



## AGENDA REPORT

**Meeting Date:** March 2, 2021

**Item Number:**

**To:** Honorable Mayor & City Council

**From:** Laurence S. Wiener, City Attorney

**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS EXTENDING INTERIM ORDINANCE NO. 21-O-2833 AMENDING SECTION 10-2-303 OF THE MUNICIPAL CODE REGARDING ADJUSTING LOT LINES THAT ARE BETWEEN JURISDICTIONAL BOUNDARIES AND DECLARING THE URGENCY THEREOF

**Attachments:**

1. Ordinance Extending Interim Ordinance No. 21-O-2833
2. Ordinance No. 21-O-2833

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### **RECOMMENDATION**

It is recommended that the City Council extend the interim ordinance pertaining to lot adjustments which would either create or expand a lot that crosses the City boundary for ten months and fifteen days beyond its March 11, 2021, expiration date.

### **FISCAL IMPACT**

There is no anticipated fiscal impact to the City.

### **BACKGROUND**

At its January 26, 2021, meeting, the City Council voted to adopt an interim ordinance amending Section 10-2-303 of the Beverly Hills Municipal Code to prohibit a lot adjustment which would either create or expand a lot that crosses the City boundary. The interim ordinance adopted on January 26, 2021 took effect immediately, and is in effect for an initial 45-day period, which will expire on March 11, 2021. The purpose of this report is to recommend a ten month and fifteen-day extension of the interim ordinance adopted on January 26.

## **DISCUSSION**

At the January 26, 2021, City Council Meeting, the City Council approved urgency ordinance 21-O-2833 amending the lot regulations in the City. The urgency ordinance was meant to prohibit lot adjustments which will create or expand a lot that crosses the boundary of the City. Lots that are created or expanded away from the City's border will negatively impact the public health, safety, and welfare because buildings that do not comply with Beverly Hills codes can be built with Beverly Hills access, utilities, and other services. Furthermore, buildings can be built under another city's zoning regulations without appropriate setbacks.

This interim urgency ordinance will allow the City to study the potential impacts to the public health, safety, and welfare resulting from a parcel under split jurisdiction and develop appropriate regulations regarding if and under what circumstances adjusting a lot to create or expand a lot that crosses the City boundary may be appropriate. Per state law, urgency ordinances are valid for an initial period of 45 days, and may be extended by the City Council. At this time, it is recommended that the City Council extend the urgency ordinance for a period of ten months and fifteen days.

## **GENERAL PLAN CONSISTENCY**

The Interim Ordinance provisions are consistent with the objectives, principles, and standards of the General Plan. The Interim Ordinance prevents lot adjustments which will either create or increase the size of parcels that cross the boundary of the City into another city. Because the City does not have authority over the development of land within the jurisdiction of another city, the portion of a split-jurisdiction lot which is within the jurisdiction of another city would not be subject to the City's General Plan, and could be developed in a way that is inconsistent with the following goals and policies of the General Plan. Accordingly, the Interim Ordinance protects against lot adjustments that are inconsistent with these goals and policies.

Land Use Policy LU 2.1 "City Places: Neighborhoods, Districts, and Corridors" calls for the maintenance and enhancement of the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.

Land Use Policy LU 2.3 "Hillside Development" calls for the maintenance of the natural landforms that define the City and requires that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.

Land Use Policy LU 5.1 "Neighborhood Conservation" calls for the maintenance of the uses, densities, character, amenities, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.

Land Use Policy LU 5.7 "Neighborhood Transitions" calls for the regulation of the setback, rear elevation design of buildings, and landscaping of backyards where neighborhoods of differing housing type and density abut to assure smooth transitions in scale, form, and character.

Land Use Goal LU 6 "Single-Family Residential Neighborhoods" calls for the maintenance of the identity, scale, and character of the distinct single-family residential neighborhoods.

**CONCLUSION**

The City Attorney's office recommends that the City Council extend the urgency ordinance prohibiting lot adjustments which would either create or expand a lot that crosses the City boundary while the City studies the issue further and develops a permanent ordinance.

Laurence S. Wiener,  
City Attorney

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Approved By