

ORDINANCE NO. 23-O-2880

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADOPT OBJECTIVE STANDARDS FOR HOUSING DEVELOPMENTS WITH NO MORE THAN TWO PRIMARY UNITS AND URBAN LOT SPLIT PARCEL MAPS IN SINGLE-FAMILY RESIDENTIAL ZONES PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21 AND 66411.7 (SENATE BILL 9, 2021), AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

**Section 1.** During the 2021 legislative session, the California Legislature passed, and the Governor signed Senate Bill 9 (SB 9), which requires local agencies to ministerially approve urban lot splits and development to two residential units per single family residential lots provided the projects meet certain criteria. SB 9 became effective on January 1, 2022.

**Section 2.** At its December 7, 2021 regular meeting, the City Council voted to adopt Interim Ordinance No. 21-O-2853 to create objective standards for Senate Bill (SB) 9 residential development projects under the authority of Government Code Sections 65852.21 and 66411.7. The standards apply to the ministerial review and approval of a two-lot subdivision (“urban lot split”) and/or development projects with up to two units per lot in single-family residential zones constructed pursuant to SB 9 regulations. The interim ordinance adopted on December 7, 2021 took effect immediately, and was in effect for an initial 45-day period ending on January 21, 2022. This interim ordinance was subsequently extended for an additional ten (10) month and fifteen (15) day period through the adoption of Ordinance No. 21-O-2856, and for an additional one-year period through the adoption of Ordinance No. 22-O-2869. The interim ordinance will expire on December 6, 2023, and this ordinance enacts permanent regulations.

**Section 3.** On August 10, 2023, the Planning Commission held a duly noticed public hearing to discuss the draft ordinance to create permanent objective standards for urban lot split / SB 9 projects, after which it adopted Resolution No. 2034 recommending that the City Council amend the Beverly Hills Municipal Code to adopt the permanent regulations (collectively, the “Amendments”). On September 19, 2023, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

**Section 4.** This Ordinance and the Amendments 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 the ordinance is not considered a project under CEQA pursuant to Government Code Sections 65852.21(j) and 66411.7(n) which provide that ordinances that implement Government Code Sections 65852.21 and 66411.7, respectively, shall not be considered projects under CEQA. Therefore, this ordinance is statutorily exempt from CEQA.

**Section 5.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Land Use (LU) Goal 12 – Community Character and Quality calls for a built environment that is distinguished by its high level of site planning, architecture, landscape design, and sensitivity to its natural setting and history. Similarly, General Plan LU Policy 2.1 – City Places: Neighborhoods, Districts, and Corridors encourages the maintenance of qualities that distinguish the City’s unique residential and business areas, including aesthetics of the built form and scale of residential neighborhoods. General Plan LU Policy 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. General Plan LU Policy 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. General Plan LU Goal 6 - Single-Family Residential Neighborhoods calls for the maintenance of the identity, scale, and character of the distinct single-family residential neighborhoods. General Plan LU Policy 6.1- Neighborhood Identity calls for the maintenance of characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes. Similarly, General Plan LU Policy 6.2 - Housing Character and Design calls for requiring new, renovated, and additions to housing to be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements. Amending sections of the Beverly Hills Municipal Code to create objective standards for projects constructed pursuant to SB 9 will help to preserve the scale and character of the residential neighborhoods, as well as the distinct aesthetic of the residential built environment. In addition, the Amendments will further protect the identity of residential neighborhoods by maintaining certain qualities such as the lot size, housing form, and public streetscapes. For the foregoing reasons, the public interest, health, safety, morals, peace, comfort, convenience, or general welfare requires the code amendments. Further, the Amendments are consistent with the objectives, principles, and standards of the General Plan as set forth above.

**Section 6.** The City Council rescinds Article 49 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, as enacted by Ordinance No. 21-O-2853, and extended by Ordinances Nos. 21-O-2856 and 21-O-2869, as of the time that this Ordinance takes effect.

**Section 7.** The City Council hereby adopts a new Article 49 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, to read as follows:

“ARTICLE 49. OBJECTIVE STANDARDS FOR HOUSING PROJECTS AND URBAN LOT SPLITS IN SINGLE-FAMILY RESIDENTIAL ZONES PURSUANT TO SENATE BILL 9.

10-3-4900: PURPOSE:

The provisions of this article establish standards and procedures for projects developed pursuant to the regulations included in state Senate Bill 9 (SB 9), under the authority of Government Code Sections 65852.21 and 66411.7 including two housing units constructed on a single-family residential lot and two-lot subdivisions (urban lot split) projects, respectively.

10-3-4901: DEFINITIONS:

For the purposes of this article, certain words and phrases used in this article are defined as follows:

FRONT LOT:	When an urban lot split creates two lots where there was previously one lot, the lot with the most frontage on the primary street shall be considered the front lot.
REAR LOT:	When an urban lot split creates two lots where there was previously one lot, the lot with the least frontage on the primary street shall be considered the rear lot.
REAR LOT FRONT SETBACK:	The distance between the front lot line and closest element of a building or structure on the site area of a rear lot created by an urban lot split. The front lot line of such rear

	lot may also be the rear lot line of the front lot, and shall be the lot line closest to, and parallel to the primary street.
SENATE BILL 9 OR SB 9:	<i>Senate Bill 9</i> or <i>SB 9</i> means the state law passed by the California state senate and approved by the Governor on September 16, 2021. As applicable in this Article, the bill enacted Government Code sections 65852.21 and 66411.7, and became effective on January 1, 2022.
URBAN LOT SPLIT:	A parcel map subdivision of a single family residential parcel as permitted pursuant to SB 9 that creates no more than two parcels of approximately equal lot area.

10-3-4902: APPLICABILITY:

Notwithstanding any other provision of this Chapter and Chapter 2 of Title 10, the provisions of this Article shall apply to residential projects and urban lot splits that are proposed pursuant to the regulations in SB 9. Except as expressly provided in SB 9 or in this Article, all other regulations of the underlying zone of a property developed pursuant to SB 9 shall apply, along with all other applicable regulations from Chapter 2 of Title 10 as related to any urban lot split.

10-3-4903: GENERAL REQUIREMENTS; COVENANT REQUIRED:

A property owner seeking to complete an urban lot split, or develop up to two units on a single-family residential property pursuant to the regulations set forth in SB 9 and the standards in this article, shall be subject to the following general requirements, which shall be accepted and acknowledged by the property owner by signing and recording a covenant against the property. The covenant shall be supplied by the City and provide as follows:

A. The short term rental (defined as a “single-family transient use” in section 10-3-100 of this chapter) of any units and Accessory Dwelling Units (ADUs) on the site shall be prohibited;

B. Non-residential uses on the site shall be prohibited;

C. Any subsequent urban lot split of land that was previously subdivided with an urban lot split shall be prohibited;

D. The owner of the property for which an urban lot split is proposed shall sign an affidavit stating that the owner intends to occupy one of the housing units as their principal residence for at least three years from the date of the approval of the urban lot split; and

E. If an inclusionary housing unit is required pursuant to article 48 of this chapter, upon request from the City, the property owner shall furnish a copy of the rental or lease agreement of any unit that is rented or leased and has resulted from an SB 9 project.

#### 10-3-4904: URBAN LOT SPLIT REGULATIONS:

Upon approval of a tentative parcel map or parcel map, a single-family residential lot may be subdivided into two lots, also referred to as an urban lot split, pursuant to the regulations contained in SB 9 as follows:

A. No lot resulting from an urban lot split shall be smaller than 1,200 square feet.

- B. The two resulting lots shall be approximately equal, and no smaller than 48% or larger than 52% of the lot area of the original parcel.
- C. No flag lots shall be created as a result of an urban lot split if the subject property is adjacent to an alley, located on a corner, or on a through lot.
- D. The width of any lot resulting from an urban lot split shall not be less than 75% of the original lot width.
- E. No right-of-way dedications shall be imposed upon urban lot split projects.

10-3-4905: MAXIMUM NUMBER OF UNITS:

- A. For projects that include an urban lot split, no more than two units may be located on a site. The units must conform to the objective standards included in this article.
- B. For projects that do not include an urban lot split, no more than four units (including one ADU, and one Junior ADU) may be located on a site. The units must conform to the objective standards included in this article and as otherwise regulated by ADU or Junior ADU regulations.

10-3-4906: MAXIMUM UNIT SIZE:

No unit constructed pursuant to SB 9 regulations shall be more than 800 square feet in size. For the purposes of this article, basements shall count as floor area.

10-3-4907: MAXIMUM UNIT HEIGHT:

No unit constructed pursuant to SB 9 regulations shall exceed fourteen feet (14') and one story in height.

10-3-4908: SETBACKS:

A. Side and rear setbacks. Any units constructed pursuant to the provisions of SB 9 shall have a minimum four-foot setback from all side and rear lot lines.

B. Front setbacks for front lots shall be the setback as established in the records for each site area maintained by the City's Community Development Department, unless that setback is not established in the city's records, or it is zero. If the front setback for a particular site area is zero or is not established in the City's records, then the front setback for that site area shall be determined as follows:

1. For developed site areas, the front setback shall be the lesser of either:
  - a. The distance between the front lot line and the closest element of the existing primary residence; or
  - b. The average of the front setbacks of the other site areas on the same side of the street in the same block.
2. For undeveloped lots, the front setback shall be the average of the front setbacks of the other site areas on the same side of the street in the same block.



- C. Front setbacks for rear lots. The rear lot front setback shall be ten feet. The front lot line shall be the lot line closest to, and parallel to the primary street.
- D. Setbacks for existing structures. No setbacks shall be required if a unit is constructed within the footprint of an existing structure on a lot.

10-3-4909: MINIMUM WIDTH OF BUILDING:

The front most unit constructed on a site with street frontage shall have a minimum unit width of 40 feet or 75% of the lot width, whichever is less.

10-3-4910: DESIGN OF UNIT:

- A. The front most unit constructed on a front lot shall have a front door facing the street.
- B. Each unit on each lot created by an urban lot split shall have a separate entrance.
- C. Any unit other than front most unit, or the front most unit on the front lot, shall be completely screened by either: 1) other unit(s) on the lot; or 2) landscaping.

10-3-4911: PARKING:

- A. Parking required: One parking space is required for each unit created pursuant to SB 9, unless the parcel upon which the unit is created is within one-half mile of a high-quality transit corridor or a major transit stop or there is a car share vehicle located within one block of the project.

B. Parking location restrictions:

1. Parking shall not be provided within a front setback.
2. Rear lot parking shall be accessed via an alley, if there is an alley adjacent to the site.

10-3-4912: AFFORDABLE RENTAL RATE REQUIRED:

Any projects constructed pursuant to SB 9 shall comply with inclusionary housing requirements as enumerated in article 48 of this chapter.

10-3-4913: ADDITIONAL STANDARDS FOR HILLSIDE AND TROUSDALE:

In addition to the objective standards outlined in this article, the following regulations shall apply to any SB 9 projects that are developed in the Hillside or Trousdale Estates area of the City.

- A. No level pad area may be created for purpose of constructing units.
- B. No units, or part of units, may be constructed off of the existing level pad area on any site.
- C. Lots created from an urban lot split shall conform to the regulations provided in this article, unless there is no alley access, or the lot is not a through lot or a corner lot, in which case, the rear lot shall comply with the definition of a flag lot in this chapter and access to the rear lot shall be provided.

10-3-4914: ADVERSE IMPACT FINDINGS:

The building official, or his or her designee, may make a written finding to deny an urban lot split or the construction of units pursuant to SB 9. Such findings shall be based upon the preponderance of evidence that the proposed housing development project would have a specific, adverse impact (as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5) upon the public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”

**Section 8.** 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 9.** 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.

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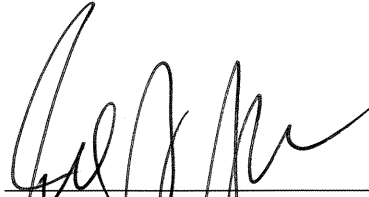
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**Section 10.** Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.


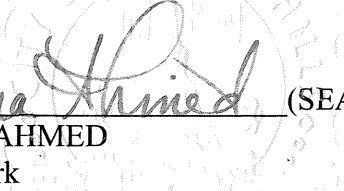
Adopted: October 3, 2023  
Effective: November 3, 2023



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


ATTEST:



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(SEAL)  
HUMA AHMED  
City Clerk

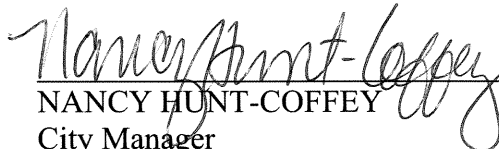
APPROVED AS TO FORM:



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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:



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NANCY HUNT-COFFEY  
City Manager