

Appendix B: Potential Constraints on Housing Production and Conservation

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Several factors can limit production or conservation of housing. These factors include potential, market-driven or governmental influences that could affect the market’s ability to meet the community’s future housing needs, especially in regard to adequate and affordable housing for very low-, low-, and moderate-income households. This “Potential Constraints on Housing Production and Conservation” section includes discussion of market constraints, governmental constraints, environmental and infrastructure constraints, and City efforts to limit potential constraints and to encourage the development and conservation of a variety of housing types.

A. Market Constraints

State law defines nongovernmental constraints as “market factors which may hinder the development, improvement, and maintenance of housing.” Market factors can constrain production of a variety of housing forms which can have a negative effect on the availability and affordability of housing and supportive services, thereby potentially reducing the City’s ability to achieve its housing objectives.

This section describes market factors that constrain housing production, including:

- Economic factors,
- Construction costs,
- Cost of acquiring land, and
- Availability of financing.

Given that these factors are market-driven, they are outside of the direct control of the City; however, through programs and policies, the City of Beverly Hills has the ability to influence and offset limiting some market factors and thereby increase production of affordable housing.

1. Construction Costs

Construction factors such as the type of construction, custom versus tract development, materials, site conditions, finishing details, amenities, square footage, and structural configuration can increase the cost of housing. In general, multi-family housing is less expensive to construct than single-family housing. However, construction costs vary significantly, depending on the size of the unit and the number and quality of amenities offered. This includes items such as fountains, swimming pools, underground parking, gyms, and other less obvious decisions based on the type of flooring, types of appliances, light fixtures, and quality of cabinetry and woodwork.

A major cost associated with the development of housing is the cost of building materials, which has risen dramatically in recent years. According to the U.S. Department of Labor *Construction Cost Trends for 2013*, the overall cost of construction materials rose from approximately \$178 to \$205 per square foot between 2006-2012, reflecting a 15 percent increase in materials costs. The increase in construction costs is slowing, but was up 2-2.5% in the first half of 2012, with labor cost increases above that of materials (2.5% labor compared to 1.5% material cost increases).¹

¹ www.dcd.com/pdf_files/1301trends.pdf

Though construction costs comprise a large portion of the total development cost of a project, these costs are fairly consistent throughout the county and therefore would not constitute an actual constraint on housing production in Beverly Hills.

2. The Cost and Availability of Land

Land costs include the cost of raw land, site improvements, and all costs associated with obtaining government approvals. Land costs typically account for a large share of the total housing production costs. All other things being equal, very high land costs may make housing development infeasible unless expected rents or sales prices are high enough to recuperate the additional land costs. In Beverly Hills one of the primary market constraints to producing affordable housing is land cost. This is directly attributable to the City's desirable location and limited availability of vacant and developable land for residential development. Review of property acquisition costs for multi-family projects either recently entitled or currently going through the entitlement process indicate land costs ranging from \$55 to \$190 per square foot, with land costs for Wilshire Boulevard properties exceeding \$1,000 per square foot.

3. The Cost and Availability of Financing

Historically, communities have experienced a pattern where households seeking to finance the purchase of a home have had more difficulty in lower-income neighborhoods. The Community Reinvestment Act was passed in 1977 in an effort to address this issue. In tandem with the Home Mortgage Disclosure Act (HMDA), lending institutions are required to make annual public disclosures of their home mortgage lending activity. This applies to all loan applications for home purchases, improvements, and refinancing, whether financed at market rate or with government assistance. The most current HMDA available data for Beverly Hills is for 2011.

As shown in Table B-1 (Disposition of Home Purchase Loans and Home Improvement Loans in Beverly Hills and Los Angeles County, 2011), mortgage financing and improvement financing is generally available to homebuyers in Beverly Hills and is not considered a constraint. The annual HMDA report for 2011 indicates that 312 home purchase loan applications and 61 home improvement applications were submitted for homes in Beverly Hills, with 62 percent of both loan types approved by the lenders. In comparison with Los Angeles County, mortgage loan denial rates were comparable at 15 percent. For home improvement loans, loan denial rates of seven percent in Beverly Hills were well below the countywide average of 28 percent. Review of mortgage loan denial rates by Beverly Hills' six census tracts does not identify any

tract with denial rates ten points or above the 15 percent citywide average.

Table B-1 Disposition of Home Purchase and Home Improvement Loans Beverly Hills and Los Angeles County, 2011								
Jurisdiction	Home Purchase Loans				Home Improvement Loans			
	Applied	% Approved	% Denied	% Withdrawn/ Incomplete	Applied	% Approved	% Denied	% Withdrawn/ Incomplete
Beverly Hills	312	62%	15%	23%	61	62%	7%	31%
Los Angeles County	54,482	71%	15%	14%	11,220	54%	28%	17%

SOURCE: Federal Institutions Examination Council (FFIEC) 2011 (accessed 05/15/13)
Approved loans include loans originated and applications approved but not accepted.

B. Governmental Constraints

Local government can affect the production of housing in a variety of ways through its police powers as generally expressed in its land use and development regulations. Some commonly used practices include limiting the land designated for residential development and/or the densities at which that development can occur, imposing fees or exactions, and requiring review periods prior to approval of a project. Local land use regulations can also help to define residential character and facilitate housing production.

It is important to recognize that the goal of producing housing may at times conflict with other City goals, such as the desire to provide open space and recreation facilities, the desire to protect environmental features and historic resources, and the desire to ensure the health and safety of residents by maintaining the current level of community services and infrastructure. This section evaluates the extent to which government regulation in Beverly Hills acts as a constraint to the production, maintenance, or improvement of housing for all income groups, and whether such constraints would prevent the City from achieving its assigned share of the regional housing need.

1. Land Use Controls and Zoning Standards

The Beverly Hills General Plan establishes maximum residential densities throughout the community based upon the availability of public services, circulation capacities, and the desire to maintain the character of existing neighborhoods. The City has three single-family land use districts, ranging in density from one to six units per acre, and five multi-family districts, accommodating densities from 22 up to 50 units per acre. As indicated in Table B-2 (General Plan Land Use Categories for Residential Areas), the General Plan also designates three areas for Planned Development, providing greater flexibility by regulating development density/intensity through floor area ratios (FAR) rather than units per acre. Specific Plans have been adopted for each of the three Planned Developments.

Table B-2 General Plan Land Use Categories for Residential Areas			
Category		Uses	Density/ Intensity
Residential Land Use Designations (General Plan)			
Single Family	Low	Single-family detached dwelling units on a single legal lot; with second units in accordance with state law.	1 du/ac
	Medium	Single family detached dwelling units on a single legal lot; with second units in accordance with state law.	4 du/ac
	High	Single family detached dwelling units on a single legal lot; with second units in accordance with state law.	6 du/ac
Multi family	Very Low	Multi-family residential development containing attached or detached residential units.	22 du/ac
	Low	Multi-family residential development containing attached or detached residential units.	40 du/ac
	Low-Medium	Multi-family residential development containing attached or detached residential units.	40 du/ac
	Medium	Multi-family residential development containing attached or detached residential units.	45 du/ac
	High	Multi-family residential development containing attached or detached residential units.	50 du/ac
Planned Development			
	Robinsons-May	Residential, with supporting retail and services	31 du/ac : 2.6 FAR
	Hilton	Hotel, with residences, retail and supporting restaurant and commercial	2.5 FAR
	Beverly Hills Garden/Montage	Hotel, with residential, retail and supporting restaurant and commercial, and public plaza	

a. Incentives specified in Table LU 1 for additional development density and height exceeding existing baseline standards, as indicated by an asterisk (*), shall not be applied "by right" and considered only in very limited and special circumstances for the specific purpose of accommodating "key industries" that provide substantial community benefit, including, but not limited to: (a) support and enhance Beverly Hills key business sectors (such as entertainment Class-A offices, high-end retail, hotel, technology, and comparable uses); (b) provide high-paying employment opportunities; (c) contribute significant revenue for City services; (d) exhibit a high level of architectural design excellence; and (e) are scaled and massed to complement and "fit" with adjoining residential neighborhoods. Criteria shall be established in the Municipal Code for the types of uses that qualify and the process to be used in considering additional density and height, which, at a minimum, shall require public comments regarding their appropriateness. Developer obligations and community benefits shall be confirmed by a Development Agreement with the City.

Zoning is an implementation tool that establishes districts to control the physical development of land consistent with the General Plan. Zoning regulations identify land uses and activities that are permitted, prohibited, or are permitted only with a conditional use permit or other discretionary permit within the zoning designations. In addition to permitted uses, zoning establishes development standards relating to intensity, lot coverage, setbacks, and height requirements. As shown in Table B-3 (Zoning Designations), Beverly Hills has seven single-family and five multi-family residential zoning designations, with 86-percent of all land devoted to residential uses.

Table B-3 Zoning Designations			
Zoning	Parcels	Acres	Percent of City's Land Area
Single-Family Residential			76.84
R-1	1373	492.7	17.64
R-1.5X	451	76.3	2.73
R-1.5X2	359	49.0	1.76
R-1.6X	451	62.6	2.24
R-1.7X	162	21.5	0.77
R-1.8X	426	70.8	2.54
R-1.X	2,968	1,372.8	49.16
Multiple Family Residential			9.20
R-3	6	1.0	0.04
R-4	1,410	222.9	7.98
R-4-P	10	1.0	0.04
R-4X1	116	18.0	0.65
R-4X2	79	14.0	0.50
Commercial			8.37
Other (Parks, Public Facilities, etc...)			5.59
<i>Total</i>		<i>2,792.2</i>	<i>100%</i>

SOURCE: General Plan Technical Background Report, October, 2005

The City's zoning regulations establish standards for residential development including minimum lot sizes, density (based on amount of site area) unit size, height, setback and parking standards, as well as additional standards related to hillside areas. The City's residential development standards are presented in the following tables:

- Table B-4 (City of Beverly Hills Residential Zoning Requirements—Single Family)
- Table B-5 (City of Beverly Hills Residential Zoning Requirements—Multiple Family)
- Table B-6 (Site Area Standards).

In general, rehabilitation or reconstruction of older units does not require conformance with current zoning standards unless over 50% of the value of the structure is involved or over 50% of the structure is being reconstructed. In order to address the potential loss of units on properties developed with more units than are currently permitted under zoning, the City is currently considering allowing the same number of units to be rebuilt as currently exist as part of Program 12.2 in the adopted Housing Element.

Single-Family Development Standards

The City has development standards that apply to all single-family housing in the community and those that are unique to three different single family areas of the City:

- Hillside Area and Trousdale: (north of Sunset Boulevard)
- Central Area of the City, north of Santa Monica (north of Blvd., below Sunset Boulevard)
- Central Area of the City, south of Santa Monica (all areas south of North Santa Monica Boulevard)

Single-family dwellings must be a minimum of 1,600 square feet in size. There is no maximum size per se for single-family dwellings. Maximum size is a function of the lot size, setback, height limit, size of buildable pad, etc. Projects in excess of 1,500 square feet plus 40 percent of lot size (or over 15,000 square feet in the Hillside Area) must be first reviewed by the Planning Commission, which has the authority to establish a maximum size. The maximum floor area is further regulated in the Hillside Area by the topography and buildable area.

The maximum allowable height for single-family homes varies from 14 to 32 feet depending on the location, slope, roof style and other conditions. These standards are further identified in Table B-4.

Table B-4 City of Beverly Hills Residential Zoning Requirements—Single Family				
	Central, North of Santa Monica	Central, South of Santa Monica	Hillside	Trousdale
Minimum Site Area (sf)	1,600 sf	1,600 sf	1,600 sf	1,600 sf
Density Range (units/acre)	3.4 du/acre	5.8 du/acre	1.0 du/acre	
Minimum lot Size	13,000 sf	7,500 sf	43,560 sf	None: FAR limited to 1,500 sf plus 40% of site area
Minimum Front Yard Setback	As established in the records for each property		As established in the records for each property	15 ft.
Minimum Side Yard Setback	Min. 7 to 6 ft. on each side; for lots wider than 70 ft. the sum is 15 ft. plus 30% of lot wide in excess of 70 ft.	5 feet on each side; one side shall be 9 ft. for first 38 ft. behind front setback line <i>South of Olympic Blvd. west of Roxbury Dr.:</i> 5 ft. on each side: sum min. 20% of lot width <i>South of Olympic Blvd. east of Doheny Dr.:</i> 5 feet on each side	10 ft. or 12% of the lot width for each setback	5 ft. Exception: For buildings on sites consisting of two or more lots as subdivided on July 3, 1984, side setback shall be 20 ft. If width of a site area exceeds one hundred 100 ft., then the side setback shall be increased by 10% of the width in excess of 100 ft.
Minimum Rear Yard Setback	30% of lot depth minus 9 ft.		15% of the lot depth or 20 ft., whichever is greater	10 ft.
Height Limit (dwellings)	28 ft.	Sloped roof: 30 ft. Flat roof: 25 ft.	26 ft.	14 ft.
Lot width and depth	Maximum width and depth shall not exceed the average depth of the lots in the same block			—

SOURCE: City of Beverly Hills May 2013.

- a. If no record, the distance between the front lot line and the closest element of the existing primary residence; or the average of the front setbacks of the other site areas on the same side of the street in the same block.
- b. Doheny Drive and Olympic Boulevard: Lots located easterly of Doheny Drive and southerly of Olympic Boulevard; a maximum of four hundred fifty (450) sf of floor area of the principal residential building may encroach into the rear yard provided that a 10' rear setback is provided.
- c. A structure may exceed this height if the structure is constructed within a height envelope that begins at 22' in height at the front setback line and increases toward the rear of the site at a 33° slope to a maximum height of 30'.

Multi-Family Development Standards

The number of dwelling units that may be constructed on any individual multi-family residential property is determined by applying a combination of standards to the specific site, summarized in Tables B-5, and B-6. The development standards for condominiums and rental apartments are the same. The City's multi-family development standards permit densities ranging from 26 units per acre to 48 units per acre.

Minimum front and rear yard setbacks are generally 15 feet although there are site-specific exceptions. Minimum side yard setbacks are calculated at a rate of 5 feet for a one-story structure with increments of two additional feet for each additional story or 12 feet in height of the structure. No structure may exceed 175 feet in width. A minimum of 200 square feet of outdoor living area is required for each unit, and 36 square feet of this outdoor living area must be contiguous to, and for the private use of, each unit.

Dwelling Unit Size

The City of Beverly Hills Zoning Code currently requires the following minimum individual dwelling unit sizes:

- 0 Bedroom: 600 square feet
- 1 Bedroom: 1,000 square feet
- 2 Bedrooms: 1,300 square feet
- 3 or more Bedrooms: 1,500 square feet

These minimum unit sizes can act to limit the achievable densities to less than that otherwise permitted under zoning. As a means of better facilitating the provision of smaller, and more affordable units, the City is in the process of implementing a program in the adopted Housing Element (Imp 12.2) to decrease the minimum unit size for projects with affordable units that utilize the State Density Bonus. This is an initial step towards considering potentially reducing the minimum unit size for all multi-family units in the City. The City already provides for reduced dwelling unit sizes for senior and disabled housing, and for adaptive reuse of existing buildings.

Table B-5 City of Beverly Hills Residential Zoning Requirements—Multiple Family					
	R-3 ^b	R-4 ^b	R-4X-1 ^c	R4X-2 ^c	R-4P4
Minimum Front Setback ^a	As established in the records for each site area. If not shown, than 15 ft. ^b				
Minimum Side Yard Setback	<p>Three stories or less or 33 feet or less: sum of side setback from the two longest side lot lines must be at least 17 feet In addition, each side setback shall be at least 8 feet</p> <p>Four stories or 33 feet to 45 feet: sum of side setback from the two longest side lot lines must be at least 19 feet. In addition, each side setback shall be at least 8 feet</p> <p>More than four stories or greater than 45 feet: sum of side setback from the two longest side lot lines must be at least 23 feet In addition, each side setback shall be at least 9 feet</p>				
Modulation Requirement ^{c,d}	<p>Three stories or less: the area of modulation shall be 3 percent of the aggregate principal building or 1,500 sf</p> <p>Four stories: the area of modulation shall be 3.5 percent of the aggregate principal building or 1,500 sf</p> <p>Five stories: the area of modulation shall be 4 percent of the aggregate principal building or 1,500 sf</p>	<p>For lots that do not exceed 50 feet in width: The front façade shall be modulated so that a portion of the building are set back at least 5 feet from the front setback line.</p> <p>For lots that exceed 50 feet in width: The front façade shall be modulated so that a portion of the building are set back at least 10 feet from the front setback line.</p>			
Minimum Rear Yard Setback	15 feet from the rear lot line or 22½ feet from the centerline of the abutting alley, whichever is greater				
Height Limit (dwellings)	No building or structure located on a site that is less than or equal to sixty feet (60') in width shall exceed 3 stories or 33 in height. In addition, no building or structure shall exceed the relevant height limitation imposed by Height districts (refer to Table B-7)				
Minimum Unit Size	<p>0 Bedroom: 600 sf</p> <p>1 Bedroom: 1,000 sf</p> <p>2 Bedrooms: 1,300 sf</p> <p>3 or more Bedrooms: 1,500 sf</p> <p style="text-align: right;"><i>Note: These standards are reduced for senior and disabled housing.</i></p>				
Structure Width	Maximum of 175 feet				
Outdoor Living Area	Minimum of 200 sf of outdoor living each for each unit				

- a. Large scale multi-family developments (width of 100 feet or more) shall have a minimum of 60% and maximum of 70% of the front façade of the first two stories built back to the front setback line.
- b. Exceptions are properties previously zoned R1.5: Notwithstanding any other provision, the front sent back is 15 feet.
- c. A reduction of the modulation requirement may be permitted if the development does not adversely impact on the scale and massing of the streetscape.
- d. Large scale multi-family developments (width of 100 feet or more) must provide an additional area of front modulation based on the following formula: Area of Modulation= Width of the principle buildable area x 5 feet x the number of stories.

Maximum Zoning Unit Density / Site Area Standards

Each area zoned for multi-family residential use is subject to one of three possible minimum site area requirements for each dwelling unit, depending on the number of contiguous lots comprising the site, the proximity of the block to single-family zoned areas, and the street width (referred to as “conditions”). The City’s standards provide increased densities for parcel assembly, thereby reducing the number of driveway curb cuts, decreasing the cost of parking by increasing the number of parking spaces possible on each subterranean level and decreasing the percentage of garage area devoted to ramps and aisles. The standards are listed in Table B-6 (Site Area Standards).

Table B-6 Maximum Zoning Unit Density / Site Area Standards²			
Condition (this is not height district)	Number of Lots on Site (assuming a lot width along the street of up to 60-feet)	Minimum Site Area per Unit	Resulting Density (units/acre)
A	1	1,700 sf	26
	2	1,450 sf	30
	3	1,200 sf.	36
B	1	1,500 sf	29
	2	1,200 sf.	36
	3	1,000 sf	44
C	1	1,300 sf.	34
	2	1,100 sf	40
	3	900 sf	48

The City’s Zoning Code further refines the unit densities allowable in the General Plan. The intention of this refinement is to provide decreased densities near single-family residences and on smaller width streets. Conditions A, B, and C, as included in the chart above are used to refine the allowable General Plan density. These conditions are defined as follows:

- Condition A: All multiple-family properties within 170 feet of a single-family property.
- Condition B: All multiple-family properties on streets less than 34-feet wide.
- Condition C: All other multiple-family properties which do not meet the previous two criteria.

² An exception of these site area requirements is a small R-3 zoned area on North Doheny Drive where a minimum of 1,700 square feet of site area is required for each additional unit.

Zoning Unit Density – Bonus Unit

In order to encourage the provision of smaller, more affordable units, the City's development standards allow one additional efficiency unit (no bedroom) per project above the maximum densities defined in Table B-6. The City has developed and distributed outreach materials that highlight the bonus unit development standards. This information is also provided on the City website and was discussed at the initial partnership meeting with affordable housing developers held in February 2013. The City will continue to encourage the development of efficiency bonus units and promote the availability of the efficiency unit bonus in its housing resources brochure.

Height Limits

No building or structure located on a site that is less than or equal to 60 feet in width may be more than three stories or 33 feet in height.

In addition, there are maximum heights for multi-family development depending on the designated Height District. Maximum heights are the lesser of the indicated number of stories or height in feet:

Table B-7 Building Height Districts with Maximum Buildings Height (to Ceiling Plate)[^]

- District A: Three stories, and 33 feet
- District B: Four stories, and 45 feet
- District C: Five stories, and 55 feet

[^] All properties with less than 60 feet of width along the street are limited to three stories and 33 feet in height regardless of district.

The Building Height Districts are located in the City's Zoning Code and modify the maximum height allowances given in the City's General Plan. District A, which allows three stories and 33 feet in height, is located adjacent to single family residential properties and is intended as a graduated buffer between the maximum height allowed in the single family districts (two stories and 30 feet for a pitched roof, 25 feet for a flat roof) and the heights in District B and District C. District B is an intermediary buffer, providing greater height than is allowed in District A, but not as much height as allowed in District C. The City's multiple-family height districts are not related to the City's zoning unit density conditions. Unit density is calculated by the City zoning unit density conditions (10-3-2801). The height districts are defined in the City's Zoning Code (10-3-2804) and identified on the City's Multi-Family Height District Map.

The City is currently considering modifying the height district standards to allow Density Bonus projects on properties with

narrower lot widths along the street to be constructed to the heights and number of stories allowable in the height district as part of Program 12.2 in the adopted Housing Element. This could encourage the provision of affordable units and is a first step towards potentially increasing the allowable height for all projects on properties with narrower lot widths.

Deviations from Multi-Family Development Standards

The City has established an “R-4 Permit” to accommodate projects that deviate from the basic development standards within specified criteria. The R-4 permit allows for modifications to building height, length, setbacks and articulation, depth of garages that encroach into the front yard setback, and permitted paving in the front yard.

The R-4 permit also allows for “bonus units” to be developed above existing carports or garages where the rear property line abuts an alley. One-bedroom units ranging between 400 to 999 square feet in size are permitted, with heights of up to 28 feet, or the height of the principal building. The bonus unit provision is advertised in the City’s “Affordable Housing Incentives” brochure that was created as part of prior Housing Element implementation. The City will continue to provide information regarding these units to the public. During the last RHNA period, four property owners built bonus units above garages on multi-family properties.

Parking Requirements

The number of parking spaces required per dwelling unit is dependent upon the type of residential use, number of bedrooms, and for single-family dwellings, location in the community. Table B-8 (Residential Parking Requirements) presents the required parking spaces necessary for residential development.

Table B-8 Residential Parking Requirements		
Use Type	Required Parking Spaces	Covered Spaces
Single-Family Central Area		
No more than 4 Bedrooms	2	None
5 Bedrooms	3	
6 or more Bedrooms	4	
Single-Family Hillside Area		
<6,000 sq ^e	4	2
>6,000 sq ^e	3	2
Single-Family Trousdale Estates		
No more than 4 Bedrooms	2	None
5 Bedrooms	3	
6 or more Bedrooms	4	
Multiple-Family^{a,b}		
Efficiency Unit (<1,000 sf)	1	None
1 Bedroom	2	
2 Bedrooms	2.5	
3 Bedrooms	3	
4 Bedrooms	3	
5 or more Bedrooms	4	
Congregate Housing for Elderly and Disabled	Studio or 1bdm – 1 space 2 bdrm - 1½ space (May be reduced to 1/2 a space per unit)	
Multi-family Housing for Elderly and Disabled (Affordable)	1 space per unit (May be reduced to 4/10 th of a space per unit)	

SOURCE: City of Beverly Hills, Municipal Code, December 2006.

a One guest space for each four units.

b Up to 20% of parking spaces may be tandem. The Planning Commission may increase the percentage of tandem parking spaces as part of an application for an R-4 permit.

The City requires multi-family housing to provide structured parking and to screen all parking spaces from view of public streets. These requirements have resulted in most multi-family projects providing subterranean parking. The City is currently evaluating revisions to its standards to allow greater flexibility in the type and location of multi-family parking as part of Program 12.2 in the adopted Housing Element in order to reduce development costs.

Cumulative Impact of Development Standards

As a means of assessing the cumulative impact of the City's development standards on achievable densities, the City reviewed multi-family projects built in the R-4 zone over the past several years. Table B-9 below summarizes the characteristics of five multi-family projects, and compares the maximum densities permitted under the General Plan, and zoning code, with the actual built project.

Table B-9 Comparison of Actual R-4 Units Built to the Allowable Densities in the General Plan, and Zoning Code (2010-2011 Projects)

<i>Number of Units Built as % of:</i>										
Date	Project APN(s)	Number of Lots	Parcel Size (Acres)	Max. Units (Gen. Plan)	Max Unit [^] (Zoning)	Units Demo'd	Units Built	Built Density	Gen. Plan Density	Zoning Code Density
<i>Multi-Family Residential – High Density (50 Units/ Acre)</i>										
2010	4342036088 to 4342036107	3	0.40	20	20	3	20	50 du/acre	100%	100%
2010	4342033040 to 4342033052	2	0.30	15	13	8	13	43 du/acre	87%	100%
2011	4334021090 to 4334021102	2	0.30	15	13	1	13	43 du/acre	87%	100%
<i>Multi-Family Residential – Medium Density (45 Units/ Acre)</i>										
2010	4335029161 4335029162 4335029163	1	0.10	4	3	2	3	30 du/acre	75%	100%
2011	4331023062 to 4331023072	2	0.28	12	11	8	11	39 du/acre	92%	100%

[^] Maximum Units allowable on the site takes into account height district limits, zoning unit density calculation, required setbacks, and building modulation requirements.

Table B-9 illustrates that multi-family buildings constructed in 2010 and 2011 typically were built to at least 85-percent of the maximum zoning code density. In addition, the table above illustrates how the City's zoning density incentive for assemblage of properties incentivizes greater unit density. The five R-4 projects presented also illustrate the feasibility of developing on small parcels (< .5 acres).

2. Historic Preservation Program

In 2012 the City established a Historic Preservation program to maintain and preserve its unique heritage and neighborhoods. The program was established to preserve specific properties that demonstrate the unique cultural, architectural and historic sense of

Beverly Hills, and is not intended to be applied to entire neighborhoods or large portions of the City. Examples of listed properties follow below.

The program outlines procedures and criteria for landmark and historic district designation, and establishes penalties for unauthorized demolition or alteration of historic resources. The Ordinance only allows the City Council and Cultural Heritage Commission to nominate properties as potential landmarks and historic districts. In order to form a historic district, 70% or more of the properties within the potential district boundaries must qualify as contributors and 50% of the property owners must support the district's formation.

Since the inception of the Historic Preservation Program, the City has established a Cultural Heritage Commission and compiled a Master Architect List of notable individuals who have designed buildings in the City. The City has also designated several buildings as local landmarks, including:

- Beverly Hills Hotel
- Virginia Robinson Estate and Garden
- Beverly Hills Women's Club
- Greystone Mansion
- Beverly Hills Post Office
- Anderton Court
- Karasik House
- The Witch's House
- Waverly Mansion
- Hilton Office Building
- Locke House
- Fox Wilshire – Saban Theatre
- Beverly Hills City Hall

The City is currently completing a comprehensive historic survey of all properties, including multi-family properties. Once the historic survey has been completed the City will have a list of all potentially historic properties. The next step will be to determine which of these properties might merit placement on an inventory and further consideration as a landmark. The City is also in the process of establishing a Mills Act Program to provide property tax incentives for preservation.

Because the historic preservation program was recently established, and a comprehensive survey of all properties in the City

has not yet been completed, it is difficult to assess exactly how it will impact housing development potential. However, as previously stated, the purpose of the program is to protect historic and cultural resources that are especially unique and contribute to the cultural, historic and architectural sense of the City. For this reason, the City does not believe that the program will be a constraint to housing development. The City will continue to monitor the program as it develops and has included Imp. 9.4 in the Element.

3. Development Review Process

All residential development is reviewed by City staff for zoning, building, and fire code compliance prior to issuance of construction permits.

Single-Family Housing Review Process

New single family homes that overpower the general local neighborhood scale "lot to house size" ratio ("mansionization") are a concern to the community. To address this issue, all single-family residential development located in the "Central Area of the City" (basically all areas below Sunset Blvd.) must be first reviewed and approved by the Director of the Community Development Department, or the Design Review Commission, based on whether the project complies with the City's published design guidelines.

Director Review (Track 1)

A proposed residential development is reviewed to determine whether it substantially adheres to an architectural style as outlined in the Single-family Design Review Catalogue. If the required review determines that the proposed development adheres to the architectural style within the catalogue, and meets all of the applicable development standards, the development may be granted a design review entitlement by the Director of Community Development without further design review.

Commission Review of Single Family Projects (Track 2)

Projects that do not comply with a style in the City's guidelines are reviewed by the Design Review Commission. The Design Review Commission reviews proposed single-family residential development and its impact on the streetscape by controlling the mansionization of the City's residential neighborhoods, which would degrade and depreciate the character, image, beauty, and reputation of the City's residential neighborhoods with adverse consequences for the quality of life of all residents. Design Review Commission decisions involve a noticed public hearing, and decisions are appealable to the Planning Commission and ultimately to the City Council.

Design Guidelines

The City provides guidelines to the public on what would constitute acceptable design. This City's design guidelines, titled the "Residential Design Style Catalog", are available for reviewing and download on the City's website. The catalogue includes the following housing design styles:

- American Colonial
- Rural European Revival
- Spanish Colonial
- Contemporary
- Period Revival

Other design styles can be considered if the design is architecturally true to textbook definitions.

Review Process

The City has a dedicated staff person who works with applicants on single-family related design. The City provides an application packet that includes a process flowchart and instructions for submitting a complete set of plans. Decisions made by City staff or the Design Review Commission are rarely appealed.

1. The first step in the process is for City staff to determine if the proposed project can be reviewed by the Director, or if it warrants review by the Design Review Commission.
2. Once a determination is made, the applicant is informed in writing and they are invited to submit either a "Track 1", or a "Track 2" application. Track 1 applications are reviewed by City staff and ultimately, the director. Track 2 applications are reviewed by the Design Review Commission.
3. Staff-level project reviews are typically processed within 30 days.
4. Commission reviewed projects are typically processed within 60 days.
5. The Design Commission review includes a public hearing. The Commission considers the following findings in their review:
 - a. The proposed development's design exhibits an internally compatible design scheme;
 - b. The proposed development's design appropriately minimizes the appearance of scale and mass and enhances the garden like quality of the city and appropriately maximizes the use of required open space within the proposed architectural style;
 - c. The proposed development will enhance the appearance of the neighborhood;

- d. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and
- e. The proposed development respects prevailing site design patterns, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new.

Multi-Family Housing Review Process

Development Plan Review Entitlement Required

All multi-family residential projects are subject to the City's Development Plan Review (DPR) process. Projects with five or more units are reviewed by the Planning Commission; projects with four or fewer units are reviewed at the staff-level. Development Plan Review involves evaluating the proposed development for General Plan consistency and compatibility to the area in which the development is proposed to be located. The review focuses on site plan, building layout, and building amenities. Use of multi-family properties are considered to be for multi-family residential purposes and therefore, use is not part of the review.

Other Entitlements that May Be Required

In addition to the Development Plan Review requirements, if a building does not meet all of the basic R-4 Zone standards, the applicant may apply for an R-4 permit. If the deviation from the basic standards meets specific criteria, an R-4 Permit allows for the reduction in development standards for setbacks, building height, articulation of the building façade, building length, depth of garages that encroach into the front yard setback and the amount of paving in the front yard. An R-4 permit is also required to allow residential units to be constructed above existing detached garages. The Planning Commission typically reviews the R-4 permit at the same time as the development plan and the tentative map.

Incentives for Development of Assisted Living or Independent Living for the Elderly or Disabled Housing

The City's municipal code allows for the development of senior and disabled housing anywhere housing is allowed in the City. In the City's multi-family districts, senior and disabled housing can be constructed at a unit density greater than would be allowed for other types of housing (up to 165 units/ acre), provided that the project obtains a conditional use permit and units are deed-restricted as affordable. In select areas of the City's multi-family districts, congregate care facilities for the elderly and persons with disabilities can also be constructed at unit densities greater than

would otherwise be allowed (up to 165 units/ acre) with a conditional use permit. Furthermore, the City's Code provides for significant reductions in parking and minimum unit sizes for senior and disabled housing.

Commission Review of Multi-Family Projects

Most multi-family residential and some single-family residential development require review by the Planning Commission. The Community Development Department offers a "one-step" process where the formal Planning Commission review application will be made through the City's Permit Center and routed to all applicable departments such as Fire and Engineering. A concept meeting is held with the applicant within 30 days from acceptance of a complete application. If there are no revisions to the plans, a hearing is scheduled before the Planning Commission.

Planning Commission Review

The Planning Commission reviews development plans for all multi-family projects with more than four units, second unit permits, condominium conversions, and all requests for modifications to the City's development standards. The Planning Commission review process involves a public hearing, findings, resolution, and covenant. Typically, projects move through the process, from initial submittal to approval in 90 days (30 days to determine if the application is complete, 60 days to process).

The findings used by the Planning Commission in the Development Plan Review process are:

- A. The proposed plan is consistent with the general plan and any specific plans adopted for the area.
- B. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

For those proposed plans to be located in the C-5 zone that are reviewed by the planning commission, the commission shall consider the factors set forth in section 10-3-2021 of this chapter as part of the commission's determination regarding whether a project will promote harmonious development of the area.

- C. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.
- D. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

- E. The proposed plan will not be detrimental to the public health, safety or general welfare.

The Planning Commission reviews the tract map and site plan, and confirms that the project conforms to the general plan and zoning code. This includes a review of vehicle flow and pedestrian access. In areas served by alleys, the Planning Commission encourages new projects to orient vehicle access off the alley to limit the number of vehicles crossing the sidewalk. The Planning Commission also encourages new projects to be designed with a main entrance facing the street to continue the existing pedestrian-orientation of buildings to the sidewalk.

The Planning Commission was established more than 50 years ago and the Commission's review is based on site planning and potential traffic generation. Potential uncertainty in the City's review process related to meeting the finding of "...[promoting] harmonious development of the area" is addressed through a focused review of site plan orientation and traffic generation, and a reliance on past precedence. The findings used by the Planning Commission to evaluate applications for development plan review entitlements have been in place since the early 1990's and constitute a substantial body of cases to reference in determining the appropriateness of future applications.

In addition, the City has six professionals dedicated to working with project applicants on zoning entitlement submittals. One of those professionals is dedicated to staffing the City's public counter and is a resource made available to assist applicants with zoning conformity and entitlement submittal requirements in advance of submitting a project.

Recently the City has established a development review taskforce to review and assure that development applications progress efficiently through the City's review processes. Part of the taskforce's oversight with focus on assurances in the development review process and will result in an expansion of the City's current system. The City's current system includes the dedicated public counter zoning professional, along with the five dedicated entitlement processing professionals, informational materials, and application submittal requirements. The current system will be evaluated annually in conjunction with the Annual Housing Element Report to HCD and any uncertainty in the development review process will be identified and procedures will be modified as needed to increase certainty (Imp. 12.4 Monitor the Development Review Process). This ensures that an applicant will be able to use the City's available informational resources, meet with public counter staff and entitlement case management staff, submit an application with all necessary supporting materials, and with

certainly be assured their project will proceed through the review process in an efficient manner.

As an additional streamlining effort the City will study the feasibility of implementing priority review of projects that include affordable housing units.

Architectural Commission Review

The Architectural Commission reviews the architectural qualities of all multi-family projects, and all commercial or mixed-use projects. The Architectural Commission's review focuses only on the outside of the building and the building's landscaping and includes a review of architectural features, final finishes and colors.

Typically, a project is scheduled for review by the Architectural Commission as soon as it is approved by the Planning Commission. From start to finish, the Architectural Commission's review takes a maximum of 60 days. The Commission's review includes a public hearing and approval is provided in a letter to the applicant.

The findings used by the Architectural Commission in the Architectural Review process are:

- A. The plan for the proposed building or structure is in conformity with good taste and good design and, in general, contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- B. The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable;
- C. The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value;
- D. The proposed building or structure is in harmony with the proposed developments on land in the general area, with the general plan for Beverly Hills, and with any precise plans adopted pursuant to the general plan; and
- E. The proposed development is in conformity with the standards of this code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

The Architectural Commission was established more than 50 years ago and over the course of its existence a methodology to objectively reviewing applications has been developed based on precedent. The process includes the following:

The City has a planner and urban designer dedicated to working with project applicants on architectural submittals and the City takes measures to assure that applicants are informed of submittal requirements at the time the application is initially submitted to the City. The City keeps a collection of sample review materials, such as material boards and renderings. The City also awards projects annually which possess exemplary architecture and those awarded projects are photographed and made available to the public on the City's website. By reviewing the City's examples of exemplary architecture and submittal samples, and meeting with the City's dedicated planner a project applicant can be assured their project will proceed through the review process in an efficient manner.

Expedited Plan Check

At this time, the Planning Division does not provide an expedited review process for multi-family projects; however, plans are underway to establish an expedited review process for planning permits, provided that needed funds for staffing are available. The Building and Safety Division does provide an expedited plan check option which can reduce plan check times from six to three weeks.

4. Environmental Review Process

Residential projects developed consistent with the General Plan and Zoning Code in most cases are categorically exempt from environmental review. Only when the new project would demolish a building determined to be of historic significance would additional environmental review be performed (additional environmental review would also be required in some instances for projects that disrupt natural habitats; however, Beverly Hills is located in a dense urbanized area and there is very little to no natural habitat remaining the city which would warrant additional review).

Typical timeframes for the environmental review is as follows:

Table B-10 Environmental Review – Processing Times	
Type of Review	Processing Time
Categorical Exemption	2 months
Negative Declaration/ Mitigated Negative Declaration	4 months
Environmental Impact Report	12 months

SOURCE: City of Beverly Hills, July 2010

5. Building Codes and Enforcement

Building Codes regulate the physical construction of dwellings and include plumbing, electrical, and mechanical divisions. The purpose of the Building Code and its enforcement is to protect the public from unsafe conditions associated with construction. The City of Beverly Hills enforces the California Building Code standards (Title 24) for existing units, new construction, and residential rehabilitation. State law affords local government some flexibility when adopting the uniform codes; the building codes can be amended based on geographical, topographical, or climate considerations. Further, state housing law provides that local building departments can authorize the use of materials and construction methods other than those specified in the uniform code if the proposed design is found to be satisfactory and the materials or methods are at least equivalent to that prescribed by the building codes.

The Beverly Hills City Council finds that certain changes and modifications are necessary in the adoption of the California Building Code because specific local conditions in the city involve climatic conditions which present severe fire hazards to buildings, structures and occupants because of the semiarid climate; the city's location which is partially in a hillside and mountainous area and partially on an alluvial plain; topographical conditions which create a hazard because of steep hillsides and the proximity of hills and canyons; and because of soil conditions in some areas which require testing prior to construction. Modifications to the Building Code are designed to meet the requirements of local needs, and can be summarized as follows:

- Re-adoption of current amendments to the State Building Code requiring additional seismic standards
- Amendments to the State's 2010 Green Building Standards Code (CALGreen) and the State's 2010 California Residential Code establishing a tiered set of requirements for new development

The City doesn't believe these amendments to the State building codes will affect the cost and supply of housing in the City for the following reasons:

- Past development activity (both entitlement and construction) has demonstrated sufficient interest and ability within the building industry to continue development of housing units at amounts desired by the State through the RHNA process.
- The City offers unit size and parking reductions, and unit density incentives for the development of senior and congregate housing projects. It is expected these incentives

should counter-balance additional project costs associated with meeting the City's added requirements. Additionally, the City is in the process of carrying out the following programs, to further incentivize the production of affordable housing:

- o 10.1 Density Bonus – modify the City's existing program to include specific waivers and incentives
- o 10.3 Housing Trust Fund – set aside money to be used in the development of affordable housing
- o 10.7 Partnerships with Affordable Housing Developers – increase the power of the City's investment in affordable housing by partnering with NGO's able to compete for other funding sources, such as affordable housing grants
- o 11.2 Senior Housing Development – further incentivize the development of affordable senior housing
- o 12.2 Adjust Development Standards – modify the City's multi-family development standards to incentivize a broader range of housing options
- o 12.3 Reduced Fees for Affordable Housing – provide additional incentives for affordable housing in the form of fee reductions

6. Fees

The City of Beverly Hills requires all new residential projects to go through a zoning review for entitlements, and a plan review for building permits. The Community Development Department oversees both review processes in coordination with the City's Public Works Department (Engineering, and Public Services).

Entitlement Processing Fees

The following charts identify the fees associated with the entitlement of a new housing project. Tables B-11 and B-12 include fees associated with multiple family projects. Table B-13 includes fees associated with single family projects. All fee information was provided by the Community Development Department in May 2013.

Multi-Family Housing Projects – Fees

Table B-11 Planning Fees for New Multi-Family Residential Projects	
Project Type/ Entitlement	Cost
New Apartment Projects	
Development Plan Review (10-3.2570) Commission-level (Planning Commission)	\$12,388.90
Architecture/ Landscape Plan Review (10-3.3016) Commission-level (Architectural Commission)	\$4,764.20
Environmental Review	\$278.40
Covenant Processing (upon entitlement)	\$450.10
Zoning Confirmation (upon submittal for building permits)	\$706.20
Total Fees	\$18,587.60
New Condominium Projects	
Tentative Parcel/ Tract Map Review (Vesting and Non-Vesting)	\$14,232.10
Development Plan Review (10-3.2570) Commission-level (Planning Commission)	\$12,388.90
Architecture/ Landscape Plan Review (10-3.3016) Commission-level (Architectural Commission)	\$4,764.20
Environmental Review	\$278.40
Covenant Processing (upon entitlement)	\$450.10
Zoning Confirmation (upon submittal for building permits)	\$706.20
Final Parcel/ Tract Map Review (Vesting and Non-Vesting) Zoning Review	\$430.20
Engineering Review	\$5,950.00
Total Fees	\$39,200.10
Conversion Projects (Apartments to Condominiums)	
Common Interest Development Review (includes conversions)	\$14,232.10
Tentative Parcel/ Tract Map Review (Vesting and Non-Vesting)	\$14,232.10
Environmental Review	\$278.40
Final Parcel/ Tract Map Review (Vesting and Non-Vesting) Zoning Review	\$430.20
Engineering Review	\$5,950.00
Total Fees	\$35,122.80
Note: The following fees also apply	
<ul style="list-style-type: none"> • a 5.5% technology fee and 10% document maintenance fee on all development permits, plan checks, and planning applications • a General Plan Maintenance fee of \$0.00151 per each \$1 of all development 	

Table B-12 Multi-Family Residential Projects Requiring Additional Discretionary Review	
Entitlement (Potential Entitlements and Fees in Addition to the Base Entitlements and Fees for projects not complying with the General Plan and Zoning Code)	Cost
Multiple Application Fee (for projects with multiple applications for a single commission, the highest cost is applied and then all additional applications are set at this rate if actual cost would be higher) – the Multiple Application Fee does not apply to applications that are before separate commissions.	\$2,540.20
Character Contributing Structural Review (07-R-12338) (To request an Apartment to Condominium Conversion without upgrading the existing building to all current zoning, and building and safety code requirements. Evaluates an existing multi-family residential building’s structure and identifies necessary upgrades for safety/ seismic safety.)	\$7,517.70
Density Bonus Permit (10-3.1524)	\$6,194.50
R-4 Permit –	
Commission Level (<i>w/o another application</i>)	\$6,194.50
Staff Level (<i>w/o another application</i>)	\$3,883.90
With Another Application	\$2,218.50
Variance (10-3.2804) (Reduction in parking, or set-backs based on irregularity of the site)	\$11,223.80
General Plan Amendment (Cal. Gov. Code) (plus full costs of processing the application)	\$12,309.90
Zone Change (10-3.3904) (plus full costs of processing the application)	\$16,990.30
Environmental Assessment (Negative Declaration)	\$5,080.30
Environmental Impact Report ^a	\$10,160.60
a. Plus a deposit for staff time to be determined by staff with charges at the fully allocated hourly rates for the project for contract planner/engineer plus any outside costs. This fee would include any mitigation monitoring programs that are required.	

Single-Family Housing Projects - Fees

Table B-13 Planning Fees for Single-Family Residential Projects	
Project Type/ Fees	Cost
New Single-Family Residence Projects using an architectural type listed in the City’s architectural design guidelines	
Staff Level Plan Review (Development, Design, Landscape) (10-3.4612)	\$ 1,915.60
Environmental Review	\$278.40
Total Fees	\$2,194.00
New Single-Family Residence Projects <u>not</u> using an architectural type listed in the City’s architectural design guidelines	
Commission Level Plan Review (Development, Design, Landscape) (10-3.4612)	\$4,968.20
Environmental Review	\$278.40
Total Fees	\$5,246.60
Non-Compliant Single-Family Residential Projects (Potential Fees in Addition to the Base Fees for projects not complying with the General Plan and Zoning Code)	
R-1 Permits (Single Family Review, Central R-1, Hillside, Trousdale)	\$8,465.60
Note: The following fees also apply	
• a 5.5% technology fee and 10% document maintenance fee on all development permits, plan checks, and planning applications	
• a General Plan Maintenance fee of 0.00151 per each \$1 of all development	

Development Plan Review/ Building Permits – Multi-Family and Single-Family Housing Projects - Fees

Development review and building permit fees are summarized in the following table. The City's fee structure is based on total valuation and the same fees are applied to multi-family and single-family projects.

Table B-14 Development Fees for Multi-Family and Single-Family Residential Projects	
Plan Check Review (Zoning Review)	\$706.20
Final Parcel/ Tract Map Review (Vesting and Non-Vesting)	
Zoning Review	\$430.20
Engineering Review	\$5,950.00
Building Permit (Percent of total project valuation)	
\$0 - \$500	\$59.50
Each additional \$100 over the first \$500, up to \$1,000	\$9.60
Each additional \$1,000 over the first \$1,000, up to \$20,000	\$39.20
Each additional \$1,000 over the first \$20,000 up to \$50,000	\$22.90
Each additional \$1,000 over the first \$50,000 up to \$100,000	\$16.80
Each additional \$1,000 over the first \$100,000 up to \$500,000	\$15.40
Each additional \$1,000 over the first \$500,000	\$13.10
Building Permit Plan Check (Percent of total permit)	80%
Shoring Permit (Percent of project valuation)	
0 < \$1 Million	4.5%
\$1 Million < \$5 Million	4.0%
\$5 Million < \$10 Million	2.1%
\$10 Million +	4.5%
Grading Permit	
0 < \$1 Million	2.5%
\$1 Million < \$5 Million	2.0%
\$5 Million < \$10 Million	2.0%
\$10 Million +	4.0%
Mechanical Permit	
Issuance of permit	\$52.20
Plus 8.33% of Building Permit Fee	
Mechanical Permit Plan Check (Percent of permit valuation)	%100
Plumbing Permit	
Issuance of permit	\$52.20
Plus 8.33% of Building Permit Fee	
Plumbing Permit Plan Check (Percent of permit valuation)	%100
Electrical Permit	
Issuance of permit	\$52.20
Plus 8.33% of Building Permit Fee	
Electrical Permit Plan Check (Percent of permit valuation)	%100
Water Connections (not including replacement of sewer lateral)	\$717.39

Table B-14 Development Fees for Multi-Family and Single-Family Residential Projects

Off Site Improvements	
Replacement of Sewer Lateral	\$1,840.00
Sidewalk Replacement Use Permit	\$405.00
Curb and Gutter Permit	\$203.00
Curb Drain Use Permit	\$807.00
Paving Replacement Inspection	\$3.00/sq ft
Construction Barricade Permit	\$981.00
Utility Permit (plus \$1.50 per square foot)	\$155.30
Hauling/ Street Use (Heavy Haul Permit)	\$90.00
Note: The following fees also apply:	
• 1.2% AB717 Training and Education Fee for all building, mechanical, electrical and plumbing permits	
• SB 1608 Accessibility Expert Fee of 4% on plan check and 3% on permit fees for new Multi-Family projects	
• 5.5% technology fee and 10% document maintenance fee on all development permits, plan checks, and planning applications	
• General Plan Maintenance fee of 0.00151 per each \$1 of all development	

...

Impact Fees and Exactions

Cities use exactions and impact fees to assure that a desired standard for public services and facilities is maintained. The City of Beverly Hills charges impact fees and exactions on all new residential development in the city to offset increased use of public infrastructure, public spaces, and services from future residents.

The effect that exactions and impact fees have on the cost of housing is proportional to the amenities and services provided by the exactions and impact fees. Exactions and impact fees do increase the cost of housing; however when implemented well the increased cost results in higher property values and greater public desirability for the housing. The public's desire results from the quality of the housing product, and from the public services and amenities available to the residents.

For housing sold at market rate, exaction and impact fees are a cost that is factored into the overall cost of the project. A market rate housing developer covers the increase in costs due to exactions and impact fees by building a higher quality product which in turn can be sold at a higher price. A person is more willing to pay the higher price for the housing because it is higher quality, and because of the services and amenities provided by the exactions and impact fees. Therefore, the cost of maintaining the City's standards for public amenities and services is shared in part by the future residents.

Table B-15 Exactions & Impact Fees – Fiscal Year 2012-2013	
Type of Fee	Fee
Dwelling Unit Tax	\$1,041.30/unit + \$206.80/bedroom
Condo Conversion Fee	\$7,104.40/unit
School Fee—Residential	\$3.20/sq ft
Parks and Recreation Construction Tax (QUIMBY)	\$7.10/sq ft

SOURCE: City of Beverly Hills, May 2013

Exactions and impact fees can present a challenge in the development of affordable housing, since these costs cannot easily be passed on to the potential future resident as is the case with market rate housing. The City currently exempts dwelling units for very low, low and moderate income households from the dwelling unit tax and parks and recreation construction tax. The City is currently completing a fee study to evaluate the economic benefit of providing additional waivers or reductions of certain fees for projects containing affordable units.

Total Fees and Exactions for a Typical Multi-Family Project

The City adopted its most recent schedule of taxes, fees and charges in September 2012, and has not processed a multi-family project since the new fees were established. In order to illustrate the total fees and exactions for a typical multi-family project, Table B-16 illustrates the fees that would be charged on a previous 22 unit condominium project under the current fee schedule. The City feels this project is a typical multi-family project based on the number of units and the lot size. The total fees that would be charged by the City would amount to approximately \$948,369 equating to 43,107 per unit. Units in the building that was used for this exercise are currently being sold for approximately \$3.2 million, indicating the City’s fees amount to a nominal 1.3% of the unit sales price.

In summary, given the modest percentage that fees represent of unit sales prices, combined with the fact affordable units are exempt from the dwelling unit tax and parks & recreation (QUIMBY) construction tax, it can be concluded that the City’s permit fees do not impose an undue constraint on the production of new housing. In order to incentivize the production of affordable units, the City is conducting a fee study to assess the economic benefits of providing additional waivers for affordable projects.

Table B-16 Total Fees for a Typical Multi-Family Project	
Project Description – 447 North Doheny Drive. 3 lot development (447, 449, 451). 0.48 acres total. 22 condominium units.	
Total Project Fees	\$948,369*
Fees Per Unit	\$43,107
Description	Cost
Tentative Parcel/ Tract Map Review (Vesting and Non-Vesting)	\$14,232.10
Development Plan Review (10-3.2570) Commission-level (Planning Commission)	\$12,388.90
Architecture/ Landscape Plan Review (10-3.3016) Commission-level (Architectural Commission)	\$4,764.20
Environmental Review	\$278.40
Public Noticing (On-site Signage)	\$150.30
Covenant Processing (upon entitlement)	\$450.10
Plan Check Review (Zoning Review)	\$706.20
Final Parcel/ Tract Map Review (Vesting and Non-Vesting) Zoning Review	\$430.20
Engineering Review	\$5,950.00
Building Permit and Plan Check	\$220,586.90
Shoring Permit	\$9,000.00
Grading Permit	\$3,500.00
Mechanical Permit and Plan Check	\$20,521.08
Plumbing Permit and Plan Check	\$20,521.08
Electrical Permit and Plan Check	\$20,521.08
Energy Permit and Energy Plan Review	\$36,764.55
Water Connections (not including replacement of sewer lateral)	\$717.39
Off Site Improvements	
Replacement of Sewer Lateral	\$1,840.00
Sidewalk Replacement Use Permit	\$405.00
Curb and Gutter Permit	\$1,439.00
Curb Drain Use Permit	\$807.00
Paving Replacement Inspection (\$3.00/square foot x 2,000 sq ft)	\$6,000
Construction Barricade Permit	\$981.00
Utility Permit	\$155.30
Hauling/ Street Use (Heavy Haul Permit)	\$90.00
School Fees (\$3.20 sq ft x 36,479 square feet)	\$116,732.80
Unit Tax (\$1,041.30 x 22 units)	\$22,902.00
Bedroom Tax (\$206.80 x 42 bedrooms)	\$8,685.6
Parks and Recreation (QUIMBY) Fee (\$7.10 sqft x 50,948 square feet))	\$361,730.80
General Plan/Long Range Maintenance Fee	\$13,892.00

*includes document maintenance, technology, AB717, and SB1608 fees

On and Off-Site Improvements

Site improvements encompass the range of water, sewer, circulation, and other infrastructure needed to support development. In Beverly Hills site improvements include water and sewer and storm drain laterals, streets, curbs, gutters, parkway, street trees, sidewalks and alleyways. The City uses a standard street width of 46-foot curb-to-curb within a 70-foot right-of-way for local residential (multi-family) streets and secondary arterial streets, and a standard street width of 36-foot curb-to-curb within a 60-foot right-of-way for local residential (single-family) streets. All residential streets are improved with 6-foot parkways and 6-foot sidewalks on both sides of the street.

To ensure that adequate improvements are in place, Beverly Hills requires pro-rata payments for off-site extension of the water, sewer and storm drain systems, and pro-rata payments for transportation improvements. In larger projects, the City requires developers to construct internal streets, sidewalks, curbs, gutters, and affected portions of off-site arterials. However, development in Beverly Hills typically occurs on small infill parcels where infrastructure is already in place.

While on and off-site improvements add to the cost of development and thus impact affordability, it is standard for jurisdictions to require development to “pay its own way.” Beverly Hills site improvement requirements are deemed necessary to maintain the quality of life desired by residents, and are consistent with General Plan goals to ensure that public services and facilities are in place at the time of need, thus avoiding the overloading of existing urban service systems.

7. Provisions for a Variety of Housing

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of housing types for all economic segments of the population. This includes single-family homes, multi-family homes, mobile homes, second units, emergency shelters, and transitional housing among others. This section provides a discussion on zoning and development standards for various types of housing, and includes an in-depth discussion of the newly established “Special Needs Housing Overlay Zone”.

Zoning

The Beverly Hills Zoning Code designates permitted (P), use permit (UP), or conditional uses (CUP) for all developable use types in the City in relation to the City’s zoning designations. Tables B-17 and B-18 (City of Beverly Hills Residential Allowable Residential Development

Land Use Regulations) summarize housing types permitted within the City's single- and multi- family zoning districts.

Residential uses are not permitted in commercial zones pursuant to the current zoning code, although the City assesses the potential for mixed residential/ commercial uses in commercial areas on a case by case basis and has approved four projects since 2006 (9900 Wilshire, 9876 Wilshire, 9200 Wilshire, and 8600 Wilshire). Mixed use projects involving the construction of a new building require General Plan amendments and Zone Changes for approval. The conversion (adaptive reuse) of an existing office building on Wilshire Boulevard (Commercial Zone) to residential use with ground floor retail use was approved without a General Plan amendment (8601 Wilshire).

The City has a multi-family residential-commercial parking (RMCP) zone to provide a transition between residential and commercial zone districts. The RMPC zone allows for R-4 residential, commercial and parking uses, and is currently applied to a six acre area located on North Crescent Drive between Wilshire Boulevard and north of Brighton Way. The area is developed with the City's affordable senior project, and a mix of local serving commercial uses, offices, assisted living elderly units, a newly developed market rate apartment development, and public parking.

Special Needs Housing Overlay Zone

In order to encourage a variety of housing, and comply with state law, the City adopted ordinance O-12-2633 in 2012. This ordinance established a Special Needs Housing Overlay Zone to encourage the construction of housing for persons with special needs in certain areas of the City and locate such housing close to appropriate amenities and services. The special needs housing overlay zone allows increased residential density, small housing units, and reduced parking requirements. Emergency Shelters are permitted by-right in the Special Needs Housing Overlay zone, and SROs and multi-family congregate housing for elderly or disabled are permitted with a conditional use permit (CUP).

The Special Needs Housing Overlay Zone applies to R-4 zones on sites which meet the following criteria:

- Site is located in area with 4 or 5 story height limits
- Site is located adjacent to commercial zoned areas, and is separated by an alley from commercial uses
- Site is located on a street greater than 30 feet in width

A total of 37.8 acres on 172 parcels within the R-4 zone meets these criteria for special needs housing. Of these parcels, the City sees 136 or 23.1 acres as having a potential for the development of special needs housing. Two senior living homes (i.e., nursing homes), with a total of 269 residential units, already exist in the congregate housing

overlay area. A map of the Special Needs Housing Overlay Zone is provided at the end of this Appendix.

This ordinance also added the following definitions to the Municipal Code:

- Bona Fide Housekeeping Unit: Shall Have the same meaning as Single Housekeeping Unit
- Community Care Facility, Large: Any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster agency services for seven or more adults, children, or adults and children, as defined in California Health and Safety Code Section 1502.
- Community Care Facility, Small: Any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster agency services for six or fewer adults, children, or adults and children, as defined in California Health and Safety Code Section 1502.
- Emergency Shelter: A facility that provides immediate and short-term housing with minimal support services for homeless persons or families on a first-come, first-served basis, and that is limited to occupancy of no more than six months.
- Family: Two or more persons living together as a single housekeeping unit in a single dwelling unit. Family also means the persons living together in a licensed residential facility, as that term is defined in California Health & Safety Code Section 1502(a)(1) serving six or fewer persons, excluding the licensee, the members of the licensee's family, and persons employed as facility staff who reside at the facility.
- Single-Family Residence: Shall have the same meaning as One-family or Single-family Residence or Dwelling.
- Single Housekeeping Unit: The functional equivalent of a traditional family, whose members are a non-transient interactive group of two or more persons, where such persons jointly occupy a single dwelling unit, jointly use common areas, and share household activities and responsibilities (e.g., meals, chores, and expenses).
- Single Room Occupancy Housing (SRO): A residential facility where individual secure rooms are rented to a one or two person household. Rooms are generally 150 to 375 square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared. SRO units are rented on a weekly or monthly basis.

- Supportive Housing: Permanent affordable housing with no limit on length of stay, that is occupied by the target population as identified in state law, and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (See Health & Safety Code Section 50675.14)
- Target Population: Persons with disabilities, homeless families, and homeless youth. (See Health & Safety Code Section 50675.14(b) (3).)
- Transitional Housing: Temporary rental housing intended for occupancy by homeless individuals or families transitioning to permanent housing that is operated under program requirements calling for the termination of assistance and recirculation of the dwelling unit to another eligible program recipient at a predetermined future time, which shall be no less than six months. Transitional housing often includes a supportive services component, such as job skills training or rehabilitation counseling to allow individuals to gain the necessary life skills to support independent living.

Further, the ordinance established development standards for emergency shelters and single room occupancy housing. The remainder of this section discusses the improvements made to the zoning code, and the impact that these changes may have to the provision of housing for the elderly and disabled as well as those at risk of homelessness.

In order to increase the readability of the zoning code, the allowable uses for residential land table has been divided into two tables: one for single family and one for multi-family zones, Table B-17 and Table B-18, respectively.

Table B-17 City of Beverly Hills Residential Allowable Residential Development Land Use Regulations for Single Family Residential Zoning Districts and Zoning District Overlays								
	R-1	R-1X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R1.7X	R-1.8X
Single-family dwelling	P	P	P	P	P	P	P	P
Second units	P	P	P	P	P	P	P	P
Transitional and supportive housing ¹								
Single-family structure	P	P	P	P	P	P	P	P
Family daycare home								
Small	P	P	P	P	P	P	P	P
Large	UP	UP	UP	UP	UP	UP	UP	UP
Community care facility ²								
Small (serving 6 or fewer)	P	P	P	P	P	P	P	P
Manufactured/Mobile home	P	P	P	P	P	P	P	P

Notes: P: Permitted use UP: Use Permit CUP: Conditional Use Permit

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a single-family residence, it is regulated as such and is subject to all regulations applied to residences in the single family residential zone where it is located.

2. For the purposes of this table, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.

Table B-18 City of Beverly Hills Residential Allowable Residential Development Land Use Regulations for Multi-Family Residential Zoning Districts and Zoning District Overlays							
	R-4	RMC P	Special Needs Housing Overlay ³	R- 4X1	R-4X2	R-3	R-4-P
Single-Family dwelling	P	P		P	P	P	
Duplex	P	P		P	P	P	P
Multi-family dwelling	P	P		P	P	P	P
Transitional and supportive housing ¹							
Single-family structure	P	P			P	P	
Multi-family structure	P	P			P	P	P
Emergency shelters			P				
Single room occupancy housing (SRO)			CUP				
Community care facilities ² (state licensed)							
Small (6 or fewer)	P	P			P	P	
Large (7 or more)	CUP	CUP			CUP	CUP	CUP
Childcare uses licensed pursuant to state law	CUP	CUP			CUP		CUP
Multiple-family congregate housing for the elderly or disabled pursuant to article 12.8 of zoning code ⁴			CUP				
Multiple-family housing for the elderly or disabled pursuant to article 12.5 of the zoning code ⁵	CUP	CUP			CUP		CUP

Notes: P: Permitted use UP: Use Permit CUP: Conditional Use Permit

1. Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a multi-family residence, it is regulated as such and is subject to all regulations applied to residences in the multi-family residential zone where it is located.
2. For the purposes of this table, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.
3. Uses allowed in the special needs housing overlay zone are in addition to any use allowed in the underlying zoning district.
4. A Conditional use Permit (CUP) is required to utilize the reduced development standards offered for this type of development. Intended to reduce development costs for assisted living facilities. Specific requirements apply. The project site must be located in an area with four- or five-story height limits; located adjacent to commercially zoned areas; separated from adjacent commercial areas by an alley; and located on a street greater than thirty feet (30') in width. Unit density up to 165 units/acre. Reduced minimum unit sizes and parking requirements apply (450 square feet minimum unit size, unit must have private bathroom) (BHMC 10-3-12.8).
5. Multiple-family housing for the elderly or disabled is a permitted use in any zone permitting multiple-family residential uses. Conditional Use Permit (CUP) required to utilize the reduced development standards offered for this type of development. Intended to reduce development costs of housing for seniors and persons with disabilities. Specific requirements apply. Housing limited to households with head of household 62 years and older and families with handicapped member. Maximum unit density 150 units/acre. Minimum unit size as defined by HUD. Maximum number of bedrooms per unit is 2. Only 5% of the units can be 2-bedroom units (BHMC 10-3-12.5).

Second Units

The City's Zoning Code defines second units as an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. In compliance with AB 1866, Beverly Hills has developed both a ministerial approval process for second units that are less than 650 square feet in size on minimum 6,000 square foot R-1 parcels, and a discretionary review process for larger second units proposed on R-1 properties located north of Santa Monica Boulevard. Each second unit can be provided with one parking space in addition to the parking spaces required for the primary dwelling, which additional parking space can be provided behind the front setback line of the site area.

The City processes an average of three building permits annually for second units. In order to collect information on second units to determine who lives in them, rent ranges, size, and additional steps the City can take to encourage construction of second units, the City completed a Citywide survey of residential property owners in July 2010 (refer to Appendix C for further discussion of the survey results). One of the questions posed in the survey is the amount of rent charged on existing second units (if any), as a means of assessing affordability and contribution towards addressing the community's regional housing needs (RHNA). Of the 40 occupied second units in the survey, 81 percent were provided rent free or for a rental amount affordable to very low income households. The results of the survey indicate that the majority of second units in Beverly Hills are occupied by caregivers or elderly parents of the primary homeowner.

To further encourage the provision of second units, the City is currently considering modifications to its second unit ordinance (Imp 10.4 in the adopted Housing Element), including:

- Consider greater flexibility in second unit standards in R-1 zones south of Santa Monica Boulevard.
- Consider allowing larger sized second units, of up to 1,000 square feet by right, to eliminate the need for a second unit permit, thereby reducing processing times and development costs.
- For second units built above a garage, consider allowing an increase in the permitted height up to the height of the primary residence.
- Consider allowing reduced setback requirements where privacy is not compromised

The City is also actively encouraging second units by providing information to the public. As part of Housing Element implementation, the

City created a brochure outlining information on second unit development standards. This information is also available to the public on the City's website.

Elderly and Disabled Housing

Beverly Hills has established modified standards to specifically encourage the provision of higher density rental housing for seniors and persons with disabilities at costs lower than could otherwise be achieved. While housing which serves the elderly and the disabled is permitted in any residential zone district subject to the same standards as other residential uses, for such housing to take advantage of a potential doubling in density and other modified standards, a conditional use permit is required. The City's Municipal Code specifies the following two distinct types of senior and disabled housing: 1) Multiple-Family Congregate Housing for Elderly and Disabled Persons (Article 12.8); and 2) Multiple-Family Housing for Elderly and Disabled Persons (Article 12.5). The definition and zoning incentives for each are described in the following section.

Multiple-Family Congregate Housing for Elderly and Disabled Persons and Community Care Facilities

Congregate housing provides a range of support services for residents, including all meals, housekeeping and laundry service, private transportation, planned activity programs, and 24 hour emergency in-house call system. Emergency shelters, transitional and supportive housing programs and community care facilities for seven or more persons, offer similar amenities and support networks. Currently, to use the City's incentives to develop an elderly or disabled congregate care facility the City requires at least one household member to be 65 years of age or older, or to have a substantial physical impairment. The City is currently studying fee reductions for certain types of housing in this zone, as outlined in program 12.3 of the adopted Housing Element.

The City's modified development standards for congregate housing for the elderly or disabled provide for densities of up to 165 units per acre, with up to 113 units permitted on any one site. In addition, the City provides significant reductions in the minimum unit size for congregate housing:

- 450 square feet for an efficiency unit
- 500 square feet for a one-bedroom unit
- 800 square feet for a two-bedroom unit

As presented earlier in Table B-8, the City has adopted a reduced parking ratio for congregate housing of one space for one-bedroom units and 1.5 spaces for two bedroom units. The Planning Commission is authorized to provide further reductions of one-half space per unit.

The City is committed to providing opportunities for special needs housing and realizes that such housing forms typically require additional incentives to be viable. The incentives offered in the City's Special Needs Housing Overlay zone offer greater unit numbers in a project and relax the requirements for parking and unit size. This offers greater potential to actually getting a project built as opposed to allowing these housing forms throughout the R-4 zone but in conformance with R-4 standards. Additionally, the City is studying the viability of reducing or waiving the cost for the conditional use permit for these projects. A map of the overlay area is provided in the back of this document and shows that the overlay zone properties are in close proximity to public transportation, and areas with businesses to support daily needs and services. The overlay zone is residential and so provides the look and feel of living in a neighborhood, as opposed to alternative locations in the commercial zones. For these reasons the City feels that this overlay zone in concert with the incentives offered is a viable location for special needs housing.

Multiple-Family Housing for Elderly and Handicapped Persons (Deed-Restricted Affordable)

Affordable independent multi-family housing for the elderly (age 62+) and disabled persons is permitted by conditional use permit in any zone allowing multiple-family residential uses. Densities of up to 165 units per acre are permitted, with a maximum project size of 150 units. Minimum unit sizes are not less than the maximum allowable under HUDs Section 202 Senior Housing Program, with no more than five percent of project units permitted to be two-bedrooms. Building height shall be consistent with the prevailing height of surrounding buildings, and not greater than 60 feet. A reduced parking ratio of one space per unit is provided, with further reductions to 4/10 of a space per unit permitted at the discretion of the Planning Commission.

If the rental rates for any such senior or disabled housing are not under the provision of a federal, state, or other public agency, then the rental rates for any this housing will be set by the Planning Commission at affordable rental rates as a condition of issuing the conditional use permit.

Housing for Persons with Disabilities

SB 520, signed into law in 2001, requires that Housing Elements analyze potential and actual governmental constraints on the development, maintenance and improvement of housing for persons with disabilities. The following analysis addresses Beverly Hills' regulations and procedures for housing for persons with disabilities with regards to: 1) zoning and development standards; 2) building codes; and 3) processing procedures. The analysis highlights several actions recently taken by the City to address potential constraints to the development and maintenance of housing for persons with disabilities.

Zoning and Development Standards

Definition of Family: The California courts have invalidated the following definition of “family” within jurisdictions Zoning Ordinances: (a) an individual, (b) two or more persons related by blood, marriage or adoption, or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit. Court rulings state that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the city, and therefore violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discrimination between biologically related and unrelated persons. Through the adoption of Ordinance 12-O-2633 in 2012, the City established a definition of “family” which is inclusive and non-discriminatory for incorporation into the Zoning Code (refer to definitions at the beginning of this section).

Community Care Facilities: The Lanterman Developmental Disabilities Services Act (Lanterman Act) is that part of California law that sets out the rights and responsibilities of persons with developmental disabilities. The Lanterman Act impacts local zoning ordinances by requiring the use of property for the care of six or fewer disabled persons to be classified as a residential use under zoning. More specifically, a State-authorized, certified or licensed family care home, foster home, or a group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is to be permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes. Due to the unique characteristics of larger community care facilities (housing more than six persons), most jurisdictions require a Use Permit to ensure neighborhood compatibility in siting. Smaller care facilities (housing up to six persons) are permitted by-right.

By way of practice and consistent with the Lanterman Act, the City permits community care facilities in residential zones and treats them as a residential use. Review of the California Community Care Licensing Division inventory of community care facilities (April 2013) identifies two residential care facilities for the elderly in Beverly Hills, providing capacity for over 200 seniors age 60 and above. As evidenced by the presence of these facilities, the City’s regulations have not precluded the provision of community care facilities. Nonetheless, in order to better facilitate the provision of care facilities for persons with disabilities by providing greater certainty to project applicants, the City established parameters for small and large Community Care facilities in compliance with the Lanterman Act. Ordinance No. 12-O-2633 established definitions for large (seven or more individuals) and small (six or fewer individuals) community care facilities and incorporated these definitions into the Zoning Code. The ordinance also identified small Community Care facilities with six or fewer occupants as permitted in residential zones; and identified large

Community Care facilities with seven or more occupants as conditionally permitted in various all residential zoning districts.

The City's Zoning Code facilitates housing for persons with disabilities in several ways, including:

- Allowances for property owners to build handicapped ramps into residential structures which encroach into the front, or side yard setbacks to allow first floor access for physically disabled residents.
- Allowances for elevators to encroach in the side yard setbacks on single-family properties to allow persons no longer able to climb stairs to remain in their homes.
- Reduced parking and unit size standards for multi-family congregate housing for elderly and disabled persons, and for affordable multi-family residences for elderly and handicapped persons.

The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City.

Building Codes

The City of Beverly Hills ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and federal requirements for accessibility. For example, any new apartment development is subject to requirements under the Americans with Disabilities Act (ADA) for unit "adaptability" on ground floor units. Adaptable units are built for easy conversion to disabled access, such as doorway and hallway widths, and added structural support in the bathroom to allow the addition of handrails.

The City also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under Chapter 11, 1998 version of the California Code. Further, the City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint.

Permits and Processing

The City does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility. The City's requirements for building permits and inspections are the same as for other residential projects and are straightforward and not burdensome. City officials are not aware of any instances in which an applicant experienced delays or rejection of a retrofitting proposal for accessibility to persons with disabilities.

In 2012, the City adopted ordinance 12-O-2634 to establish specific written procedures for disabled persons to request reasonable

accommodation from the zoning and land use regulations. This ordinance codifies the process through which a disabled person or their designee may request accommodation from building codes, land use regulations, policies, and procedures to provide Disabled Persons with an opportunity to use and enjoy housing equal to that of non-disabled persons. As established through the ordinance, a request for a Reasonable Accommodation is reviewed by the Community Development Director (or Designee), unless it is related to a discretionary land use application that requires review by the planning commission, in which case the Planning Commission is the review authority. The applicant must provide information pertaining to the code section, regulation, procedure, or policy from which relief is sought, the nature of the property and the relief sought, and explanation of why the accommodation is reasonable and necessary. No application fee is associated with the Reasonable Accommodation, and when an improvement or modification is requested in this process would normally require a variance, a variance is not required.

Summary of Constraints to Persons with Disabilities

The City has conducted a review of zoning, building code, and processing requirements, and has not identified any actual barriers to the provision of accessible housing. Actions taken recently by the City to address previously identified potential barriers through the establishment of definitions of "Family" and "Community Care Facility" as well as the establishment of Reasonable Accommodation procedures in the Zoning Code ensure that the provision of accessible housing is not constrained (see definitions at the beginning of this section).

Housing for Persons who are at Risk of Homelessness

Transitional and Supportive Housing

Transitional housing is typically defined as temporary (often six months to two years) housing for a homeless individual or family who is transitioning to permanent housing or for youth that are moving out of the foster care system. Supportive housing is generally defined as permanent, affordable housing linked to on- or off-site services and occupied by a target population (i.e. persons with disabilities, suffering from mental illness or chronic health conditions). Services typically include assistance designed to meet the needs of the target population in retaining the housing, living and working in the community, and/or improving health.

SB 2, effective January 2008, amended Housing Element law regarding planning and approval for transitional and supportive housing. Specifically, SB 2 requires transitional and supportive housing to be treated as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

As discussed previously, in order to comply with the provisions of SB 2, the City adopted ordinance 12-O-2633. This ordinance: 1) established a definition in the Zoning Code for transitional and supportive housing, 2) amended the Code to treat transitional and supportive housing as a residential use subject to the same requirements as other residential uses as the same type in the same zone, and 3) amended the Code to permit transitional and supportive housing that is configured as a single family use by right in all residential zone districts and permit such housing that is configured as multiple-family use by right in the R-3 and R-4 zones.

Emergency Shelters

SB 2 also requires the Housing Element to address new planning and approval requirements for emergency shelters, defined as a facility that provides shelter to homeless families and/or individuals on a limited short-term basis.

Jurisdictions with an unmet need for emergency shelters for the homeless are required to identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters.

There are an estimated 30 chronically homeless persons that spend the majority of their days and nights in Beverly Hills, according to a homeless count the City conducted in January 2013. Beverly Hills has no emergency shelters within its City limits; however, the City has provided funds for the construction and ongoing operation of emergency shelters operated by People Assisting the Homeless, and by Network of Care for Veterans and Service Members. Although nearby Westside shelters are over-capacity, it is not clear at this time whether Beverly Hills can be considered to have an unmet need for an emergency shelter.

Pursuant to SB 2, Beverly Hills conducted a staff level review of its zoning districts and determined that areas within the R-4 multi-family residential zoning overlay district where congregate housing for elderly and disabled persons is allowed are the most conducive to provision of an emergency homeless shelter by right. This district is characterized as a high density multi-family zone consisting of a variety of existing apartment buildings and condominiums. Within the approximately 37.8 acre (172 properties) area there are four vacant parcels, as well as numerous older and/or underutilized residential properties. Additionally, the overlay zone provides close access to needs and services such as grocery stores, pharmacies, and transportation.

As such, the City has modified the Zoning Code to permit shelters within the Special Needs Housing Overlay zone. A map of this zone is provided at the end of this document. Development standards within the district located in the Southerly Zone of the City (BHMC 10-2-303: LOTS: A.) are appropriate to facilitate emergency shelters, and can be summarized as follows:

- Height: up to 60 feet, or five stories
- Minimum Lot Size: 7,500 square feet
- Minimum Public Street Frontage: 55 feet
- Setbacks:
 - Front – 15 feet
 - Side (total) 19 – 23 feet

Pursuant to SB 2, the City has also established development standards for Emergency Shelters regulating the following aspects:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on need, but not to exceed requirements for other residential or commercial uses in the same zone;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

Single Room Occupancy (SRO)

Single Room Occupancy (SRO) residences are small, one room units occupied by a single individual, and may either have shared or private kitchen and bathroom facilities. SROs are rented on a monthly basis typically without rental deposit, and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless and disabled persons.

Ordinance No. 12-O-2633 established a definition for “Single Room Occupancy Housing” (SRO) and incorporated this definition into the zoning code. SROs are allowed in the Special Needs Housing Overlay Zone if authorized by a conditional use permit. Additionally, the ordinance established development standards SROs addressing unit size and occupancy, common area, management, parking, kitchen facilities and bathroom facilities to ensure high standards for development.

Mobile Homes

No mobile homes or mobile home parks are located in the community. Pursuant to state law, the City permits manufactured housing placed on a permanent foundation in all residential zones.

Farm Employee Housing

The 2010 Census does not identify any Beverly Hills residents employed in farming, fishing and forestry occupations, and no agricultural land remains in the City. Given the absence of any “farmworkers” in the community, the City has not identified a need for specialized farmworker housing beyond overall programs for housing affordability.

C. Environment and Infrastructure

Environmental and infrastructure constraints can limit or affect the type and density of housing development in a community. These constraints can include natural resources such as topography and flood areas, hazards/safety concerns, or lack of sufficient infrastructure capacity. However, as discussed in greater detail below, Beverly Hills is a built-out community with little remaining vacant land, with the majority of the City's infrastructure systems already in place. Environmental and infrastructure concerns do not compose a significant constraint to housing production.

1. Environmental Constraints

Seismic Hazards

The City of Beverly Hills contains both active and potentially active faults. Specifically, three active or potentially active faults are located within the city limits, including: the Hollywood Fault, the Santa Monica Fault, and the Newport-Inglewood Zone of Deformation. (Woodward-Clyde 1987) Since the 1987 Study was completed, work completed by Dolan, et al and the California Division of Mines and Geology maps show the Hollywood and Santa Monica faults as converging within the City, and the Newport-Inglewood fault located approximately two miles south of the City.

The City of Beverly Hills implements the most recent California Building Code. In addition, the City's Seismic Safety Program promotes public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

Landslides and Slope Hazards

The hillside areas of Beverly Hills pose the greatest hazard of landslides. Surface movements in the hillside area could be triggered by heavy rain, a reservoir breach, pumping facilities or an earthquake. Hillside development has placed additional loads on the subsurface bedrock. Additionally, improper site grading, steep slopes, and loss of vegetation can increase the potential for localized landslides. In the canyon areas, the presence of subsurface water and geology composition provides the potential for liquefaction during earthquakes. Any significant hillside movement along canyon streets would potentially isolate populations in those areas due to limited ingress egress routes. Potential damage to underground utilities and fire hydrants could also result from landslide movement. Future growth in the canyon areas of the City may be limited due to safety factors.

Flooding Hazards

There are not Federal Emergency Management Agency (FEMA) designated flood zones in the City of Beverly Hills. The City of Beverly Hills is located within the Ballona Creek Watershed; however most of the drainage is controlled by structural flood control measures along a mostly channelized watershed. Approximately 40 percent of the watershed within the City is covered by impervious surfaces leading to greater surface area for storm runoff and the potential for flooding.

FEMA, as part of its statutory responsibilities to carry out the National Flood Insurance Program, has mapped most of the flood risk areas within the United States. The City of Beverly Hills is located in a FEMA Flood Zone "C", which does not require mandatory flood mitigation enforcement.³ Properties are not required to carry flood insurance (Hazard Mitigation Action Plan 2010, pg. 43). However, Beverly Hills is highly urbanized and as a result of increased paving, can lead to an increase in volume and velocity of runoff after a rainfall event, exacerbating the potential flood hazards. The City's steep hillside areas are also more susceptible to runoff and slope failures. New development in these areas will require careful adherence to current grading, soil compaction, maximum slope, and drainage regulations.

The City of Beverly Hills also lies in the inundation path of the Lower Franklin Canyon Dam which is located north of the City. The reservoir has a 200 acre-feet capacity and can be drained to half capacity in 72 hours and completely emptied in 216 hours. The National Inventory of Dams characterizes this dam with significant hazard potential. Dams with significant hazard potential are those in which failure or mis-operation would result in no probable loss of human life but can cause economic loss, environmental damage, and disruption of lifeline facilities. In the event of a breach of the Lower Franklin Reservoir, the residential area north of Carmelita Drive would be exposed to immediate and severe danger. Below that point, the danger diminishes rapidly although flooding of most structures in this section of the inundation path would occur. Approximately 1,200 people live in the sector of the inundation area subject to severe danger and provision for evacuation of this population is required in the event of a breach in the structure. This reservoir, as well as others in California, are continually monitored by various governmental agencies (such as the State of California Division of Safety of Dams and the U.S. Army Corps of Engineers) to guard against the threat of dam failure.

The possibility of dam failures during an earthquake has been addressed by the California Division of Mines and Geology in the earthquake planning scenarios for a magnitude 8.3 earthquake on the

³ City of Beverly Hills Hazard Mitigation Plan, August 2010.

San Andreas Fault zone and a magnitude 7.0 earthquake on the Newport-Inglewood fault zone (Davis 1982). These studies found that catastrophic failure of a major dam as a result of a scenario earthquake is regarded as unlikely (Davis 1982). Current design and construction practices and ongoing programs of review, modification, or total reconstruction of existing dams are intended to ensure that all dams are capable of withstanding the maximum credible earthquake (MCE) for the Incentive Area. FEMA requires that all reservoir owners develop Emergency Action Plans (EAP) for warning, evacuation, and post-flood actions. Although there may be coordination with county officials in the development of the EAP, the responsibility for developing potential flood inundation maps and facilitation of emergency response is the responsibility of the reservoir owner.

The City updated its Safety Element and hazard mitigation plan in 2010. Those documents included flood hazard mitigation intended to minimize potential risks associated with flooding, including dam or reservoir failure inundation hazards. Furthermore, any project implemented would be required to undergo project-specific environmental review, at which time specific mitigation or design changes would occur to reduce the exposure of people or structures to flooding. Therefore, potential impacts associated with flooding were found to be less-than-significant in the General Plan environmental review and are not considered a constraint to new housing production.⁴

Wildland Fire Hazard

Beverly Hills is bounded on the north by hillside and canyon areas. Canyons that empty into the City's boundaries are Benedict, Franklin, Coldwater, and Trousdale Canyons. Benedict, Coldwater, and Trousdale Canyons are densely populated, with Franklin Canyon the least developed of the four. The dense wild brush of Franklin Canyon extends to the boundaries of the City. Due to the extensive hazards originating in the hills north of Sunset Boulevard, the area has been designated a Very High Fire Hazard Severity Zone (VHFHSZ).

Approximately 36 percent of the City is located in the VHFHSZ, with approximately 1,640 single-family residences and 3,700 people.

Urban Fire Hazard

In the built-out areas of the community, the primary fire hazard risks are man-made. Beverly Hills is home to three very large hotels having occupancies in excess of 500 persons per day, 33 high-rise buildings, and a densely populated retail and commercial district. Of particular concern are two high-rise buildings that are residential occupancies and did not fall under the 1998 retrofit sprinkler mandate imposed on buildings 55 feet

⁴Beverly Hills General Plan EIR, 2008

or higher. These are the only two high-rise buildings in the City that are not equipped with sprinkler systems.

New affordable housing development within the City is expected to occur through the infill of existing sites and mixed-use development in commercial areas. Limited future market rate development is expected to occur in the hillside areas. Wildland fire risks for new development are mitigated by various City programs described below.

Fire Prevention and Suppression Programs

In 1998, the Beverly Hills Fire Department (BHFD) installed a Remote Automated Weather Station (RAWS) in the hillside area just outside the City in Franklin Canyon. Data from the RAWS assists fire officials in determining the need for augmenting or redeploying fire resources depending on current and anticipated weather conditions.

For the VHFHSZ, The BHFD has also developed "Pre-Attack Plans" that enable the fire suppression to predetermine required resource deployment, resources to locate combustible roofs, evacuation routes, safe refuge areas, and resident assemblage locations. These planning resources help firefighting forces make critical decisions during emergency situations. Pre-Attack Plans are also made available to outside agencies who are called for Mutual Aid assistance and that may not be familiar with the area.

In addition, in 2004, the BHFD and residents within the VHFHSZ initiated the FireWise Communities/USA Program, which is designed to enable communities to achieve a high level of protection against wildland/urban interface fire loss while maintaining a sustainable ecosystem balance.

Biological Resources

The City of Beverly Hills is fully developed with urban uses and has little undisturbed open space areas. Review of GIS databases and aerial photographs indicate that there is little native terrestrial vegetation within the City of Beverly Hills. The only relatively undisturbed areas within the City include those located near the foothills of the Santa Monica Mountains and the few open space areas located in the portion of the City north of Sunset Boulevard. The remaining open space within the City is located in public parks, which typically do not contain natural or native vegetation.

Some migratory bird species pass through the City. Due to their mobility and range of travel, avian species tend to be more abundant and conspicuous than other animals. There are migratory birds that pass through the City while moving from wintering grounds in the south to breeding grounds in the north. The number of resident bird species in the City is low due to the lack of undisturbed habitat.

As discussed in the Beverly Hills General Plan Amendments Environmental Review (2009), there are no riparian or sensitive habitats that are known to occur in the City of Beverly Hills. As no riparian or sensitive habitats are known to exist within the City, biological resources do not present a constraint to future housing development within the community.⁵

2. Infrastructure Constraints

Infrastructure needed to maintain and develop new housing includes water facilities, sewer facilities, streets, and sidewalks. The provision and maintenance of these facilities in a community enhances not only the character of the neighborhoods but also serves as an incentive to homeowners to routinely maintain the condition of their homes. In contrast, when public improvements are left to deteriorate or are overextended in use, the neighborhoods in which they are located become neglected and show early signs of deterioration.

Very little undeveloped residential land remains in the City. Most of the community's infrastructure is currently in place and adequately serves existing development. Future housing growth will occur within in-fill areas and construction of multi-family or mixed development within commercial areas. Therefore, the provision of infrastructure does not constitute a constraint to housing production.⁶

Water System

The City of Beverly Hills provides water service to approximately three quarters of the City's residents and to some residential parts of the City of West Hollywood. The remaining areas of the City of Beverly Hills that the City does not provide water service to are served by the Los Angeles Department of Water and Power.

The City of Beverly Hills imports about 90 percent of its water from the Metropolitan Water district (MWD) to approximately 9,400 customers. The remaining 10 percent of water need is met by the four groundwater wells in the City. Three are located in the Beverly Gardens Park and one in the Burton Way median and all are pumped to the treatment plant through a transmission main owned and maintained by the City. About 90 percent of the service area land use is residential in nature. The service area includes the city limits on the west and north San Vicente Boulevard on the east and Whitworth Drive on the south.⁷

⁵ Beverly Hills General Plan Amendments Environmental Review (2009)

⁶ Ibid.

⁷ Ibid.

As described in the Urban Water Management Plan (UWMP), the current and projected water supply and demand indicates that in average precipitation years the City has sufficient water to meet its customer's needs through 2030. Beverly Hills' water supply is anticipated to meet the demand for future population growth up to 2030. As per State Law (Gov Code Sec. 65589.7), the City will give priority for service hook-ups to projects that include affordable housing.

Sewer System

The Beverly Hills Department of Public Works maintains sewer collection and distribution system within the community. The existing sanitary sewer system consists of over 95 miles of sewer mains that connect to the sewer facilities of the City of Los Angeles at the southwestern border of the City. More than half of the existing sewer system within Beverly Hills is over fifty years old. To address this issue, the City of Beverly Hills has a rehabilitation program in place to repair, reline, and/or replace the existing waste water infrastructure. All of the City's wastewater flow is treated at the City of Los Angeles Hyperion Treatment Plant located in the City of El Segundo.⁸ As per State Law (Gov Code Sec. 65589.7), the City will give priority for service hook-ups to projects that include affordable housing.

Storm Drainage

There are approximately 47 miles of improved storm drain system within and adjacent to the boundaries of the City of Beverly Hills, approximately two-thirds of which is owned and maintained by the City. The remaining one-third is under the jurisdiction of the Los Angeles County Department of Public Works. Roughly one third of the storm drain system was built before 1940 with the earliest construction taking place in the 1920s and the most recent in the 1970s. The 1999 Storm Drain System Master Plan identified 18 percent of the City's drainage links as insufficient to convey the runoff for the 10-year or 25-year storm. However, approximately 72 percent of the deficient links require a 1-foot diameter or less upgrade to the existing pipe size.

The 2002 Water System Master Plan recommends that the City establish a program to investigate each deficiency and coordinate this replacement work with other City projects in the area within the recommended timeframes for each deficiency. Ongoing inspection of city storm drains, especially the older (pre-1960) drains and those where corrugated metal pipe was used, is recommended to monitor for unusual changes in structural integrity.

⁸ City of Beverly Hills General Plan Update Technical Background Report, October 2005.

Street System

The City of Beverly Hills is located along the densely developed Wilshire Corridor and is regionally placed in the middle of a variety of regional traffic generators that include Westwood, the University of California, Los Angeles (UCLA), Century City, Los Angeles International Airport (LAX), and Culver City to the west and West Hollywood, the Wilshire Miracle Mile, and downtown Los Angeles to the east. There are only two major facilities that provide regional transportation service for through traffic to bypass the City of Beverly Hills: the I-405 freeway in the north-south direction and the I-10 freeway in the east-west direction. This results in the use of many of the roadways in the City being used by through traffic to get to and from the various activity centers in the area.

The City of Beverly Hills promotes walking as a viable means of transportation. Recently, upgrades in urban design and pedestrian amenities have been completed in the Business Triangle, including mid-block signalized crosswalks and widened sidewalks. The Business District also features some diagonal pedestrian intersection crossings (with an exclusive pedestrian crossing phase) and an ordinance limiting ground floor street frontage of businesses not considered to be pedestrian-friendly. The City's pedestrian facilities include sidewalks, stairs, pedestrian promenades, and paths in the City's parks.

Four separate transit agencies provide bus service in the City of Beverly Hills. The Los Angeles County Metropolitan Transportation Authority (Metro or MTA) operates the majority of the fixed-route bus transit service, with sixteen bus lines within the City. The City of Santa Monica Big Blue Bus (SM), the Antelope Valley Transit Authority (AV), and the Los Angeles Department of Transportation (LADOT) also provide limited transit routes within and through the City.

As part of the General Plan update in 2010, the City conducted an examination of existing traffic volume/capacity conditions in Beverly Hills.⁹ According to the report, up to fourteen of the intersections thirty-five intersections analyzed were operating at LOS E or LOS F during the weekday AM peak hour. The City will be comprehensively evaluating and updating existing policies and programs to relieve traffic congestion including examining policies to encourage transit uses, pedestrian and bicycle access and construction of infill development as it updates its mobility and bicycle master plans.

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⁹ Ibid.