



COMMUNITY DEVELOPMENT DEPARTMENT POLICY & PROCEDURE

Policy No: PLNG – 001
Release Date: November 14, 2011
Effective Date: November 14, 2011

TITLE: 50% RULE FOR ZONING COMPLIANCE – ADDITIONS, BUILDING ALTERATIONS, AND REMODELS

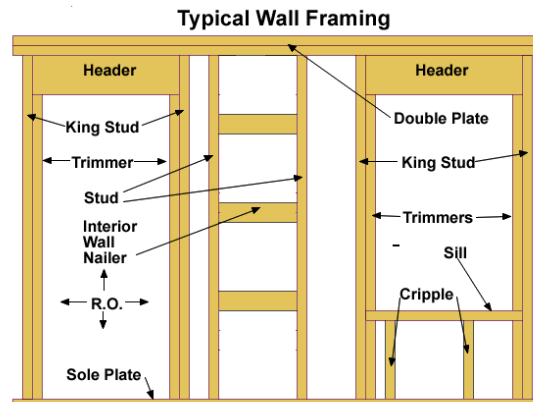
PURPOSE: This policy provides guidance for calculation of percentage demolition and clarifies information required in demolition calculations and application of the rule.

POLICY: Beverly Hills Municipal Code Section 10-3-4100.A.1 sets a demolition threshold of 50% of the area of the existing walls and roof of a structure. Projects proposed that include 50% demolition of the existing structure require the entire structure (old and new) to be brought into compliance with all development standards of the zoning code including setbacks and height.

Wall and Roof Openings:

- All openings including window and door areas shall be included as square footage in the calculation of the total square footage of the area of the existing exterior walls and roof.

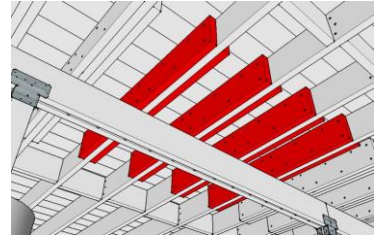
- If any framing surrounding an opening is proposed for replacement or reconstruction, including the sill, trimmer, header, or any other framing element, the entire area of the opening shall be included in the sum of exterior wall area to be demolished.



- If windows are replaced in the same opening with no change to the framing or other structural elements surrounding the opening, then they shall not be included in the calculation for the area of demolition.

Floor and Wall Framing:

- Framing shall be considered replaced if buttressing or sistering of the existing framing is proposed to an extent that it functionally replaces the existing framing.
- **Sistering:** Strengthening existing framing by adding additional framing members. The example to the right shows sistering of a floor joist.
- If the existing framing remains in place and additional framing serves to structurally support the structure without the need for the original framing, the area where the exterior wall has been strengthened shall be included in the demolition calculation.
- Shear wall sheathing that is added to existing framing shall not constitute the replacement of existing framing and shall not be counted toward the area of wall demolition.
- However, if framing is removed or replaced in the process of adding or replacing shear walls or for any other purpose, the affected wall area shall be included in the area demolished.



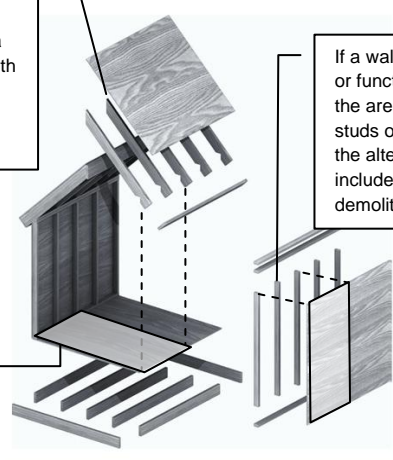
Roof Framing:

- For the purpose of calculating both the total roof area of the existing structure and the roof area to be reconstructed or replaced, only those portions of the roof above floor area, as defined in Section 10-3-100 of the Beverly Hills Municipal Code, shall be included. Patios and overhangs, for example, would be excluded from the calculation of total roof area.
- When the replacement or functional replacement, by means of sistering or other strengthening measures, of roof rafters or joists is proposed, the corresponding floor area beneath the roof rafters or joists shall be included in the calculation of roof area replaced.

Wall and Roof Area to be Included:

- If studs, joists, rafters, or other framing elements are replaced or functionally replaced, the area between the altered framing element and the nearest framing element on both sides of the altered framing element shall constitute the area of wall or roof to be demolished.

If a roof rafter is replaced or functionally replaced, the floor area beneath the area to the nearest rafters on both sides of the altered rafter shall be included in the demolition calculation.



If a wall stud is replaced or functionally replaced, the area to the nearest studs on both sides of the altered stud shall be included in the demolition calculation.

40% Threshold:

- If a demolition calculation yields a result of 40% to 50%, a separate demolition permit will be required prior to the issuance of a building permit.
- Demolition plans are required to be submitted, a demolition permit issued, and all demolition inspections completed prior to issuance of a building permit in order to verify that the sum of all demolished area has remained below the 50% threshold.
- If it is discovered during the inspection process that the project has exceeded the 50% threshold, the entire structure will need to be brought into compliance with all development standards of the zoning code, including setbacks and height.

PROCEDURE: Compliance with this policy shall be verified during plan check.

ATTACHMENTS / REFERENCES:

Beverly Hills Municipal Code 10-3-4100.A.1 (Demolition of non-conforming structures)

“Remodels: A maximum of fifty percent (50%) of the combined area of all the exterior walls and roof of a legally nonconforming building or structure may be replaced or reconstructed in any five (5) year period. For the purpose of this section, roof area shall be calculated as the horizontal area covering the floor area. If more than fifty percent (50%) of the combined area of all the exterior walls and roof are replaced or reconstructed, then the building shall be treated as a newly constructed

building for the purposes of this chapter and shall be reconstructed so that the entire building conforms with the development standards of this chapter. For the purpose of this section, a portion of a wall or roof is considered replaced or reconstructed when the framing has been replaced or reconstructed.”

Beverly Hills Municipal Code 10-3-100 “Floor Area.B” (Definition of floor area)

“Single-family residential zone: "Floor area" shall mean the area of all portions of floors and levels which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces and up to four hundred (400) square feet of garage area.”