

ORDINANCE NO. 22-O- 2864

AN ORDINANCE OF THE CITY OF BEVERLY HILLS TO  
AMEND BEVERLY HILLS MUNICIPAL CODE SECTIONS  
RELATED TO MEDICAL USE REGULATIONS  
APPLICABLE TO CERTAIN COMMERCIAL ZONES IN THE  
CITY

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

**Section 1.** On November 17, 2020, the City Council adopted Urgency Ordinance No. 20-O-2826 (the “Urgency Ordinance”), which amended portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to modify the medical use regulations and allow the conversion of existing commercial floor area to medical uses, upon meeting certain conditions. Subsequently, the City Council adopted Ordinance Nos. 20-O-2831 and 21-O-2852 to further extend the effective period of the Urgency Ordinance. At a study session on May 10, 2022, the City Council discussed the Urgency Ordinance, and directed staff to prepare a draft ordinance to amend the applicable medical use regulations, consistent with the majority of the regulations in the Urgency Ordinance.

**Section 2.** On June 9, 2022, the Planning Commission held a study session to discuss the medical use regulations, and any changes to the regulations contained in the Urgency Ordinance. On July 28, 2022, the Planning Commission held a duly noticed public hearing, after which it adopted Resolution No. 1996 recommending that the City Council amend the medical use regulations applicable to certain commercial zones, allowing the conversion of commercial space to medical uses, and the establishment of medical uses in newly constructed commercial buildings

(collectively, the “Amendments”). On September 12, 2022, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

**Section 3.** 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. There is no possibility that the proposed code Amendments that are not related to any specific development proposal may have a significant effect on the environment because the modifications do not enable any physical changes in the environment. Therefore, the City Council finds that the Amendments are exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment. Further, as a separate and independent basis, the Amendments reflect minor changes in land use limitations related to medical uses in certain commercial zones, and thus are found exempt from CEQA pursuant to Section 15305 of the California Code of Regulations.

**Section 4.** The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Goal LU 5 – Complete, Livable, and Quality Neighborhoods calls for a variety of uses and services to support the needs of residents. Similarly, General Plan Policy LU 10.1 – Local-Serving Businesses calls for the promotion and development of businesses that serve, are located in proximity to, and are accessible to residential neighborhoods, including grocery stores and personal care businesses. Amending the medical use regulations will allow for additional medical uses to be established in the city, which provides convenient and vital services for members of the community, while also providing greater business

opportunities for property owners. General Plan Goal LU 9 – Diverse Districts and Corridors encourages a diversity of vital and active business and commercial districts that provide a choice of uses and activities for residents and visitors alike. The proposed changes to the medical use regulations in certain commercially zoned areas will help foster an economically sustainable commercial district that contains a mix of uses and services, and contribute to residents’ health and well-being by providing community-serving medical uses. General Plan Policy LU 15.3 – Revitalization of Vacant and Underutilized Buildings calls for the rehabilitation and revitalization of distressed, underutilized, and vacant buildings to sustain economic vitality, activity, and provide income for City services. The proposed changes to the medical use regulations will more easily allow medical uses to be established in various commercial zones of the city, which provides greater business and investment opportunities for medical providers and commercial property owners, and may help revitalize vacant or distressed commercial office spaces.

**Section 5.** The City Council hereby amends Section 10-3-1620.1 of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1620.1: MEDICAL USES:

- A. Registered Medical Buildings. Registered medical buildings are buildings that received a certificate of occupancy from the city prior to February 11, 2011, and have received a medical registration letter issued by the Director of Community Development. Registered medical buildings may be used for medical uses provided that the amount of floor area occupied by medical uses does not exceed the amount of floor area occupied by legally permitted medical uses on February 11, 2011, as noted in the medical registration letter,

and provided that such medical uses comply with any applicable conditions and requirements, as outlined in the registration letter. In addition, notwithstanding section 10-3-4101 of this chapter, registered medical floor area may be relocated within the building provided that the total amount of floor area occupied by medical uses does not increase beyond the amount of floor area occupied by lawfully permitted medical uses on February 11, 2011.

1. In addition to subsection A above, registered medical buildings may add up to six thousand (6,000) square feet of medical floor area to the building by converting general office space to a medical use, even though the building is not located in a medical overlay zone, if all of the following conditions are met:

a. The building is located on property in one of the following commercial zones: C-3, C-3T-1, C-3T-2, C-3T-3, C-R-PD, C-R, C-3A, C-3B, or E-O-PD.

b. If the property is located in the pedestrian oriented area, as defined in section 10-3-1653 of this chapter, the community development director issues a minor accommodation pursuant to the provisions of article 36 of this chapter to authorize a medical use to occupy a space in a pedestrian oriented area provided that all other requirements of this section are met and the director makes all of the findings pursuant to subsection 10-3-1655A of this chapter.

c. The building contains one or more legal medical uses prior to application for either a building permit or minor accommodation pursuant to this section.

d. No new medical uses are located on the ground floor within the pedestrian oriented area. For development located outside of the pedestrian oriented area, no new medical uses are located within the first forty feet (40') measured from the front building facade, on the ground floor of any building with a depth of one hundred feet (100') or greater. For buildings with a depth of less than one hundred feet (100') and that are located on irregularly shaped lots, medical uses may be permitted in all or part of the first forty feet (40') upon a finding by the director of community development that: a) all other provisions of this subsection B have been met and b) the proposed expansion of medical use does not adversely impact surrounding development. Facades facing a "side street", as defined in section 10-3-100 of this chapter, shall not be considered a front building facade for purposes of this section.

e. Parking for the new medical use is provided pursuant to the requirements of section 10-3-2730 of this chapter or pursuant to a restriping permit issued before December 16, 2005.

f. No existing floor area may be removed, demolished or vacated to satisfy the parking requirements for a medical use.

g. The medical use complies with the restrictions of the zone or underlying zone.

h. The additional space shall not be occupied by a "specialty clinic" as defined in section 10-3-1604.5 of this article.

i. The building owner has submitted documentation in form and content satisfactory to the Director of Community Development that the proposed medical use meets the conditions of this subsection 1.

2. In order to implement the requirements of this section, no building owner shall utilize the provisions set forth in this section to relocate or expand medical uses unless the building owner has submitted documentation to the Director of Community Development, in form and content satisfactory to the Director, documenting the amount of floor area occupied by legally permitted medical uses on February 11, 2011. Such documentation shall be provided no later than August 11, 2011, or the provisions of this section shall not be available to the building owner. This date may be extended by the Director. Additionally, if the submitted documentation includes any false statements or misrepresentations, then the building owner shall not be able to utilize the provisions of this section.

B. Medical Use Overlay Zone. Buildings that received a certificate of occupancy from the city prior to February 11, 2011, may be used for medical uses if the building is located in the Medical Use Overlay Zone and the medical uses are approved as part of a planned development.

C. Legally Nonconforming Medical Uses. Notwithstanding the provisions of section 10-3-4101 of this chapter, a legal nonconforming medical use located in a building that has been damaged by a disaster to the extent of more than

fifty percent (50%) of its replacement value, may be reestablished without application of the Medical Use Overlay Zone, provided the reconstructed building complies with applicable zoning standards, including parking requirements, in place at the time a building permit is issued for the replacement building. In no event shall the amount of floor area occupied by nonconforming medical uses in the replacement building exceed the floor area that would have been permitted in the damaged building.

- D. The City Council may, by resolution, establish fees for reviews and approvals required by this section.
- E. Cosmetic Spas. Notwithstanding any other provision in this section, a cosmetic spa permitted pursuant to section 10-3-1620.2 of this article is not subject to the regulations of this section.
- F. Establishment of New Medical Uses: Notwithstanding any other provision in this section, existing commercial spaces that have received certificates of occupancy from the city may be converted to a medical use, and new medical uses may be established in new commercial buildings, upon meeting the following conditions:

- 1. No new medical uses may be located on the ground floor of a building.
- 2. No 'specialty clinic' uses, as defined in section 10-3-1604.5 of this article shall be permitted. However, ambulatory surgical care uses, as defined in section 10-3-100, shall only be permitted within 1 operating room

that has a maximum 10% of the total floor area of the overall medical suite floor area, but shall not preclude an operating room of up to 250 square feet.

- G. Review by the City Council. The provisions contained in section F above shall be reviewed approximately three years from their adoption with a report to City Council every year, in order to ensure that an increase in medical uses has not created unforeseen adverse impacts to commercial or residential properties and uses.”

**Section 6.** The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding the term “Ambulatory Surgical Care”, between “Alternative Parking Facility” and “Architectural Projections”, to read as follows, with all other definitions in the section remaining unchanged:

“AMBULATORY SURGICAL CARE: One or more surgical procedures performed by a licensed medical professional that do not require an overnight stay, and may be performed on an outpatient basis”.

**Section 7.** The City Council hereby amends the introductory sentence of Section 10-3-1620.2 of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code as follows, with all other provisions in Section 10-3-1620.2 (paragraphs A through C) remaining in effect without amendment:

“10-3-1620.2: COSMETIC SPAS:



Notwithstanding any other provision of this chapter, a cosmetic spa that does not comply with all of the provisions of section 10-3-1620.1, shall be permitted subject to the following conditions:"

**Section 8.** The City Council hereby amends Section 10-3-1601 of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-1601: USES PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone C-3 shall be used for any purpose other than the following:

Cabaret within the business triangle subject to the provisions of section 10-3-1620 of this chapter. For the purposes of this use, "business triangle" shall mean the area bounded by the centerline of Wilshire Boulevard, the centerline of Santa Monica Boulevard (south roadway), and the centerline of the alley between Canon Drive and Crescent Drive.

Cafe.

Carpenter shop.

Cinema or theater.

Conservatory.

Dancing academy.

Dressmaking or millinery store.

Exercise club.

Library.

Lunchroom.

Medical uses as defined in section 10-3-100 of this chapter that comply with section 10-3-1620.1 of this article and cosmetic spas that comply with section 10-3-1620.2 of this article.

Office.

Paint, paperhanger, or decorating shop or store.

Parking garage.

Photography gallery.

Plumbing shop.

Private training center of no more than three thousand (3,000) square feet of floor area in the business triangle and two thousand (2,000) square feet of floor area outside the business triangle.

Roofing or plastering store or office.

Shop for the conducting of wholesale or retail business.

Store.

Studio.

Tailor.

Upholsterer.

Any similar use.”

**Section 9.** The City Council hereby amends Section 10-3-1602 of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1602: BUILDING RESTRICTIONS:

No building, structure, or improvement shall be erected, constructed, established, altered, or enlarged in zone C-3 which is designed, arranged, or intended to be used or occupied, and no building now existing or hereafter to be constructed in zone C-3 shall be used or occupied for any purpose other than as:

Cafe.

Carpenter shops.

Church.

Clubhouse.

Commercial garages.

Conservatories.

Dancing academies.

Dressmaking or millinery shops or stores.

Hotel.

Library.

Lunchroom.

Medical uses as defined in section 10-3-100 of this chapter that comply with section 10-3-1620.1 of this article and cosmetic spas that comply with section 10-3-1620.2 of this article.

Offices.

Paint, paperhanger, and decorating stores.

Photographic galleries.

Places of amusement.

Playground.

Plumbing shops.

Roofing or plastering stores or offices.

School.

Store or shop for conducting wholesale or retail businesses.

Studios.

Tailors.

Upholsterers.

Other similar enterprises and institutions, except as in this chapter otherwise provided.”

**Section 10.** The City Council hereby amends Section 10-3-1603 of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1603: BUSINESSES EXCLUDED:

The following uses shall be prohibited in the C-3 Zone:

Adult hotels/motels and sexual encounter centers as defined in section 10-3-2771 of this chapter.

Automatic machine self-service type laundries containing more than five (5) machines of the usual household type or larger.

Car washes employing more than four (4) employees or involving machinery other than water treatment equipment as necessary to comply with local, State and Federal law, but excepting car washes that are conditionally permitted pursuant to car washes listed in section 10-3-1604 of this article.

Dyeing establishments.

Hospitals in which patients are permitted to remain overnight.

Machine laundries.

Public and private stables.

Rug cleaning establishments.

Sanatoriums in which patients are permitted to remain overnight.

Self-service laundries.

Sheet metal shops.

Steam laundries.

Undertaking establishments.”

**Section 11.** The City Council hereby amends Section 10-3-1701 of Article 17 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1701: USES PERMITTED:

No lot, premises, building or portion thereof in zone C-3A shall be used for any purpose other than as a:

Cafe.

Carpenter shop.

Cinema.

Conservatory.

Dancing academy.

Dressmaking or millinery store.

Exercise club.

Library.

Lunchroom.

Medical uses as defined in section 10-3-100 of this chapter that comply with section 10-3-1620.1 of this article and cosmetic spas that comply with section 10-3-1620.2 of this article.

Office.

Paint, paperhanger, and decorating shop or store.

Photograph gallery.

Plumbing shop.

Private training center of no more than two thousand (2,000) square feet of floor area.

Retail tailor.

Roofing or plastering store or office.

Store or shop for the conducting of wholesale or retail business.

Studio.

Theater.

Upholsterer.

Or similar use.”

**Section 12.** The City Council hereby repeals Section 10-3-1703 of Article 17 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code in its entirety.

**Section 13.** The City Council hereby repeals Section 10-3-1803 of Article 18 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code in its entirety.

**Section 14.** The City Council hereby amends subsection “B” of Section 10-3-2730 of Article 27 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code as follows, with all other provisions in Section 10-3-2730 remaining in effect without amendment:

“B. The aggregate amount of required parking space for each type of use shall be not less than the following:

Type Of Use	Required Spaces
1. Hotels	1 space per rentable room or unit
2. Theaters, auditoriums, and public assembly areas with fixed seats, including, but not limited to, churches and schools above the elementary level	1 space per 4 seats
3. Elementary schools and childcare uses other than family daycare homes	1 space per classroom
4. Public assembly areas without fixed seats	1 space per 28 square feet of such area
5. Eating and bar facilities located in the Business Triangle	1 space per 350 square feet of floor area
6. Eating and bar facilities located outside the Business Triangle that are less than 3,000 square feet	1 space per 350 square feet of floor area
7. Open air dining on public property and on privately owned portions of the Robertson Boulevard sidewalk	No additional parking required
8. Open air dining on private property	Parking shall be provided as required for indoor dining pursuant to this section except that the planning commission may establish parking requirements for open air dining areas that are different than those set forth in this section if the planning commission determines that the open air dining area will generate a need for parking different than the amount of parking required by this section or the planning commission



	determines that parking demand will be met by means other than those means specified in this section
9. Eating and bar facilities not governed by subsections B5 through B7 of this section	1 space per 350 square feet of floor area for the first 3,000 square feet of such area and 1 space per 100 square feet of floor area in excess of 3,000 square feet. However, 25 percent of the spaces required to be provided for a building or structure by subsections B1 and B10 of this section may also be applied toward the requirements of this subsection
10. Commercial uses not otherwise specified in this section	1 space per 350 square feet of floor area
11. Medical offices as defined in section 10-3-100 of this chapter, including all areas devoted to administrative or reception purposes	1 space per 350 square feet of floor area; provided buildings constructed before December 6, 1989, that received building permits before December 16, 2005, to restripe parking areas to increase the number of parking spaces and permit additional medical floor area in the building, shall maintain on site free validated valet parking for all medical patrons and maintain posted signage in the parking garage and in or adjacent to all medical offices indicating the availability of free validated valet parking for medical office patrons as required by the zoning code at the time such projects were permitted. Any building area converted to medical use on or after December 16, 2005, which relies on a valid restripe permit shall also comply with the above requirements.
12. Manufacturing uses	1 space per 500 square feet of floor area
13. Warehouse uses	1 space per 1,500 square feet of floor area
14. Exercise club	1 space per 100 square feet of floor area
15. Private training centers	For private training centers located in the Business Triangle: 1 space per 350 square feet of floor area for private training centers with up to 3,000 square feet of floor area. 1 space per 200 square feet of floor area beyond 3,000 square feet. For private training centers located outside the Business Triangle: 1 space per 200 square feet of floor area. For all private training centers: Provided, however, that if a private training center of more than 3,000 square feet of floor area is located in a building which has at least 1 parking space per 350 square feet of floor area, then the planning commission, as part of the issuance of a conditional use permit, may reduce the amount of required parking for a private training center to an amount no less than 1 parking space per 350 square feet of floor area. The planning commission shall not, however,

	approve any reduction in the required parking unless the planning commission determines that such reduction will not unreasonably burden the parking supply of the building.
16. Medical laboratories as defined under section 10-3-100 of this chapter	1 space per 350 square feet of floor area. Buildings constructed on or after July 1, 1999, may provide parking for medical laboratory uses at a ratio that is less than 1 space per 200 square feet of floor area upon the granting of a minor accommodation pursuant to the minor accommodation requirements set forth in this subsection and provided the parking ratio for the building is at least 1 space per 350 square feet of floor area. Buildings constructed before July 1, 1999, which have an existing parking ratio that satisfies the city's parking requirements in effect on February 21, 1961, may satisfy the 1 space per 200 square feet of floor area requirement for any new medical laboratory use by any combination of tandem and compact spaces and restriping provided an on-site parking attendant is present at all times during which access to the site is permitted. Any building constructed before July 1, 1999, which has an existing parking ratio that satisfies the city's parking requirements in effect on February 21, 1961, but cannot satisfy the 1 space per 200 square feet of floor area requirement as provided by this subsection may convert commercial space to medical laboratory space upon the granting of a minor accommodation pursuant to the minor accommodation requirements set forth in this subsection.
a. Minor Accommodation:	<p>Where specified reduced parking for medical laboratory uses may be authorized under this subsection through the granting of a minor accommodation, the director of planning and community development may, pursuant to the provisions of article 36 of this chapter, permit such reduced parking provided the director of planning and community development finds that the number of parking spaces in the building has been maximized to the extent feasible and that the proposed reduction in parking will not have a significant adverse effect on traffic and parking in the area due to any of the following:</p> <p>(1) The size or configuration of the building or portion thereof housing the proposed medical laboratory;</p>

	<p>(2) The number and size of the loading areas on the site;</p> <p>(3) The nature and number of deliveries for the proposed medical laboratory;</p> <p>(4) The proximity of the proposed medical laboratory to schools and parks;</p> <p>(5) The proximity of the proposed medical laboratory to neighboring residential areas;</p> <p>(6) The existing concentration of other commercial operations in the vicinity of the proposed medical laboratory;</p> <p>(7) The hours of the operation for the proposed medical laboratory</p>
b. General Prohibition:	<p>Notwithstanding any of the provisions of this subsection B16, under no circumstances shall a building located within 100 feet of a public school or active park be permitted to provide parking at a ratio of less than 1 regular stall size space per 200 square feet of floor area. The Business Triangle area is defined for purposes of this code section as: the area bounded by the centerline of Santa Monica Boulevard North Roadway, the centerline of Crescent Drive, the centerline of Wilshire Boulevard west of Beverly Drive, and the first lot line north of Wilshire Boulevard for that area east of Beverly Drive.”</p>


**Section 15.** 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 16.** 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

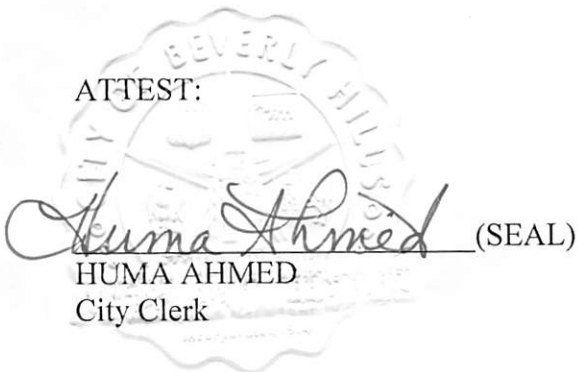

(15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 17.** 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: September 20, 2022  
Effective: October 21, 2022

  
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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:

  
\_\_\_\_\_  
GEORGE CHAVEZ  
City Manager