



CHANGE OUT OF EXISTING LEGALLY NON CONFORMING AIR CONDITIONERS

Screening existing legally non conforming roof equipment:

New installations of roof mounted air conditioning/mechanical systems including new buildings, additions and remodels must be screened from view.

Existing roof mounted air conditioners that are being replaced in the same location with comparable equipment will not require screening. The building inspector will verify the pre-existing condition and that the equipment is in compliance with the noise ordinance or that the new equipment produces less noise than the old equipment. If the inspector will not be able to verify the pre-existing condition by observing existing gas/electrical/refrigerant/duct connections or if a sound test of the existing equipment is desired, a pre-inspection will be required (a pre-inspection fee of \$172.20 will be required).

As the noise ordinance (see below) is a public welfare code as opposed to a construction code an air conditioner can be cited for a noise ordinance violation whether brand new or 20 years old. The installer must be prepared to provide full noise ordinance compliance if Code Enforcement receives a legitimate complaint.

Replacing existing legally non conforming air conditioning in a required side yard:

New installations of air conditioning/mechanical systems including new buildings, additions and remodels must comply with current setback standards.

Existing air conditioners that are being replaced in the same location with comparable equipment may maintain the existing encroachment into the required side setback. The building inspector will verify the pre-existing condition and that the equipment is in compliance with the noise ordinance or that the new equipment produces less noise than the old equipment. If the inspector will not be able to verify the pre-existing condition by observing existing gas/electrical/refrigerant/duct connections or if a sound test of the existing equipment is desired, a pre-inspection will be required (a pre-inspection fee of \$172.20 will be required).

As the noise ordinance (see below) is a public welfare code as opposed to a construction code an air conditioner can be cited for a noise ordinance violation whether brand new or 20 years old. The installer must be prepared to provide full noise ordinance compliance if Code Enforcement receives a legitimate complaint.

APPLICABLE CODES

Equipment Screening:

Beverly Hills Municipal Code 9-1-202: AMENDMENTS TO CALIFORNIA BUILDING CODE: Section 1509.6.1 Equipment Enclosures. Operating equipment, including associated ducting, located on the roof of a building shall be enclosed so as to be shielded from view in a horizontal plane or lower and so as to comply with the noise abatement provisions of chapter 1 of title 5 of the

Beverly Hills municipal code. The enclosure finish shall match that of the building exterior walls. Enclosures on buildings with non-residential uses shall be of non-combustible, opaque material.

Sound Ordinance:

Beverly Hills Municipal Code 5-1-202: MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING: It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (all pass). (1962 Code § 4-8.206)