

ORDINANCE NO. 23-O- 2870

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING REGULATIONS IN THE BEVERLY HILLS MUNICIPAL CODE RELATED TO THE ADJUSTMENT OF LOT LINES THAT WOULD CREATE OR EXPAND LOTS ACROSS THE JURISDICTIONAL BOUNDARIES OF THE CITY

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

**Section 1.** On January 26, 2021, the City Council adopted Urgency Ordinance No. 21O-2833 (the “Urgency Ordinance”), which amended portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to modify regulations related to lot line adjustments on lots that are located along the jurisdictional boundaries of the City. The City Council subsequently adopted Ordinance Nos. 21-O-2834 and 22-O-2855 to further extend the effective period of the Urgency Ordinance.

**Section 2.** On October 13, 2022, the Planning Commission held a duly noticed public hearing to review a draft ordinance that would prohibit, on a permanent basis, the creation or expansion of a lot that crosses jurisdictional boundaries. Thereafter the Planning Commission adopted Resolution No. 2004 recommending that the City Council amend the lot line adjustment regulations in the City of Beverly Hills Municipal Code to prohibit the adjustment of a lot line that is coterminous with the City boundary which if approved, would result in a parcel located both within the City and another city (collectively, the “Amendments”). On November 15, 2022, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

**Section 3.** This Ordinance and the Amendment were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council finds that adoption of the Amendment is exempt from CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations because the average slope of the City is less than 20 percent and the Amendment represents a minor alteration in land use limitations and does not result in any changes in land use or density. In addition, the City Council finds that the adoption of the Amendment will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This exemption is applicable because the Amendment would not result in physical changes to the subject properties other than the adjustment of lot lines, and no potential for causing a significant effect on the environment exists.

**Section 4.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal LU 2 – Community Character and Quality calls for a built environment distinguished by high level of site planning, architecture, landscape design, and sensitivity to its natural setting and history. Similarly, General Plan Policy LU 2.1 – City Places: Neighborhoods, Districts, and Corridors encourages the maintenance of the City’s distinctive residential neighborhoods and open spaces. General Plan Goal LU 4 – Land Use Distribution and Urban Form also calls for enhancing the distinguishing qualities of the City, and the livability of neighborhoods, while preserving environmental resources and the well-being and health of the City’s residents. General Plan Policy LU 5.1 – Neighborhood Conservation further requires that the densities, character, amenities, and quality of the City’s residential neighborhoods

are conserved. Amending the lot line adjustment sections of the Beverly Hills Municipal Code will protect the character of the City's residential neighborhoods, as it will help limit development across jurisdictional boundaries that does not comply with all of the City's regulations. In addition, the proposed Amendments will help to ensure that development in the residential neighborhoods is of an appropriate scale and is consistent with existing neighborhood character. For the foregoing reasons, the public interest, health, safety, morals, peace, comfort, convenience, or general welfare requires the code amendments.

**Section 5.** The City Council hereby amends paragraphs E and F of Section 10-2-303 (Lots:) of Article 3 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other provisions in Section 10-2-303 remaining in effect without amendment:

“E. City Boundary: For any property located in a one-family residential zones, a lot line shall not be adjusted which would either create or expand a lot that crosses the City boundary. Further, a lot line that is coterminous with the boundary of the City shall not be adjusted away from the City boundary.

1. Exemption: The property known as 1276 Beverly Green Drive, located on the eastern side of Beverly Green Drive, and more specifically described as: Lots 15 and 16 of Tract 11178 in the City of Beverly Hills, Los Angeles County, State of California, as per the maps recorded in map book 203, pages 49-50 of the Los Angeles County Recorder's Office, shall be exempted from the requirement in subsection E above.

F. Variances: Whenever the size of the parcel of land to be subdivided or altered as the result of a lot line adjustment, its street and alley frontage, its contour, and its

location with reference to surrounding property, are such that the requirements of this section work undue and unusual hardship, and a different size and arrangement would not result in undue detriment to surrounding property or the residents thereof, the planning commission may, in its discretion, approve a different size and arrangement of the lots in the proposed subdivision.”

**Section 6.** The City Council hereby amends Section 10-2-805 (Approval of Lot Line Adjustments) of Article 3 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-2-805: APPROVAL OF LOT LINE ADJUSTMENTS:

Upon receipt of the map, the director shall examine it to see whether it complies with all the requirements of this article and whether:

- A. The proposed lot line adjustments will not deny access to any parcel;
- B. The proposed lot line adjustment will not result in a conflict with any public or private easement; and
- C. The proposed lot configurations conform with the local general plan, any applicable specific plan, and meet all standards of the zoning, subdivision, and building ordinance provisions, except that existing, legally nonconforming lots need not meet all standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of any existing nonconformity, and will not create a new nonconformity.

Public noticing for a lot line adjustment proposal shall be provided in accordance with article 2.5 of this chapter for a planning review and the city's public notice guidelines.

If the director makes these findings, the director may approve the adjustment. However, if in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission and the planning commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the requested lot line adjustment.”

**Section 7.** The City Council hereby amends Section 10-2-806 (Appeals) of Article 3 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-2-806: APPEALS:

If an applicant is dissatisfied with the decision of the director, the decision may be appealed to the planning commission. Such appeal shall be in writing and shall be received by the City Clerk’s Office within fourteen (14) days after the date of the director's action.

Any decision of the planning commission, either as the initial reviewing authority for the lot line adjustment or on appeal of a director decision, may be appealed by the applicant to the city council pursuant to title 1, chapter 4, article 1 of this code.”

**Section 8.** The City Council hereby amends Section 10-2-807 (Decision of the Planning Commission) of Article 3 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-2-807: DECISION OF THE PLANNING COMMISSION:

If the decision of the director is appealed to the planning commission, the planning commission may reject, uphold, or modify the decision of the director. The decision of the commission shall be further appealable to the city council, pursuant to Section 10-2-806, which may reject, uphold, or modify the decision of the planning commission.”


**Section 9.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 10.** Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

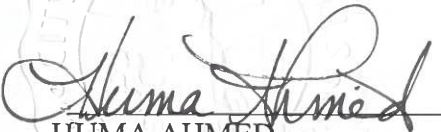
**Section 11.** Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: January 3, 2023

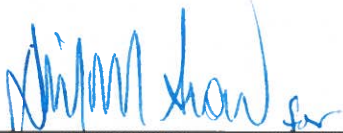
Effective: February 3, 2023

  
LILI BOSSE  
Mayor of the City of Beverly Hills,  
California

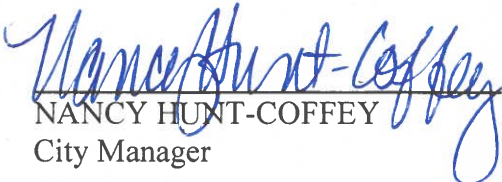
ATTEST:

 (SEAL)  
HUMA AHMED  
City Clerk

APPROVED AS TO FORM:

  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
NANCY HUNT-COFFEY  
City Manager


STATE OF CALIFORNIA            )  
  )  
COUNTY OF LOS ANGELES        )  
  )  
CITY OF BEVERLY HILLS         )  
  )            SS.

I, HUMA AHMED, City Clerk of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 23-O-2870 duly passed, approved, and adopted by the Council of said City at a meeting of said Council on January 3, 2023 thereafter duly signed by the Mayor, or the Vice Mayor, as indicated; and that the Council of the City consists of five (5) members and said Ordinance was passed by the following vote of said Council, to wit:

AYES:        Councilmember Nazarian, Councilmember Friedman,  
                  Councilmember Mirisch, Vice Mayor Gold, and Mayor Bosse

NOES:        None

ABSENT:     None

  
\_\_\_\_\_  
City Clerk of the City of  
Beverly Hills, California

*(Faint circular seal of the City of Beverly Hills is visible in the background)*