedures
- 705.09 Tenant Notifications; Tenant Provisions
- 705.10 Conditions of Approval
- 705.11 Annual Limitations
- 705.12 Annual Limitations on Residential Conversions

Chapter 706 Revisions, Mergers and Lot Line Adjustments

- 706.01 Reversions to Acreage (*New*)
- 706.02 Mergers
- 706.03 Lot Line Adjustments

Chapter 707 Amendments and Enforcement (New)

- 707.01 Correction and Amendment of Maps (*including tentative maps*)
- 707.02 Enforcement and Judicial Review

800 Series Administration and Permits

This group of chapters will establish provisions for administration of Title 10 that are intended to clearly convey both who is responsible for making decisions on zoning and related applications and what is the process for securing approvals. It is particularly important that this chapter is understandable to all who use the Zoning Code as well as City officials and staff. This series is organized so that the relevant responsibilities of those involved in review and decision-making are presented first, followed by a chapter setting forth procedures that are common to different types of approval. Procedures for specific approval processes are then listed, starting with ministerial reviews, such as a zoning clearance procedure, to more technical and substantive adjudicative and legislative approvals, including use permits, variances, and amendments to the code. This outline includes sections for zoning clearance, architectural review, design review, use permits and variances, amendments to the zoning map and text, and enforcement.

As a streamlining initiative, the separately named permits (Central Area R-1 Permits, R-4 Permits, Hillside R-1 Permits, Hillside R-1 Permits, View Restoration Permits, Extended Hours Permit, Temporary Use Licenses, etc.) could be consolidated into a Track One Permit (Director) and Track Two Permit (Planning Commission), with standards and additional review criteria (e.g. additional findings) presented in the applicable sections. Alternatively, a tracking system based on noticing provisions (e.g. the geographic area affected) as well as who is the decision maker could be established. Within a track, the process would be the same (a discretionary review procedure, with noticing and clear authority for imposing restrictions and conditions of approval). Separate procedures for certificates for historic preservation would still be maintained, but it may be possible to consolidate design review and architectural review procedures. It also will be important to recognize that enforcement procedures may be different for View Restoration.

Chapter 801 Planning Authorities

This chapter will lay out the basic roles and functions of the authorities that make up the planning authorities, including the City Council, Planning Commission, Architectural Review Commission, Design Review Commission, Cultural Heritage Commission, the Director of Community Development and other officials who have a role in implementing the code. It incorporates existing provisions regarding authority and duties but with changes as needed to reflect the range of responsibilities that each of the authorities will have. Streamlining will be incorporated where needed. Consolidating the Architectural Commission and the Design Review Commission, for example, may be a valid longer-term option, worthy of Planning Commission and City Council consideration. This chapter could include a Review Authority Table that classifies actions (ministerial, quasi-judicial, and legislative) and identifies the authorities responsible for decisions and appeals.

Sections:

- 801.01** Purpose
- 801.02** City Council
- 801.03** Planning Commission

- 801.04 Architectural Commission
- 801.05 Cultural Heritage Commission
- 801.06 Design Review Commission
- 801.07 Director of Planning and Community Development (“Director”, including his/her designee)
- 801.08 Summary of Review Authorities for Decisions and Appeals (New)

Chapter 802 Common Procedures (New)

The purpose of this chapter is to establish uniform procedures that are common to the application and processing of a variety of different permits and approvals such as Use Permits, Variances, Architectural Reviews, Design Reviews, Zoning Clearance, and Zoning and General Plan Amendments. Because this chapter will likely be the most frequently consulted of all administrative chapters, it should appear immediately following Chapter 801, which establishes the powers and duties of the planning authorities. Other regulations that can be included in this chapter are requirements for making written findings, rules regarding public access to applications and other records, and rules applicable to ex parte communications. Appeal provisions could also be included here or in a separate chapter, as this outline proposes. If citywide provisions in the BHMC are to be used, then references to them would be all that is needed. Charts will be used wherever appropriate.

Sections:

- 802.01 Purpose
- 802.02 Application Forms and Fees

This section will identify the types of fees that are imposed by the City and establish the procedure for approving a fee schedule. The fee schedule itself should not be adopted as part of Title 10. It also will provide authority for form and content of applications, but these detailed requirements would not be in the Code itself as application form and content requirements may be changed overtime at the discretion of the Director. We will make sure that the Permit Streamlining Act requirements are met by specifically calling for a list of all items needed for an application.
- 802.03 Pre-application Review
- 802.04 Review of Applications
- 802.05 Environmental Review
- 802.06 Notice of Public Hearings (*in chart or table format*)
- 802.07 Conduct of Public Hearings

This section will establish the basic procedures for public hearings, including provisions for public testimony, continuances, and administrative records
- 802.08 Findings Required
- 802.09 Notice of Decisions
- 802.10 Ex Parte Communications

- 802.11 Effective Dates (*including Time for Exercise of Rights*)
- 802.12 Expiration and Extension
- 802.13 Modification
- 802.14 Revocation
- 802.15 Appeals

Chapter 803 Zoning Clearance – Director Level (New)

This chapter will establish procedures for ensuring that all permits or licenses issued by the City conform to the provisions of Title 10. This chapter will describe the process for Staff review of applications for business licenses, building permits, and other entitlements to ensure that the proposed use or structure is permitted by right or conforms to the requirements and conditions of any discretionary approval granted under the Code. This determination would be documented by the issuance of a Zoning Certificate, which could be computer-generated by permit tracking software. Alternatively, the applicant would submit a multi-part form with the license or permit application and retain a signed copy after the determination of conformance. “Zoning Certificate” or “Zoning Permit” are optional titles for this chapter. This chapter describes a ministerial review process and the title of the chapter should reflect this intent. It also could include provisions in Article 42, Demolition of Structures, as these may not warrant being elevated to a separate chapter and the provisions currently are largely ministerial in nature, with no discretionary review. If this is done, the demolition of structures provisions in the 600 Series, Historic Preservation, would be drafted to avoid duplication, and just include a reference to this chapter.

Sections:

- 803.01 Purpose
- 803.02 Applicability
- 803.03 Demolition of Structures
- 803.04 Extended Hours Clearance (*including referral process*)
- 803.05 Transition Use Clearance (*including referral process*)
- 803.06 Review and Decision

Chapter 804 Architectural and Design Review

This chapter will consolidate current provisions for architectural review and R-1 Design Review.

Sections:

- 804.01 Purpose
- 804.02 Architectural Review Commission
 - A. Restaurant Subcommittee
 - B. Signage Subcommittee

- 804.03 Design Review Commission
- 804.04 Applicability; Scope of Review
 - A. Track Determination; Concept Review
- 804.05 Procedures and Responsibilities
- 804.06 Review Criteria; Findings Required
- 804.07 Conditions of Approval

Chapter 805 Development Plan Review

This chapter will reflect the current provisions for development plan review in Article 31. Additional findings for specified types of development would be in this chapter, while specific uses that warrant a conditional use permit and additional findings and criteria for approval would be listed in Chapter 813. Some current permit types can be integrated into this process as part of a streamlining effort.

Sections:

- 805.01 Purpose
- 805.02 Applicability; Exemptions
- 805.03 Scope of Review
- 805.04 Procedures and Responsibilities
 - A. Track determination: Track 1 (staff level) vs. Track 2 (Planning Commission level)
- 805.05 Review Criteria; Required Findings
- 805.06 Additional Findings for Specified Types or Locations of Development (*Partial List*)
 - A. Central R-1 Area
 - B. Hillside Area
 - C. Open Air Dining
 - D. Overnight Stays
 - E. R-4 Areas
 - F. Trousdale Estates
- 805.07 Conditions of Approval

Chapter 806 Certificates of Appropriateness

Sections:

- 806.01 Purpose
- 806.02 Review Authority; Procedures for Issuing Certificate

806.03 Review Criteria; Required Findings

806.04 Conditions of Approval

Chapter 807 Certificate for Economic Hardship

Sections:

807.01 Purpose

807.02 Review Authority; Procedures for Issuing Certificate

807.03 Findings Required

807.04 Restrictions and Conditions

807.05 Appeals, Expiration and Extensions; Modifications

Chapter 808 Conditional Use Permits

This chapter will describe the process and standards applicable to the applications for Conditional Use Permits for a specified review authority. The chapter is organized so that action by the appropriate authority is listed first, followed by the application and public hearing requirements. This chapter also will include a separate section on required findings for topical areas to reinforce the importance of supporting decisions with specific findings based on information in the record. A Conditional Use Permit for multiple-family development, to replace to R-4 Permit, is not recommended as it could raise Housing Element certification issues with the State Department of Housing and Community Development. Instead, we suggest retaining the idea of R-4 review, without calling out housing specifically.

Sections:

808.01 Purpose

808.02 Applicability; Exemptions and Reductions

808.03 Review Authority; Permit Procedures

808.04 Required Findings

808.05 Additional Findings for Specified Requirements (*Partial List*)

A. Extended Hours

B. Open Air Dining

C. Overnight Stays

D. Temporary Uses

808.06 Conditions of Approval

808.07 Temporary Use Permits (*New - Part II study topic*)

Chapter 809 Variances

This chapter will include the specific provisions applicable to variances that are in Article 37 of the existing zoning ordinance. Where procedures are the same as those for use permits and other approvals, the chapter will refer to the relevant requirements in Common Procedures.

Sections:

809.01 Purpose and Applicability

809.02 Use Variances Prohibited

Consistent with state law and existing provisions, this section establishes that a variance may not be granted to authorize a use that is not otherwise authorized by the zoning regulations.

809.03 Procedures

809.04 Required Findings

809.05 Conditions of Approval

Chapter 810 Minor Accommodations for Certain Development Standards

This chapter is intended to carry forward the Staff-level means of granting relief from specified requirements when so doing would be consistent with State and federal law and it is not possible or practical to approve a variance. Instead of requiring applicants to apply for a variance, these procedures would allow approval of an exception based on findings that make reference to the State and Federal mandates. Whether process also would allow for “reasonable accommodations” for RLUIPA and ADA purposes, incorporating current procedures, will need to be determined; if this can be done, it would avoid the need for a separate procedure. The required findings can be expanded to do this.

Sections:

810.01 Purpose

810.02 Standards for Which Accommodations May be Granted

810.03 Review Authority; Procedures

810.04 Required Findings

810.05 Restrictions and Conditions of Approval

810.06 Appeals

Chapter 811 Appeals (can be deleted if handled elsewhere in the BHMC)

This chapter will establish uniform provisions for handling appeals of staff level determinations as well as decisions by the Planning Commission and other commissions. The “order of commissions” would be addressed, either here or elsewhere if this chapter is deleted. The provisions will specify who may file an appeal; they also establish time limits for filing and acting on appeals and describe

procedures for considering and taking action. Appeal hearings would not be limited to the subject of the appeal but could be “do novo” hearings.

Sections:

- 811.01 Purpose and Applicability
- 811.02 Rights of Appeal
- 811.03 Time Limits
- 811.04 Procedures (*do novo hearings allowed*)
- 811.05 Standards of Review

Chapter 812 Amendments to Zoning Map and Text

This chapter will incorporate the current provisions in Article 39 with changes needed to ensure that the procedures the City follows when considering changes to the text of the zoning chapter and the zoning map.

Sections:

- 812.01 Purpose and Applicability
- 812.02 Initiation of Amendments; Petitions and Initiative Actions by Council and Commission
- 812.03 Public Notice and Review Procedures
This section will establish the public notice and review procedures, including environmental review and analysis, for amendments to the zoning map and text.
- 812.04 Public Hearing
- 812.05 Planning Commission Action
- 812.06 City Council Action

Chapter 813 Development Agreements

The purpose of this chapter would be to enable the City to implement Government Code Sections 65864-65869.5 authorizing government entities to enter into legally binding agreements with private parties. Section 65865 requires cities to establish procedures for consideration of development agreements when requested by an applicant.

Sections:

- 813.01 Purpose
- 813.02 Applicability
- 813.03 Authority and Duties
- 813.04 Procedure

- 813.05 Public Notice and Hearing
- 813.06 Findings and Decision
- 813.07 Execution and Recordation of Development Agreement
- 813.08 Annual Review
- 813.09 Amendment or Cancellation
- 813.10 Effect of Approved Agreement

Chapter 814 Enforcement; Permit Revocation; Nuisance Abatement; Penalties and Remedies

This chapter will be developed in consultation with the City’s Code Enforcement Team. It will specify all of the provisions governing enforcement of this title; it will be coordinated with Chapter 105, and these provisions could be integrated into that chapter although that may be too much “front-loading” of administrative detail. It establishes new procedures for revocation of discretionary approvals that would not require the issuance of a citation. The City may wish to consider additional procedures for nuisance abatement, including a specific definition of public nuisance and additional remedies that the City may employ in situations that do not involve violation of specific zoning standards or procedures (i.e. excessive littering, excessive noise, or noxious smells or fumes). In addition to issuing citations for violations, another option the City could employ to obtain compliance would be to record a notice of violation against the property. This notice, filed with the County Recorder, would identify the property and/or structure in violation, describe the violation, and certify that the owner has been notified of such violation.

Sections:

- 814.01 Purpose
- 814.02 Enforcement Responsibilities
- 814.03 Revocation
 - This section will establish the procedure for the revocation of a permit if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection with the permit.*
- 814.04 Nuisance Defined
- 814.05 Nuisance Abatement
- 814.06 Penalties
- 814.07 Remedies
- 814.08 Limitation of Actions
- 814.09 Recording a Notice of Violation (*Optional*)

900 Series General Terms

This series will include a list of use classifications and a list of terms and definitions used in Title 10. Definitions would be grouped in like categories rather than alphabetized (i.e. including alleys, arterials, major streets, and residential under the heading “Street Types”).

Chapter 901 Use Classifications

All uses allowed Citywide will be listed here according to use classification (i.e. residential, commercial). An alternative is to combine Use Classifications with the List of Terms and Definitions so that all defined terms are located in one chapter. We suggest keeping them separate initially in order to facilitate review, however, the City may wish to combine these in the Public Review Draft.

Residential Use Classifications

Residential Housing Types

- Single Unit Dwelling
- Multiple Unit Residential

Group Residential

- Senior Citizen Housing
- Day Care Center
- Small Family Day Care
- Large Family Day Care

Commercial Use Classifications (*including Live/Work Units*)

Adult Business Establishments

Animal Sales and Service

- Animal Boarding
- Animal Clinics and Hospitals
- Animal Retail Sales and Services

This is a partial list of the uses that should be listed in this chapter. A more comprehensive use classification list will be prepared for Module 1.

Chapter 902 List of Terms and Definitions

A list of general terms and definitions used in Title 10 will be included in this Chapter. The list of terms should include cross-references to the heading under which each term may be found. For instance, “abandoned sign” would include a cross-reference to “Sign Types and Terms” and “dwelling unit” would include a cross-reference to “Residential Housing Types”. Technical terms and def-

initions with limited applicability, such as those related to wireless telecommunications and signs, could remain in those respective chapters, but this is not recommended.

Sections:

902.01 List of Terms

The list of terms may include some common terms and then a cross-reference to the term used in the Code or the groupings used. For example, “child care” might be followed by the phrase see “see Family Day Care”. Or, “Front Yard” would be followed by “see Yard Types” and “Corner lot” by “see Lot Types”.

902.02 Definitions

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