

ORDINANCE NO. 19-O- 2791

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-1528 PERTAINING TO THE OCCUPANCY PRIORITY FOR AFFORDABLE HOUSING UNITS BUILT IN THE CITY PURSUANT TO THE CITY'S RESIDENTIAL DENSITY BONUS REGULATIONS.

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

Section 1. On October 12, 2017, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1824, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to refine the occupancy priority list for affordable housing units built in the City pursuant to the City's Density Bonus regulations (collectively, the "Amendments"). On September 10, 2019, the City Council held a duly noticed public hearing, received public testimony, and directed staff to incorporate certain revisions. The Ordinance was thereafter introduced on September 17, 2019.

Section 2. This Ordinance and the Amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Ordinance represents minor changes in land use limitations and it can be seen with certainty that there is no possibility that the adoption and implementation of the Ordinance could have a significant effect on the environment. Therefore, the City Council finds that the Ordinance is eligible for a class 5 categorical exemption for minor changes in land use limitations pursuant to Section 15305 of Title 14 of the California Code of Regulations and the

Ordinance is exempt from the environmental review requirements of CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy H3 “Fair Housing and Special Needs Residents” calls for the promotion of equal housing opportunities for all residents including Beverly Hills’ special needs populations. Included in this Goal is Policy H3.2 “Senior Housing” that calls for support of a provision of a variety of housing options for seniors to foster independence and the ability of seniors to remain in the community as they age.

Section 4. The City Council hereby amends Section 10-3-1528 of Article 15.2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1528: OCCUPANCY PRIORITY:

Occupancy priority for eligible units shall conform to the following eight tiers.

A. Tier 1 - Senior Tenants Displaced from the Project Site: First priority shall go to income qualified households in which at least one member is a senior (62 years and older) and that have been or will be required to vacate existing dwelling units on the site of development so that an owner or developer may perform any construction, renovation or addition pursuant to a density bonus permit. If the number of qualified applicants in this tier exceeds the number of available units, then the order in which the units are offered to Tier 1 applicants shall be based on the period of time that the longest tenured member of the household resided at the project site, from longest to shortest, and a lottery shall be held within this tier to determine the order in which the units are offered to any Tier 1 applicants having the same period of residency at the project site.

B. Tier 2 - Tenants With Beverly Hills Unified School District Students Displaced from the Project Site: Second priority shall go to income qualified households that include as part of the household a legal guardian of one or more students currently enrolled in and attending the Beverly Hills Unified School District in grade 10 or lower, and that have been or will be required to vacate existing dwelling units on the site of development so that an owner or developer may perform any construction, renovation or addition pursuant to a density bonus permit. If the number of qualified applicants in this tier exceeds the number of available units, the order in which the units are offered to Tier 2 applicants shall be based on the period of time that the longest tenured member of the household resided at the project site, from longest to shortest, and a lottery shall be held within this tier to determine the order in which the units are offered to any Tier 2 applicants having the same period of residency at the project site.

C. Tier 3 –Tenants Displaced from the Project Site: Third priority shall go to income qualified households that have been or will be required to vacate existing dwelling units on the site of development so that an owner or developer may perform any construction, renovation or addition pursuant to a density bonus permit. If the number of qualified applicants in this tier exceeds the number of available units the order in which the units are offered to Tier 3 applicants shall be based on the period of time that longest tenured member of the household resided at the project site, from longest to shortest, and a lottery shall be held within this tier to determine the order in which the units are offered to Tier 3 applicants having the same period of residency at the project site.

D. Tier 4 – Displaced Senior Households: Fourth priority shall go to income qualified households in which at least one member is a senior (62 years and older) and that have or

will be displaced or evicted from a multi-family building in the City other than the project site for the purpose of redevelopment if either: (1) the multi-family building was demolished for redevelopment within the two years immediately preceding the date on which applications for the affordable housing units are due or (2) the multi-family property to be redeveloped has received all entitlements, excluding building permits, and such redevelopment requires all residents to vacate the site, provided that such entitlements, or subsequent entitlements remain valid and have not expired on the date the applications for the affordable housing units are due. If the number of qualified applicants in this tier exceed the number of available units, the order in which the units are offered to Tier 4 applicants shall be based on the period of time that the longest tenured members of the household resided at the multi-family building to be redeveloped, from longest to shortest, and a lottery shall be held within this tier to determine the order in which the units are offered to the Tier 4 applicants having the same period of residency at the project site.

E. Tier 5 - Displaced Tenants With Beverly Hills Unified School District Students: Fifth priority shall go to income qualified households that include as part of the household a legal guardian of one or more students currently enrolled in and attending the Beverly Hills Unified School District in grade 10 or lower, and that have or will be displaced or evicted from a multi-family building in the City other than the project site for the purpose of redevelopment if either: (1) the multi-family building was demolished for redevelopment within the two years immediately preceding the date on which applications for the affordable housing units are due or (2) the multi-family property to be redeveloped has received all entitlements, excluding building permits, and such redevelopment requires all residents to vacate the site, provided that such entitlements, or subsequent entitlements,

remain valid and have not expired on the date the applications for the affordable housing units are due. If the number of qualified applicants in this tier exceed the number of available units, the order in which the units are offered to Tier 5 applicants shall be based on the period of time that the longest tenured member of the household resided at the multi-family building to be redeveloped, from longest to shortest, and a lottery shall be held within this tier to determine the order in which the units are offered to the Tier 5 applicants having the same period of residency at the project site.

F. Tier 6 – Displaced Households: Sixth priority shall go to income qualified households displaced from a multi-family building in the City that have or will be displaced or evicted from a multi-family building in the City other than the project site for the purpose of redevelopment if either (1) the multi-family building was demolished for redevelopment within the two years immediately preceding the date on which applications for the affordable housing units are due or (2) the multi-family property to be redeveloped has received all entitlements, excluding building permits, and such redevelopment requires all residents to vacate the site, provided that such entitlements, or subsequent entitlements, remain valid and have not expired on the date the applications for the affordable housing units are due. If the number of qualified applicants in this tier exceed the number of available units, the order in which the units are offered to Tier 6 applicants shall be based on the period of time that the longest tenured member of the household resided at the multi-family building to be redeveloped, from longest to shortest, and a lottery shall be held within this tier to determine the order in which the units are offered to the Tier 6 applicants having the same period of residency at the project site.

G. Tier 7 – Senior Households: Income qualified households with at least one member who is a senior (62 years and older). If the number of qualified applicants in this tier exceeds the number of available units, then a lottery shall be held within this tier to determine the order in which the units are offered to the Tier 7 applicants.

H. Tier 8 – Other Income Qualified Households: Income qualified households that do not meet the requirements of Tiers 1-7. If the number of qualified applicants in this tier exceeds the number of available units, then a lottery shall be held within this tier to determine the order in which the units are offered to the Tier 8 applicants.

I. Exceptions:

1. In the event that a density bonus is granted for specific tenants pursuant to State Density Bonus Law (California Government Code § 65915 (b)(1)(E)) then the tiered list provided in this section shall not be used to fill the affordable housing units.

2. In the implementation of these priorities, the City shall in no way discriminate against any person or family due to disability.”

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 6. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify

to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.


Section 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: October 22, 2019
Effective: November 22, 2019



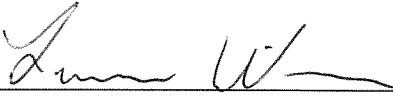
JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:




(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:




LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



GEORGE CHAVEZ
City Manager



SUSAN HEALY KEENE
Director of Community Development