

ORDINANCE NO. 18-O- 2752

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
REGARDING LEGISLATIVE ADVOCATE REGISTRATION  
AND PUBLIC NOTICING REQUIREMENTS

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

**Section 1.** The City Council hereby amends and restates Section 1-4-105 (“CONSIDERATION OF APPEALS PETITIONS”) of Article 1 (“Appeal Of Administrative Decisions To Council”), of Chapter 4 (“APPEAL AND REVIEW PROCEDURES”) of Title 1 (“GENERAL PROVISIONS”) to read as follows:

**1-4-105: CONSIDERATION OF APPEAL PETITIONS:**

After an appeal petition is filed in accordance with this article, the city clerk shall place the matter on the council agenda for council action. Based on the appeal petition and the written material presented, the council shall determine whether to refer the matter back to the commission, board, or official rendering the decision pursuant to subsection A of this section or whether to grant a hearing on the appeal pursuant to subsection B of this section. The council shall not permit oral testimony in its determination under this section.

- A. If the council finds the facts in the appeal petition contain new and material evidence not previously presented to the board, commission, or official, the council may order that the board, commission, or official rehear the matter. Written notice of the rehearing shall be mailed to the appellant and to such other persons who have appeared and addressed the board, commission, or official at the prior hearing in connection with such matter, and mailing shall be at least 20 days before such rehearing, and such other notice as required by law for the previous hearing shall also be given.
- B. Except as provided for in subsection A of this section, the council shall set the matter for a hearing. At least 20 days prior to the hearing, written notice shall be mailed to the appellant and to other persons who appeared and addressed the board, commission, or official at the prior hearing on the matter, and such other notice as required by law for the previous hearing shall also be given.

**Section 2.** The City Council hereby amends and restates Section 1-4-202 (“SETTING HEARINGS”) of Article 2 (“Council Ordered Review Of Administrative Decisions”) of Chapter 4 (“APPEAL AND REVIEW PROCEDURES”) of Title 1 (“GENERAL PROVISIONS”) to read as follows:

**1-4-202: SETTING HEARINGS:**

Upon the adoption of an order for a review of a decision, the mayor shall fix a time and place for the hearing. At least 20 days prior to the hearing, written notice shall be mailed to the applicant and such other persons who appeared and addressed the board, commission, or official at the previous hearing on the matter, and such other notice as required by law for the previous hearing shall also be given.

**Section 3.** The City Council hereby adds paragraph E to Section 1-9-105 (“REGISTRATION”) of Article 1 (“COMPENSATED LEGISLATIVE ADVOCATES”), of Chapter 9 (“LEGISLATIVE ADVOCATES”) of Title 1 (“GENERAL PROVISIONS”) to read as follows:

**1-9-105: REGISTRATION:**

- E. All Legislative Advocates who filed a Legislative Advocate registration form with the City between February 9, 2017 through and including February 8, 2018 shall file a new registration form with the City that meets the requirements of this Article 1, or shall file a form disclosing the termination of the legislative advocate relationship pursuant to Section 1-9-107.

**Section 4.** The City Council hereby amends and restates paragraph A.2., paragraph B.2.a. and paragraph C of Section 10-3-252 (“Notification Methods”) of Article 2.5 (“Public Notice Requirements”) of Chapter 3 (“Zoning”) of Title 10 (“Planning and Zoning”) of the Beverly Hills Municipal Code to read as follows:

**10-3-252: NOTIFICATION METHODS:**

A. On Site Posted Notice

2. Notification Period: On site posted notices shall be displayed at least 20 days in advance of a decision or public hearing and remain through the appeal period.

B. Mailed Notice

2. Notification Period:

- a. Notices of application/pending action and notices of public hearing subject to this section shall be mailed at least 20 days prior to such action or hearing by the reviewing authority.

C. Newspaper Notice: Where a newspaper notice is required by this section, before the date of a public hearing the director shall cause to be published a notice in at least one newspaper of general circulation in the city at least 20 days prior to the public hearing.

**Section 5.** The City Council hereby amends and restates Section 10-3-253 ("Notification Requirements") of Article 2.5 ("Public Notice Requirements") of Chapter 3 ("Zoning") of Title 10 ("Planning and Zoning") of the Beverly Hills Municipal Code to read as follows:

**10-3-253: NOTIFICATION REQUIREMENTS:**

The following methods of notice are required for each planning application:

A. Standard Requirements:

<b>Public Notice Requirements For Development Applications</b>	<b>On Site Posted Notice 20 Day</b>	<b>Newspaper Notice 20 Day</b>	<b>Mailed Notice 20 Day</b>
<b>Architectural review:</b>			
<b>Director:</b> Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.	None	None	None
<b>Commission:</b> Commission level projects must be reviewed by the city's architectural commission (AC) and include: sign accommodations, most commercial signs, facade remodels for commercial and multi-family buildings, new construction of commercial and multi-family buildings, and landscaping for commercial and multi-family projects.	Only projects in multi-family residential zones	None	None
<b>Cultural heritage:</b>			
<b>Director:</b> Director level projects can be processed administratively and include certificate of review for district noncontributor and director's determination of ineligibility.	Certificate of appropriateness for designated landmarks and contributing properties: See section 10-3-3219 of this chapter		
<b>Commission:</b> Commission level applications include projects that are reviewed by the city's cultural heritage commission (CHC). The CHC recommends to the city council on landmark or historic district designation <sup>1</sup> nominations and Mills act contracts. The CHC acts on certificates of appropriateness for designated landmarks and contributing properties, certificates of ineligibility, and certificates of economic hardship.	Certificate of ineligibility: See section 10-3-3221 of this chapter  Landmark or historic district designation: See section 10-3-3215 of this chapter  Certificate of economic hardship: See section 10-3-3220 of this chapter		
<b>Design review:</b>			
<b>Director:</b> Director level projects can be processed administratively and include single-family home remodels and new homes in the Central Area of the city that are determined to be "track 1".	None	None	Owner/applicant
<b>Commission:</b> Commission level applications include projects that are reviewed by the city's design review commission (DRC) including single-family home facade remodels and new homes in the Central Area of the city that are determined to be "track 2".	Yes	None	Central Area: 100 foot radius + block face
<b>Planning review:</b>			
<b>Director Level:</b> Director level includes applications that can be reviewed and approved by staff.	Yes	No	Hillside and Trousdale: 300

Accessory dwelling unit use permit			foot radius
Development plan review			Central Area: 100 foot radius + block face
Game court fence			
In lieu parking			
Large family daycare permit <sup>1</sup>			
Lot line adjustment			
Minor accommodation			
Open air dining			
Overnight stay permit			
Planned development review			
R-1: Hillside, Central and Trousdale			
R-4 permit			
Reasonable accommodation <sup>1</sup>			
Resolution of public convenience and necessity <sup>1</sup>			
Tree removal permit <sup>1</sup>			
View restoration <sup>1</sup>			
<b>Commission/Council Level:</b> Commission/council, however many of the applications may be referred to the planning commission level applications are reviewed and approved by the planning commission or city council. Applications include:	Yes	Amendments (general plan, streets master plan, specific plan, zone text, zoning code)	Hillside and Trousdale: 1,000 foot radius
Accessory dwelling unit use permit		Conditional use permit	Central Area: 1,000 foot radius + block face
Amendment (general plan, streets master plan, specific plan, zone text, zoning code) <sup>2</sup>		Maps (tentative and parcel)	
Common interest development <sup>1,2</sup>		Specific plan	
Conditional use permit <sup>2</sup>		Variance	
Density bonus permit <sup>2</sup>			
Development plan review			
Extended hours permit <sup>2</sup>			
Game court fence			
Game court location <sup>2</sup>			
In lieu parking			
Large family daycare permit <sup>1</sup>			
Lot line adjustment			
Maps: tentative and parcel <sup>2</sup>			

	Minor accommodation			
	Open air dining			
	Overnight stay permit			
	Planned development review			
	R-1: Hillside, Central and Trousdale			
	R-4 permit			
	Reasonable accommodation <sup>1</sup>			
	Resolution of public convenience and necessity <sup>1</sup>			
	Specific plan <sup>2</sup>			
	Tree removal permit <sup>1</sup>			
	Variance <sup>2</sup>			
	View restoration <sup>1</sup>			

Notes:

1. Special noticing requirements apply, see subsection B of this section.
2. Applications reviewed at the commission/council level only.

B. Special Notice Requirements:

Development Application	Public Notice Posting Requirements
The following applications have unique noticing requirements:	
Common interest development	With regard to all forms of common interest development conversions, the property owner shall be responsible to give each tenant and each prospective tenant all applicable notices as required by this code and state law.
	1. Notice Of Intent: A notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map in accordance with California Government Code section 66427.1(a) or any successor statute. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. For the purposes of this article, the "legal requirements for service by mail" shall mean the requirements set forth in California Code Of Civil Procedure sections 1012 and 1013a, or any successor statutes. The form of the notice shall be in the form outlined in Government Code section 66452.9 and shall inform the tenants of all rights provided under this code and state law.
	2. Notice Of Public Report: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant 10 days' advance written notice that an application for a public report will be or has been submitted to the state department of real estate, and that said report will be available for review in the department of community development once the report is released by the department of real estate. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

	3. Notice Of Final Map Approval: In accordance with the provisions of California Government Code section 66427.1(a) or any successor statute, the subdivider shall provide each tenant written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
	4. Additional Notice To Terminate Tenancy: In accordance with the provisions of California Government Code section 66427.1(c) or any successor statute, the subdivider shall provide to each tenant written notice of the intent to convert at least 180 days prior to the termination of tenancy due to the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
	5. Notice Of Public Hearing On Tentative Map: In addition to any other notice required by law, at least 20 days prior to the public hearing before the planning commission on the tentative map, the subdivider shall provide each tenant written notice of the public hearing. Said notice shall be in the form prescribed by the director of community development or his or her designee and shall contain, as a minimum, the following information:
	a. An estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction;
	b. An explanation of the tenant's rights and benefits if the conversion is approved; and
	c. The grounds upon which the planning commission can deny the request for conversion.
	6. Affidavit Required: In connection with an application for a tentative map to convert an existing multi-family residential apartment building or a common interest development previously created prior to January 1, 2006, to a common interest development, the subdivider shall submit an affidavit in a form prescribed by the director of community development attesting to compliance with the noticing requirements prescribed by subsection A of this section. Said affidavit shall be signed by the subdivider under penalty of perjury and shall include copies of the proof of service on each tenant in the building to be converted.
Large family daycare permit	Not less than 20 days prior to the date on which the director shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the subject site area.
Reasonable accommodation	At least 20 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and adjacent property owners that the city will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation. Written notice of a hearing to consider the application shall be mailed 20 calendar days prior to the meeting to the applicant and adjacent property owners.
Resolution of public convenience or necessity	Notice of a public hearing shall be mailed to property owners and occupants within 300 feet of the premises for which a determination is requested. At least 20 days prior to the public hearing a written notice shall be published in the newspaper.
Tree removal permit	Notice of any hearing on such a permit before the planning commission shall be mailed to any adjacent property owners whose property rights may be substantially affected by the approval of the requested permit.
View restoration	1. Public Hearing Notice: Notice of any hearing held pursuant to this section shall be mailed at least 30 days prior to such hearing by United States mail,

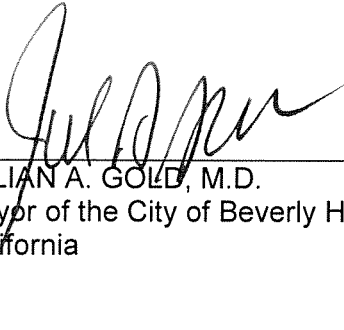
	postage paid, to the applicant and to all owners who are identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.
	2. Notice Of Decision: Within 5 days after the issuance of a decision by the reviewing authority, the director of community development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:
	a. The view owner, using the mailing address set forth in the application;
	b. Each foliage owner that is named on the application, as listed on a current tax assessor's roll and to the occupant of the foliage owner's property if the foliage owner's address is different than the property on which the foliage is located.
	The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

**Section 6.**    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 7.**    Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 8.**    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.

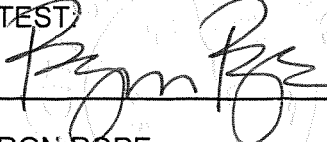
Adopted: April 10, 2018  
Effective: May 11, 2018



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JULIAN A. GOLD, M.D.  
Mayor of the City of Beverly Hills,  
California

ATTEST:




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(SEAL)

BYRON POPE  
City Clerk

APPROVED AS TO FORM:



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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:



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MAHDI ALUZRI  
City Manager



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SUSAN HEALY KEENE  
Director of Community Development