

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 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 Turner Center for Housing Innovation at UC Berkeley, in 2008-2009, construction hard costs averaged \$177 per square foot but by 2018 that average had risen to \$222 per square foot—a 25 percent increase. Construction cost is also affected by construction type. “Type I” projects, which are typically over 5-7 stories and constructed with steel and concrete, cost an average of \$65 more per square foot than other types of construction, like Type V over I (i.e., wood frame floors over a concrete platform). Type I projects use more expensive components in order to build higher, and are more likely to

be found in infill locations, such as San Francisco or Los Angeles, where zoning allows higher density construction.¹

Though construction costs comprise a large portion of the total development cost of a project, these costs are fairly consistent throughout the Los Angeles metro area and therefore would not constitute a constraint on housing production in Beverly Hills as compared to other cities in the same general vicinity.

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 current market data for multi-family properties indicate land costs ranging from \$500 to 1000 per square foot, with land costs for commercial properties averaging from \$1,000 to \$1,500 per square foot.

3. The Cost and Availability of Financing

The cost and availability of financing affects the provision of housing both at the construction financing phase and mortgages for individual home purchasers. Although the mortgage crisis that began in 2008 affected the availability of real estate loans, interest rates have declined to historically low levels, which reduces the cost of both construction loans and home mortgages. For buyers with good credit, the current low interest rates significantly reduce the cost of housing.

¹ https://ternercenter.berkeley.edu/wp-content/uploads/pdfs/Hard_Construction_Costs_March_2020.pdf

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

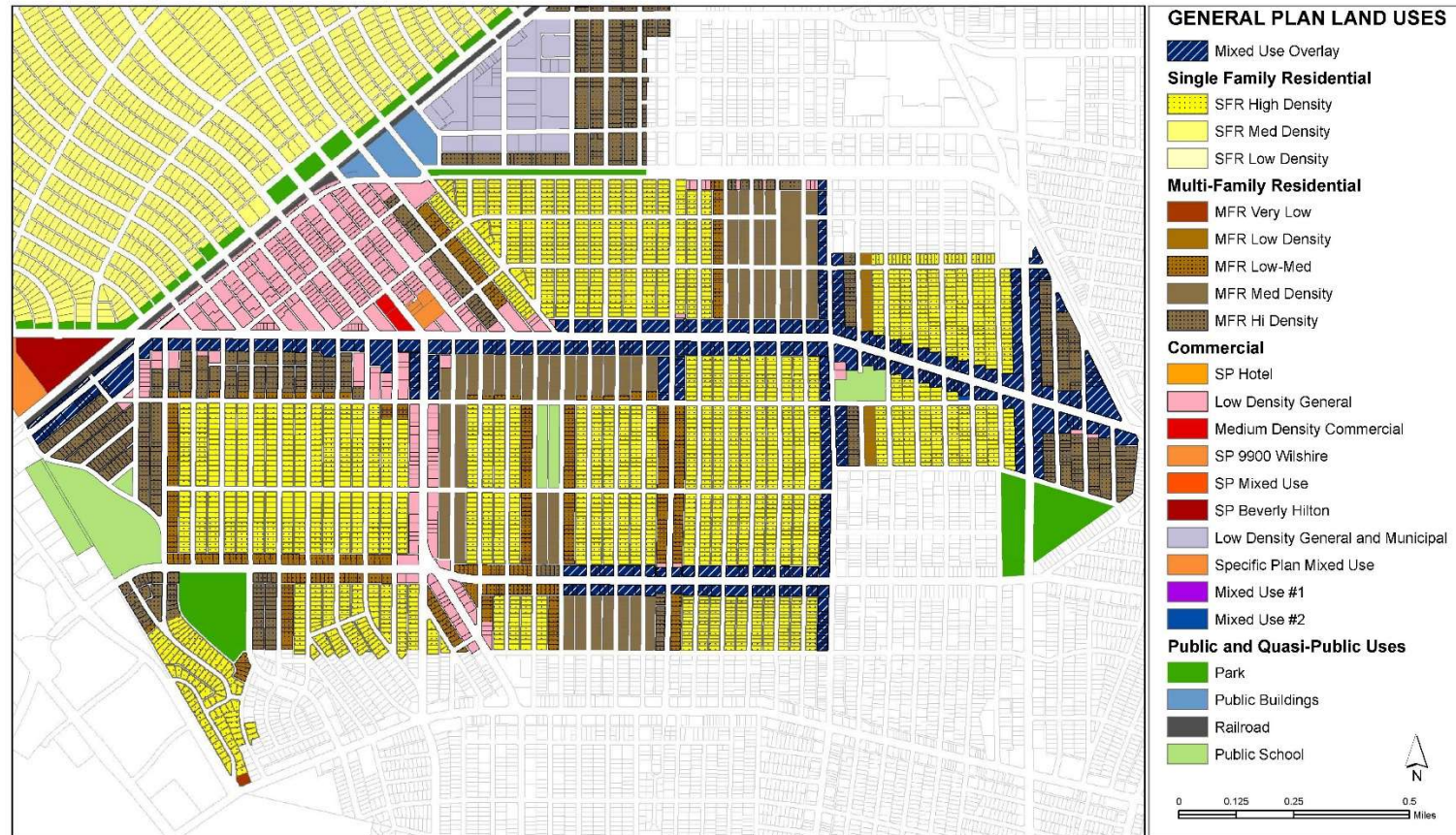
General Plan

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~~indicated in Table B-21 (General Plan Land Use Categories for Residential Areas), the General Plan also designates certain areas that have been approved 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.

In 2020 the General Plan Land Use Element was amended to create a Mixed-Use Overlay designation on properties shown in Figure B-1, which allows a maximum density of 79.2 dwelling units per acre (or 1 dwelling unit per 550 square feet of lot area). As is discussed below in the analysis of zoning regulations and also in the sites inventory analysis in Appendix C, this amendment created significant additional opportunities for residential development.

Figure B-1

General Plan Land Use Designations Map (MAP LU1)
Detail of Vicinity with new Mixed Use Overlay Zone Indicated



Note - This exhibit is for the purpose of illustrating where the Mixed Use Overlay will be applied and is not intended to supersede the underlying commercial designations.

Table B-2 General Plan Land Use Categories for Residential Areas

Table B-1 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
Mixed Use Overlay Zone			
	<u>Mixed Use Overlay Zone</u>	<u>Commercial and multi-family residential (with some restrictions related to the location of commercial uses within a mixed-use building)</u>	<u>79.2 du/ac</u>
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	

Category	Uses	Density/ Intensity
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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

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-32 (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

Table B-2 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
Commercial²			8.37
Other (Parks, Public Facilities, etc...)			5.59
Total		2,792.2	100%

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:

² The Mixed Use (MU) Overlay Zone now applies to a significant area of the commercial zones, which allows multi-family residential uses.

- Table B-3 (City of Beverly Hills Residential Zoning Requirements—Single Family)
- ~~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-~~65~~ (Site Area Standards)
- Table B-~~76~~ (General Plan Density)

In general, rehabilitation or reconstruction of older units does not require conformance with current zoning standards unless over 50% of the replacement 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 allowing at least the same number of units to be rebuilt as currently exist as part of program Imp. 12.~~23~~ in the adopted Housing Element, and due to state law provisions in SB 330. This density is based upon the General Plan Land Use map, rather than the Multi-Family Density regulations in the Zoning Code. In addition, program Imp. 12.3 has been expanded to address transparency and accessibility regarding zoning requirements, development standards, and fees.

Single-Family Residential Development Standards

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

- Hillside Area (generally north of Sunset Boulevard, but varies in some locations)
- Trousdale Estates (north of Doheny Road)
- Central Area of the City, north of Santa Monica (north of North Santa Monica Boulevard, south of Sunset Boulevard but varies in some locations)
- 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 universal maximum size 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 and Trousdale Estates Areas 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.

3.

Table B-3 City of Beverly Hills Residential Zoning Requirements—Single Family

	Central, North of Santa Monica	Central, South of Santa Monica	Hillside	Trousdale Estates
Minimum Area of Primary Residence (sf)	1,600 sf	1,600 sf	1,600 sf	1,600 sf
Density Range (units/acre)	4.0 du/acre	6.0 du/acre	1.0 du/acre	1.0 du/acre
Minimum Lot Size	13,000 sf	7,500 sf	43,560 sf	43,560 sf
Minimum Front Yard Setback	As established in the records for each property ^a		As established in the records for each property	15 ft.
Minimum Side Yard Setback	Min. 7.5 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. If width of a site area exceeds 100 ft., then the side setback shall be increased by 10% of the width in excess of 100 ft.	5 feet on one side; 9 ft. on the other side <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, whichever is greater	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 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. ^b		15% of the lot depth or 20 ft., whichever is greater	10 ft.
Height Limit (dwellings)	Flat roof: 28 ft. Sloped roof: 28 ft. Sloped roof with ridgeline: 32 ft.	Flat roof: 25 ft. Sloped roof: 28 ft. Sloped roof with ridgeline: 32 ft.	30 ft. ^c	14 ft.
Maximum 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 exists, 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 Residential 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, B-6 and B-7. The development standards for condominiums and multi-family apartments are the same. The City's multi-family development standards permit densities ranging from 26 units per acre to 48 units per acre. However, due to state law provisions adopted via SB 330, the City now allows at least the same number of units to be rebuilt as currently exist on a multi-family site. This density is based upon the General Plan Land Use map, rather than the Multi-Family Density regulations in the Zoning Code. The General Plan Land Use densities range from 22 to 50 dwelling units per acre, but if this calculation results in a lower number of units than currently exist on site, the existing number of units is permitted.

Minimum front and rear yard setbacks are generally 15 feet although there are site-specific exceptions, as well as certain blocks that have a 25-foot front setback. Minimum side yard setbacks are calculated at a rate of 8 feet on each side and a sum of 17 feet for buildings of no more than 3 stories; 8 feet on each side and a sum of 19 feet for buildings of 4 stories; and 9 feet on each side and a sum of 23 feet for buildings of 5 stories. No structure may exceed 175 feet in width. A minimum of 200 square feet of outdoor living area is required for each unit.

Dwelling Unit Size

The City of Beverly Hills Zoning Code 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

In some cases 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 has included a program in the proposed Housing Element (Imp 12.21) 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, for adaptive reuse of existing buildings, and for the mixed use zone.

Table B-5 ~~City of Beverly Hills Residential Zoning Requirements—Multiple Family~~

Table B-4 City of Beverly Hills Residential Zoning Requirements—Multiple Family

	R-3 ^b	R-4 ^b	R-4X1 ^c	R-4X2 ^c	R-4-P
Minimum Front Setback ^a	As established in the records for each site area. If not established, then 15 ft. ^b				
Minimum Side Yard Setback	Three stories 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 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 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				
Modulation Requirement ^{c,d,e}	Three stories or less: the area of modulation shall be 3 percent of the aggregate principal building or 1,500 sf Four stories: the area of modulation shall be 3.5 percent of the aggregate principal building or 1,500 sf Five stories: the area of modulation shall be 4 percent of the aggregate principal building or 1,500 sf	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. 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.			
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 Tables B-8 and B-9)				
Minimum Unit Size	0 Bedroom: 600 sf 1 Bedroom: 1,000 sf 2 Bedrooms: 1,300 sf 3 or more Bedrooms: 1,500 sf <i>Note: These standards are reduced for senior and disabled housing.</i>				
Structure Width	Maximum of 175 feet				
Outdoor Living Area	Minimum of 200 sf of outdoor living each for each unit				

	R-3 ^b	R-4 ^b	R-4X1 ^c	R-4X2 ^c	R-4-P
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.	Modulation is requirement that intends to create variation and articulation of a building façade by requiring that there are portions of the façade that are recessed or otherwise articulated so that the exterior is not a continuous flat surface.				
d.	A reduction of the modulation requirement may be permitted if the development does not adversely impact on the scale and massing of the streetscape.				
e.	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-6³ (Site Area Standards).

Table B-6 Maximum Zoning Unit Density / Site Area Standards³

Table B-5 Maximum Zoning Unit Density / Site Area Standards⁴

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 narrower 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.

³ 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.

⁴ 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.

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.

The above information demonstrates the zoning density calculation for multi-family properties. However, as previously noted, due to state law provisions adopted via SB 330, the City now allows at least the same number of units to be rebuilt as currently exist on a multi-family site. This density is based upon the General Plan Land Use map, rather than the Multi-Family Density regulations in the Zoning Code. The General Plan Land Use densities range from 22 to 50 dwelling units per acre, but if this calculation results in a lower number of units than currently exist on site, the existing number of units is permitted. The General Plan Land Use density categories are:

Table B-7 General Plan Density⁵

Table B-6 General Plan Density

	Category	Dwelling Units/Acre
Single-Family Residential	Low Density	1
	Medium Density	4
	High Density	6
Multi-Family Residential	Very Low Density	22
	Low Density	40
	Low Medium Density	40
	Medium Density	45
	High Density	50
Other Residential Designations	Multi-Family Residential-Commercial Parking	50
	Mixed Use Overlay 1 (9200 Wilshire Blvd)	4.0 FAR
	Mixed Use Overlay 2 (8600 Wilshire Blvd)	2.0 FAR
	Mixed use overlay zoneUse Overlay Zone	Approx. 79.2

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.

⁵ In the event that the General Plan density calculation results in a number of units that is less than the number of units that currently exist on site, the City must allow the existing number of units to be constructed.

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-8	Building Height Districts with Maximum Buildings Height (to Ceiling Plate)[^]
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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 described 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.

Similar to the density calculations, the zoning height limitations have been affected by state law provisions in SB 330, and the above no longer apply in the majority of cases. In order to allow at least the same number of existing units to be constructed on a multi-family property, the City allows the use of General Plan height limits, which are tied to the density category of the property. These height limits are shown below:

Table B-9	General Plan Height Limits
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Table B-8 General Plan Height Limits

	Category	Height Limit (Feet)
Multi-Family Residential	Very Low Density	33-45
	Low Density	30
	Low Medium Density	40

Other Residential Designations	Medium Density	60
	High Density	60
	Multi-Family Residential- Commercial Parking	40
	Mixed Use Overlay 1 (9200 Wilshire Blvd)	60
	Mixed Use Overlay 2 (8600 Wilshire Blvd)	61
	<u>Mixed Use Overlay Zone</u>	<u>45-55</u>

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.

Affordable Housing Requirements

The City currently has an inclusionary housing requirement for a minimum of 10% of the units in a development meeting certain criteria to be rented to very-low, low- or moderate-income households, with some provisions for the payment of an in-lieu fee for projects that contain at least 5 or more, but less than 10 residential units. In addition, recent state law changes contained in SB 330 require the replacement of “protected units” on a project site and require that a portion of those protected units be replaced as deed restricted affordable units. The City fully complies with this state law, which has resulted in housing applications with a number of deed restricted units being proposed (often in excess of the number of units resulting from the local requirement of 10%). The local and state requirements to provide affordable housing do not appear to be a constraint on housing production at this time, as evidenced by the substantial increase in the number of housing project applications that City is currently processing (see Table B-~~12~~11).

Mixed Use Development Standards

In 2020 the City adopted a Mixed Use Overlay Zone that encompasses the area shown in Figure C-1 on page C-5. The overlay zone adds mixed use developments as a permitted use within the designated areas. Maximum residential density within the overlay zone is 79.2 units per acre and height limits range from three to five stories depending

on location. Minimum unit size is 500 square feet for efficiency and 1-bedroom units and 800 square feet for units with 2 or more bedrooms. The average size of all units in a mixed-use development may not exceed 1,750 square feet. To assist interested property owners, developers and other interested parties in understanding the new mixed-use regulations, a summary is posted on the City's website.⁶

Accessory Dwelling Units

Accessory dwelling units (ADUs) provide an important source of affordable housing for seniors, young adults, care-givers and other low- and moderate-income segments of the population. In recent years, the State Legislature has adopted extensive changes to ADU law in order to encourage housing production. Among the most significant changes is the requirement for cities to allow one ADU plus one "junior ADU" on any property zoned for residential uses by-right subject to limited development standards. Program Imp 10.4 in the Housing Plan includes a commitment to update the City's ADU regulations in order to meet and exceed the requirements of State Law for the purpose of further encouraging ADUs as a source of housing in the City. In addition, the Housing Plan includes additional commitments from the City related to ADUs including the development of "off-the-shelf" plans and proactive outreach to property owners to educate the community about ADUs.

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-109 (Residential Parking Requirements) presents the required parking spaces necessary for residential development. It should be noted that the majority of projects now utilize state density bonus, which provides alternative parking requirements (reduced) for multifamily projects. Further, frequent changes in state law (such as AB 2097) now allow projects with no parking.

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 will evaluate revisions to its standards to allow greater flexibility in the type and location of multi-family parking as part of Program 12.1 in the adopted Housing Element in order to reduce development costs.

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<http://www.beverlyhills.org/cbhfiles/storage/files/1108659042674523311/BeverlyHillsMixedUseGuideFeb2021.pdf>

Table B-10 — Residential Parking Requirements

Table B-9 Residential Parking Requirements

Use Type	Required Parking Spaces	Covered Spaces
Single-Family Central Area		
No more than 4 Bedrooms	3	None
5 or 6 Bedrooms	4	
7 Bedrooms	5	
8 Bedrooms	6	
9 or more Bedrooms	7	
Single-Family Hillside Area		
<6,000 sf ^e	3	2
>6,000 sf ^e	4	2
Single-Family Trousdale Estates		
No more than 4 Bedrooms	2	None
5 Bedrooms	3	
6 or more Bedrooms	4	
Multiple-Family and Mixed Use ^{a,b}		
Efficiency Unit (<1,000 sf)	1	All spaces to be enclosed within a structure
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 1bdrm – 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 multi-family units may have tandem parking. The Planning Commission may increase the percentage of tandem parking spaces as part of an application for an R-4 permit.

Cumulative Impact of Development Standards

Multifamily

To evaluate the cumulative impact of the City's development standards on achievable densities, the City reviewed multi-family projects built in the R-4 zone. Table B-~~11~~10 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-~~11~~ **Comparison of R-4 Units Built Or Applied For to the Allowable Densities in the General Plan**

Table B-10 Comparison of R-4 Units Approved Or Applied For to the Allowable Densities in the General Plan

Year	Address	# of lots	Max units per General Plan	Proposed &/ Approved Units	Units Built/Proposed as % of Allowed
Approved 2019	425-429 N. Palm Dr.	3	25	20	80%
Approved 2019	340 S. Rexford Dr.	1	3	3	100%
Approved 2016	250 N. Crescent Dr.	1	7	8	114%
Approved 2019	340 S. Rexford Dr.	1	3	3	100%
Approved 2020	457 N. Oakhurst Dr.	1	10	6	60%
Approved 2022	425-429 N. Palm Dr.	3	25	20	80%
Approved 2022	149-159 S. Maple Dr.	3	19	29	153%
Approved 2020	457 N. Oakhurst Dr.	1	10	6	60%
In process/Approved 2023	208 N. Crescent Dr.	1	7	10	142%
In process/Approved 2023	332 S. Doheny 227-231 N. Swall Dr.	21	126	182	150%
Approved 2023	55 La Cienega Blvd		70	105	150%

In process <u>Approved 2023</u>	227 Tower Dr.	1	8	10	125%
In process	232 S. Doheny Dr. 8800 Burton Way	1	6 <u>20</u>	9 <u>25</u>	150 <u>125</u> %
In process	332 S. Doheny Dr.	1	6	9	150 %
In process	244-256 N. Clark Dr.	3	19 for standards units, 70 for senior units	55 senior units	290% over standard zoning 78% for senior housing zoning
<u>In process</u>	<u>232 S. Doheny Dr</u>	<u>1</u>	<u>6</u>	<u>9</u>	<u>150%</u>
<u>In process</u>	<u>412 N Oakhurst Dr</u>	<u>2</u>	<u>6</u>	<u>9</u>	<u>150%</u>
In process	444-446 Oakhurst Dr.	3	17	27	158%

<u>In process</u>	<u>227-231 N. Swall Dr.</u>	<u>2</u>	<u>12</u>	<u>18</u>	<u>150%</u>
<u>In process</u>	<u>9600 Wilshire Blvd</u>	<u>4 (west)</u> <u>2 (east)</u>	<u>50</u> <u>54</u>	<u>38</u> <u>30</u>	<u>76%</u> <u>56%</u>

Table B-~~11~~10 illustrates that multi-family buildings that are recently constructed, approved, and proposed typically are proposed and/or approved at 100 percent or more of the maximum zoning code and/or General Plan density, indicating that the density provided in the code is not necessarily an impediment to development. Further, recent state and local law changes are ensuring that existing units on a site are replaced when multi-family buildings are demolished for the purpose of a new project and that all new projects include affordable units. In addition, the table above illustrates how the City's zoning density incentive for assemblage of properties incentivizes greater unit density, but is not essential for development, as some projects have been developed on single lots.

In order to further analyze whether current regulations are a constraint on housing production, the City also reviewed the number of development projects and units that were proposed and approved over time. The results of the analysis (see Table B-~~12~~11 below) indicate

that the current standards are not inhibiting development of housing, and that the amount of housing units that are currently in the pipeline for approval far outpaces any development of multi-family housing in the City in the last decade (including provision of affordable units).

Table B-12-11 Housing Projects Submitted for Entitlement

Year	Proposed multi-family project submitted for entitlement	Total Number of Units
2018	<ul style="list-style-type: none"> 340 S. Rexford Dr. – 3 units 	3 units
2019	<ul style="list-style-type: none"> 149 S. Reeves Dr. – 1 unit 	1 unit
2020	<ul style="list-style-type: none"> 9384 Olympic Blvd. – 1 unit 457 N. Oakhurst Dr. – 6 units 9908 S. Santa Monica Blvd. – 25 units 9900 Wilshire Blvd. (One Beverly Hills Project) – 340 units 	372 32 units
2021	<ul style="list-style-type: none"> 149-159 S. Maple Dr. – 29 units 	29 units
2022	<ul style="list-style-type: none"> 9900 Wilshire Blvd. (One Beverly Hills Project) – 340 units 332 S. Doheny Dr. – 9 units 55 La Cienega Blvd. – 105 units 412 N. Oakhurst Dr. – 42 units 457 N. Oakhurst Dr. – 6 units 227 Tower Dr. – 10 units 9600 Wilshire Blvd. – 70 units 	242 582 units
	Grand Total	647 units

The R-4 projects presented in ~~table~~Table B-11 also illustrate the feasibility of developing on small parcels (<0.5 acre). However, given the fact that only one multi-family projects that has been proposed in recent years utilizes either Beverly Hills zoning code section 12.5 or 12.8 (specific standards for multi-family housing for the elderly and disabled and multi-family congregate care housing), the Housing Plan has been updated to include an action item in Program 12.1 that requires that the City update these zoning regulations ~~To~~to ensure they are up-to-date and encourage the provision of this type of housing. Further, it has been identified that the complexity of existing multi-family residential regulations is not ideal for developers. Due to this, the City is committing to several actions with a goal of simplifying multi-family residential development standards to provide greater transparency for those who may be interested in providing new housing in the City. Given the steps that will be taken through the programs in the Housing Plan, the City will further encourage the development of housing for a wider range of populations.

Mixed Use Development Projects

As stated above, in 2020, the City adopted mixed use zoning that applies to approximately 388 parcels in the City totaling more than 100 acres along major commercial corridors, where housing was previously not an allowed use. This zoning ~~changed~~change has spurred interest in the development of mixed use projects along these transit and amenity-rich corridors. In addition, it should be noted that the mixed use provisions in the code allow the conversion of existing buildings (even if they are legally nonconforming) into housing units. Under this provision, the Planning Commission can waive otherwise required zoning requirements in order to accommodate housing units in existing buildings without major changes to the building. In addition, the City Council recently reviewed the implementation of the Mixed Use Overlay Zone at their meeting of July 18, 2023. During this discussion, staff reported that there had been one project approved under the Mixed Use Overlay Zone requirements, and three projects currently submitted for review. At the meeting, the City Council indicated support to change the mixed use regulations to allow the calculation of density for adaptive reuse projects with the use of a minimum unit size, rather than a lot size calculation. This change to the calculation of density has the potential to substantially increase residential density on mixed-use sites with an existing structure that exceeds the City's current maximum commercial building height limit. The Planning Commission reviewed this proposed change in September 2023, and the City Council will review this by the end of 2023. The City Council also expressed general interest in looking at ways to update and possibly expand or modify the mixed use regulations to further encourage development in the Mixed Use Overlay Zone, and this effort will begin in 2023 and continue into 2024. The City's specific commitments related to improving the Mixed Use Overlay Zone are noted in Imp. Program 12.1.

~~Currently, the City has approximately 105 net new housing units that are being proposed~~As shown in the ~~mixed use overlay zone, and an additional 58 net new units that have been submitted~~Sites Inventory exhibit to the City as part of Appendix C, there are several mixed use projects in the Mixed Use Overlay Zone that are ~~in either under review for an entitlement approval, or have submitted for "concept review"~~ (meaning that they are receiving ~~preliminary~~preliminary comments from the City prior to formal submittal). Due to the fact that this is a newer code provision, staff has identified the need to proactively provide information to property owners regarding the new mixed use zoning. Programs related to proactive outreach and consultation with property owners regarding mixed use provisions have been included in the housing plan in order to address the identified barrier of lack of information/knowledge regarding the mixed use regulations. As noted in Imp. Program 12.1, staff plans to hold several outreach meetings starting in 2023 (both community meetings and

Planning Commission study sessions) to discuss what kinds of changes might be needed to encourage the utilization of the regulations.

Accessory Dwelling Unit (ADU) Production

In terms of ADU production, the City's current requirements do not appear to be inhibiting the production of ADUs. The production of ADUs has substantially increased over the past several years, from 9 in 2020, to 19 units in 2021, and to 25 units in 2022. However, the City is committed to further encouraging the provision of ADUs as a viable housing option in the City. Implementation Program 10.4 includes a number of actions that the City will undertake to address identified barriers to the further production of ADUs in the City.

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. Examples of listed properties follow below.

The program was most recently updated in 2015 and 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 (districts are not allowed in single-family zones). 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 a number of buildings as local landmarks, including but not limited to:

- 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 previously started a comprehensive historic survey of all properties, including multi-family properties. However, this survey was halted due to changes to the Historic Preservation ordinance that took place in 2015. 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 has established a Mills Act Program (the pilot program was started in 2011, and the permanent program was established in 2020) to provide property tax incentives for preservation. The Mills Act Program specifically encourages the preservation of multi-family properties in the City. In addition, the Historic Incentive Program was established in 2015, which allows the Planning Commission to modify or waive development standards that would otherwise apply to locally designated historic landmarks.

Because the historic preservation program was recently updated in 2015, 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, 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.9.4 in the Housing Plan. In 2023, the City initiated work on a new multi-family residential historic survey.

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 south of 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, is designed by a licensed architect, 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, or are not designed by a licensed architect, 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 website⁷. The catalogue includes explanations of the different design styles, including the defining architectural features, materials, and proportions present for each style, as well as various sub-categories of styles. The guide also includes picture examples for the styles. The catalogue includes the following housing design stylescategories, each with various subtypes:

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

⁷ The City's Residential Design Style Catalog is available at:
<<http://www.beverlyhills.org/cbhfiles/storage/files/4702978971337846787/StyleCatalogRevisedMarch2008.pdf>>

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 Review Commission process 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 may be 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 reviewing authority](#) 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 developments 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. 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 use permits, condominium conversions, and all requests for modifications to the City's development standards. As required for all entitlements, public notification procedures for Planning Commission hearings are also followed, which can include a ~~neighborhood meeting~~, a notice sent within 45 days of the application filing date, and a notice sent at least 20 days before the hearing date, as well as newspaper notices and on-site posted signs. 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 90-180 days.

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 land use compatibility. 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 1990s and constitute a substantial body of cases to reference in determining the appropriateness of future applications.

In addition, the City has a number of professional staff dedicated to working with project applicants on zoning entitlement submittals. The same professional staff also work the City's public counter and are a resource made available to assist applicants with zoning conformity and entitlement submittal requirements in advance of submitting a project.

The City's current system includes the public counter zoning services, entitlement processing services, 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~~ Efficient Development Permit 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 certainty be assured their project will proceed through the review process in an efficient manner.

Architectural Review

Architectural Review is required for the erection, construction, alteration, or remodeling of the exterior of any non-single family residential zoned properties (e.g. multi-family residential and mixed-use), pursuant to Beverly Hills Municipal Code Title 10, Chapter 3, Article 30. Architectural Review and the Architectural Commission of the City of Beverly Hills were established in 1966. The approval criteria are intended to compel a standard for high quality housing production in the City. The Architectural Commission application form sets forth a transparent, standardized list of submittal requirements available in advance to all applicants. The application form includes an opportunity for a project applicant to provide rationale on how their project meets the approval criteria. The criteria relate to the

quality of the façade treatments and finishes only and the Architectural Commission has no purview over the approval or denial of the underlying multi-family housing project. The criteria are then applied evenly by the Architectural Commission in a public hearing and are cited evenly in the approval resolution, which follows a regularized template for all projects. Nearly all minor (staff-level review) Architectural Review applications are approved at the staff level or over-the-counter on the day of application. The average processing time for Architectural Commission-level architectural review projects is 3 weeks from the date of receipt of a formal application to the date a project is agendaized and heard by the Architectural Commission. The majority of projects are approved in a single meeting before the Commission. The existing Architectural Review process for multi-family residential projects in Beverly Hills is a streamlined, standardized procedure that does not appear to be a barrier to the approval of housing projects. Regardless, Implementation Measure 12.1 (Development Standards) in the Housing Plan includes policies to 1) adopt objective design standards for multi-family housing projects, and 2) to consider an ordinance to streamline the approval process to allow Director-level approvals for Architectural Review of multi-family housing projects with affordable housing.

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 typically 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 semi-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.

SB 35 Streamlined Review Process

Under certain circumstances, SB 35 (Government Code Sec. 65913.4) requires cities to conduct "streamlined review" of housing development applications. To address this requirement, Implementation Measure 12.3 in the Housing Plan includes a commitment to establish written procedures for the SB 35 Streamlined Ministerial Approval Process when applicable.

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 in the City that would warrant additional review).

Typical timeframes for the environmental review is as follows:

Table B-12 Environmental Review – Processing Times

Table B-12 Environmental Review – Processing Times

Type of Review	Processing Time
Categorical Exemption	2 months
Negative Declaration/ Mitigated Negative Declaration	6 months
Environmental Impact Report	18 months

SOURCE: City of Beverly Hills, May 2021

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 2019 Green Building Standards Code (CALGreen) and the State's 2019 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:

- 10.1 Density Bonus – modify the City's existing program to include specific waivers and incentives
- 10.2 Inclusionary Housing – implementation of the City's inclusionary housing program to require affordable units within market rate developments
- 10.3 Housing Trust Fund – set aside money to be used in the development of affordable housing
- 10.4 Accessory Dwelling Units – promote accessory dwelling units (ADUs) as a means to provide lower-cost housing
- 10.6 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
- 11.2 Senior Housing Development – further incentivize the development of affordable senior housing
- 12.1 Adjust Development Standards – modify the City's multi-family development standards to incentivize a broader range of housing options
- 12.2 Reduced Fees for Affordable Housing – provide additional incentives for affordable housing in the form of fee reductions for projects with a certain percentage of affordable housing

6. Fees

As in most cities, 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-13 and B-14 include fees associated with multiple-family projects. Table B-15 includes fees associated with single-family projects. The City conducted a comprehensive fee study in FY 2019-20, and subsidized certain fees (effective February 1, 2020) related to entitlement projects that provide benefits to the greater community. These subsidized fees include the Open Air Dining fee for restaurants, the Design Review fee for single-family homes in the Central Area, and several fees related to historic preservation review (Landmark Designations, etc). All fee information was provided by the Community Development Department in April 2021.

Multi-Family Housing Projects – Fees⁸

Table B-13 — Planning Fees for New Multi-Family Residential Projects

Table B-13 Planning Fees for New Multi-Family Residential Projects (2020)

Project Type/ Entitlement	Cost
New Apartment Projects	
Development Plan Review (10-3-2570) Commission-level (Planning Commission)	\$16,400
Architecture/ Landscape Plan Review (10-3-3016) Commission-level (Architectural Commission)	\$4,485
Environmental Review	\$291
Covenant Processing (upon entitlement)	\$578
Conceptual Review (optional prior to application submittal)	\$2,912
Total Fees	\$24,666
<u>Mixed Use Project</u>	
<u>Development Plan Review (10-3-2570)</u> <u>Commission-level (Planning Commission)</u>	<u>\$16,400</u>
<u>Architecture/ Landscape Plan Review (10-3-3016)</u> <u>Commission-level (Architectural Commission)</u>	<u>\$4,485</u>
<u>Environmental Review</u>	<u>\$291</u>
<u>Covenant Processing (upon entitlement)</u>	<u>\$578</u>
Total Fees	\$21,754
New Condominium Projects	
Tentative Parcel/ Tract Map Review (Vesting and Non-Vesting)	\$20,247
Development Plan Review (10-3-2570) Commission-level (Planning Commission) (Multiple Application Fee Applied)	\$16,400 ² ₆₃
Architecture/ Landscape Plan Review (10-3-3016) Commission-level (Architectural Commission)	\$4,485
Environmental Review	\$291
Covenant Processing (upon entitlement)	\$578
Conceptual Review (optional prior to application submittal)	\$2,912
Total Fees	\$44,913²_{28,413}
Conversion Projects (Apartments to Condominiums)	

⁸ The entitlements listed here are those that would typically be required for a multi-family residential development, while other entitlements that would rarely or never used (such as a Conditional Use Permit) have not been included.

Project Type/ Entitlement	Cost
Common Interest Development Review (includes conversions)	\$8,068
Tentative Parcel/ Tract Map Review (Vesting and Non-Vesting)	\$20,247
Common Interest Development Review (includes conversions) (Multiple Application Fee Applied) Environmental Review	\$2912,632
Covenant Processing (upon entitlement) Environmental Review	\$578291
Conceptual Review (optional prior to application submittal) Covenant Processing (upon entitlement)	\$2,912578
Total Fees	\$32,09623,7 48
Note: The following fees also apply <ul style="list-style-type: none"> • a 3.7% technology fee and 10% document maintenance fee on all development permits, plan checks, and planning applications 	

Table B-14 — Multi-Family Residential Projects Requiring Additional Discretionary Review

Table B-14 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.	\$2,632
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.)	\$8,068
Density Bonus Permit (10-3.1524)	\$6,649
R-4 Permit	
Commission Level (w/o another application)	\$8,254
Staff Level (w/o another application)	\$6,095
Variance (10-3.2804) (Reduction in parking, or set-backs based on irregularity of the site)	\$14,954
General Plan Amendment (Cal. Gov. Code) (plus full costs of processing the application)	Deposit
Zone Change (10-3.3904) (plus full costs of processing the application)	Deposit
Environmental Assessment (Negative Declaration)	Actual Cost
Environmental Impact Report ^a	Actual Cost
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-15 — Planning Fees for Single-Family Residential Projects

Table B-15 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)	\$724
Environmental Review	\$291
Total Fees	\$1,015
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)	\$5,420
Environmental Review	\$291
Total Fees	\$5,711

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) **Requiring Discretionary Review**

Project Type/ Fees	Cost
R-1 Permits (Single Family Review, Central R-1, Hillside, Trousdale)	\$11,278
Note: The following fees also apply	
<ul style="list-style-type: none"> a 3.7% technology fee and 10% document maintenance fee on all development permits, plan checks, and planning applications 	

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-16 — Development Fees for Multi-Family and Single-Family Residential Projects

Table B-16 Development Fees for Multi-Family and Single-Family Residential Projects (2020)

Zoning Conformance Letter	\$379
Conceptual Review (Zoning Review)	\$2,912
Building and Shoring and Grading Permit (Percent of total project valuation)	
\$0 - \$500	\$62
Each additional \$100 over the first \$500, up to \$1,000	\$10
Each additional \$1,000 over the first \$1,000, up to \$20,000	\$41
Each additional \$1,000 over the first \$20,000 up to \$50,000	\$24
Each additional \$1,000 over the first \$50,000 up to \$100,000	\$17
Each additional \$1,000 over the first \$100,000 up to \$500,000	\$16
Each additional \$1,000 over the first \$500,000	\$14
Building Permit Plan Check (Percent of total permit)	80%
Mechanical Permit	
Issuance of permit (minimum)	\$41
Plus 1.55% of Building Permit Fee	
Mechanical Permit Plan Check (Percent of permit valuation)	%100
Plumbing Permit	
Issuance of permit (minimum)	\$41
Plus 1.55% of Building Permit Fee	
Plumbing Permit Plan Check (Percent of permit valuation)	%100
Electrical Permit	
Issuance of permit (minimum)	\$41
Plus 1.55% of Building Permit Fee	
Electrical Permit Plan Check (Percent of permit valuation)	%100
Water Meter Connection Fee (not including replacement of sewer lateral – for new meters)	
1"	\$11,428
1.5" – 2"	\$13,033
3"	\$23,072
4"	\$26,038
6"	\$33,739

Water Meter Capacity Fee	
1"	\$14,912
1.5"	\$29,824
2"	\$47,719
3"	\$89,473
4"	\$149,121
6"	\$298,243
Water Meter Supply Fee	
5/8" x 3/4"	\$3,488
3/4"	\$5,231
1"	\$8,719
1.5"	\$17,438
2"	\$27,901
3"	\$55,802
4"	\$87,190
6"	\$174,380
8"	\$279,008
10"	\$732,396
12"	\$924,214
Off Site Improvements	\$1,177
Replacement of Sewer Lateral	\$597
Sidewalk Replacement Inspection (up to 250 SF)	\$148
Each additional 250 SF	\$597
Curb and Gutter Permit (first 100 linear feet)	\$398
Curb Drain Use Permit	\$5/sq ft
Paving Replacement Inspection	\$1,764
Construction Barricade Permit	\$200
Utility Permit (plus \$1.50 per square foot)	Set by statute
Hauling/ Street Use (Heavy Haul)	Set by statute
Note: The following fees also apply: <ul style="list-style-type: none"> • Training and Education Fee of 1.2% of all building, mechanical, electrical and plumbing permits • Accessibility Expert Fee of 4% on plan check and 3% on permit fees for new and greater than 50% remodel of Multi- Family properties • 3.7% 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-17 Exactions & Impact Fees – Fiscal Year 2020-21

Table B-17 Exactions & Impact Fees – Fiscal Year 2020-21

Type of Fee	Fee
Dwelling Unit Tax	\$1,181.05/unit + \$235.15/bedroom
Condo Conversion Fee	\$8,061.10/unit
School Fee—Residential	\$4.08/sq ft
Parks and Recreation Construction Tax	\$7.35/sq ft

SOURCE: City of Beverly Hills, April 2021

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 will conduct 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~~ adopts a schedule of taxes, fees and charges ~~in August 2020 annually~~. In order to illustrate the total fees and exactions for a typical multi-family project, Table B-18 illustrates the fees that were charged on ~~the most~~ recently permitted multi-family residential project under the applicable 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 \$1,964,531.42 equating to \$98,226.57 per unit. The listing price for the condominium units in this building is not known at this time, since the project construction has not yet been completed. However, it would be reasonable to state that the City's entitlement fees would be a nominal amount compared to the sales

price, given that condominiums in the City typically list for \$800,000 to \$2 million, depending on the location, size, and year built.

In summary, given the modest percentage that fees represent of unit sales prices, combined with the fact that 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. However, given that the fees for housing development are not an insignificant amount, and the City wishes to incentivize the production of affordable housing units, the Housing Plan includes Policy H 4.3, which requires that the City conduct a future fee study to assess the possibility of providing fee waivers for entitlement and permitting costs to help facilitate the production of affordable, senior, and workforce housing. In addition, the Housing Plan includes Imp. 12.2, which requires that the City conduct a housing development fee study, and commits the City to adopting modified development fees for projects with a certain percentage of affordable housing by 2026.

Table B-18 — Total Fees for a Typical Multi-Family Project

Table B-18 Total Fees for a Typical Multi-Family Project

Project Description – 425 N. Palm Drive, 20 Condominium Units	
Total Project Fees	\$1,964,531.42
Fees Per Unit	\$98,226.57
Description	Cost
Tentative Parcel/ Tract Map Review (Vesting and Non-Vesting)	\$14,744
Development Plan Review (10-3-2570)	
Commission-level (Planning Commission) – Multiple Application Fee	\$3,577
R-4 Permit (10-3-2850)	\$2,632
Architecture/ Landscape Plan Review (10-3-3016)	
Commission-level (Architectural Commission)	\$ 3,904.77
Environmental Review	\$4,000
Newspaper Noticing	\$2,415
Public Noticing – (Mailed Notice)	\$3,295
Public Noticing (On-site Signage)	\$314
Covenant Processing (upon entitlement)	\$466
Final Parcel/ Tract Map Review (Vesting and Non-Vesting)	
Zoning Review	\$706.20
Engineering Review	\$2,439
Building Permit and Plan Check	\$225,488.80
Shoring Permit	\$14,461
Grading Permit	\$25,617.35
Mechanical Permit and Plan Check	\$51,255.48
Plumbing Permit and Plan Check	\$51,255.48
Electrical Permit and Plan Check	\$50,231.85
Energy Permit and Energy Plan Review	\$84,558.10
Water Efficient Landscape Permit	\$738.30
Off Site Improvements	
Sewer Charge	\$6,803
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
AB717 Fee	\$3,382.33
Seismic SB861 Residential	\$2,000
School Fees	\$135,358.08
Dwelling Unit Tax	\$22,800
Bedroom Tax	\$10,442
Parks and Recreation (QUIMBY) Fee	\$453,271.10
General Plan/Long Range Maintenance Fee (SB1608)	\$17,475.38
*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-feet 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-feet 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. Housing for Persons with Special Needs

Special Needs Housing Overlay Zone

In order to encourage a variety of housing, the City has 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. 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. However, as noted in Imp. 11.5, the City has committed to revise the regulations related to group homes or community care facilities to ensure that these regulations do not create constraints on persons with disabilities and to allow group homes for 7 or more persons in all residential zones and other housing types of the same form
- 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. However, as noted in Imp. 11.5, the City has committed to review and amend the zoning code to revise the definition of "family" to ensure that this does not create constraints on persons with disabilities.
- 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.
- Target Population: Persons with disabilities, homeless families, and homeless youth.
- 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.

Table B-19 and Table B-20 show allowable types of special needs housing in single-family and multi-family zones, respectively. In order to address any non-intended constraints to the provision of housing for disabled individuals, the City has actions outlined in its Housing Plan (Implementation Program 11.5) to commit to periodically reviewing the zoning code definitions related to housing for persons with disabilities to ensure the definitions maintain compliance with state law.

~~Table B-19 City of Beverly Hills Residential Allowable Residential Development Land Use Regulations for Single Family Residential Zoning Districts and Zoning District Overlays~~

Table B-19 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
Accessory Dwelling 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-20 City of Beverly Hills Residential Allowable Residential Development Land Use Regulations for Multi-Family Residential Zoning Districts and Zoning District Overlays

Table B-20 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
Accessory Dwelling units	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				

	R-4	RMC P	Special Needs Housing Overlay ³	R- 4X1	R-4X2	R-3	R-4-P
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).

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 persons with disabilities 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 Municipal Code specifies the following two distinct types of 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).

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 may study 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 in Table B-109, 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 density and reduced parking and unit size requirements as compared to normal R-4 standards. Additionally, the City may study the viability of reducing or waiving the cost for the Conditional

Use Permit for these projects in the future. 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 businesses that 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 this overlay zone, in concert with the incentives offered, is a viable location for special needs housing. Specific implementation programs (Imp. 11.1 and Imp. 12.1) in the Housing Plan have been added to further fair housing practices and analyze how zoning regulations may be amended to help provide more housing for special needs populations (such as the congregate care facility regulations).

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 must 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 allowed, with further reductions to 0.4 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 will be set by the Planning Commission at affordable levels as a condition of approval.

Housing for Persons with Disabilities

The following analysis addresses Beverly Hills' regulations and procedures for housing for persons with disabilities with regard to: 1) zoning and development standards; 2) building codes; and 3) processing procedures.

Zoning and Development Standards

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 in residential zones, 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. 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.

Reasonable Accommodation

In 2012, the City adopted Ordinance No. 12-O-2634 to establish specific written procedures for persons with a disability to request reasonable accommodation from the zoning and land use regulations. This ordinance codifies the process through which a request for a modification to building codes, land use regulations, policies, or procedures needed to enable a person affected by a disability to use and enjoy a housing unit. 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 reviewing authority. The applicant must provide information pertaining to the 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 if an improvement or modification is requested that would normally require a variance, a variance is not required. Given the process, the specific criteria set forth for qualification, and the no-fee application, the City's current regulations related to reasonable accommodations does not appear to act as a constraint for persons with disabilities.

Transitional and Supportive Housing

Transitional housing is defined as temporary (typically six months to two years) housing for a homeless individual or family who is transitioning to permanent housing or for youth who 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.

State law requires that transitional and supportive housing be treated as residential uses that are subject only to those restrictions that apply to other residential uses of the same type in the same zone. In addition, supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. Implementation Measure 11.5 includes a commitment to review and update the Zoning Ordinance to ensure conformance with current State definitions and requirements.

Emergency Shelters

Emergency shelters are facilities that provide shelter to homeless families and/or individuals on a short-term basis.

Jurisdictions with an unmet need for emergency shelters for the homeless must identify at least one zone where emergency shelters will be allowed as a permitted use without a Conditional Use Permit or other discretionary approval. The identified zone must have sufficient capacity to accommodate the unmet 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.

As noted in Appendix A, the most recent homeless survey estimated that there are 17 unsheltered persons experiencing homelessness in Beverly Hills. 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 (PATH), and by Network of Care for Veterans and Service Members.

The Zoning Ordinance allows emergency shelters by-right in the R-4 multi-family residential zoning overlay district. 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 area there are numerous older and/or underutilized residential properties that could be converted or redeveloped for use as emergency shelters. Additionally, the overlay zone provides close access to needs and services such as grocery stores, pharmacies, and transportation. 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 State law, 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;
- A minimum of one parking space for every 10 beds, plus one-half space for each bedroom designated for families with children, plus one parking space for each employee/volunteer on duty. The number of parking spaces may be reduced by 25% if the shelter is located within 1,000 feet of a public transit stop. Bicycle rack parking shall also be provided.
- 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.

To address recent changes to State law, Implementation Measure 11.7 includes a commitment to process a Municipal Code amendment regarding required parking for emergency shelters consistent with Government Code Sec. 65583(a)(4)(A)(2).

Low Barrier Navigation Centers

In 2019, the State Legislature adopted AB 101 establishing requirements related to local regulation of *low barrier navigation centers*, which are defined as “Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” *Low barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
- (2) Accommodation of residents' pets
- (3) The storage of possessions
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms”

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Program Imp 11.7 in the Housing Plan includes a commitment to process an amendment to the Zoning Code in compliance with this requirement.

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 by Conditional Use Permit. Additionally, the ordinance established development standards for SROs including 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

Beverly Hills is located within the highly urbanized Los Angeles metropolitan area, and no agricultural land remains in the City. Given these conditions, no specialized regulations have been adopted for farmworker housing. Any agricultural employees who may happen to live in the City would be eligible to participate in any affordable housing programs that are offered to other lower-income persons. To address the requirements of Health & Safety Code Sec. 17021.5 Implementation Measure 11.1 includes a commitment to process an amendment to the Municipal Code to allow employee housing for six or fewer employees as a single-family structure that is permitted in the same manner as other dwellings of the same type in the same zone.

Inclusionary Housing

In 2019, the City Council established an inclusionary housing program with the following provisions:

- Applies to projects with five or more housing units.
- For projects with five or more but fewer than 10 units, the developer must provide one affordable unit for low-income households. There is an option for the developer to pay a fee in-lieu of providing the affordable housing unit.
- For rental projects with 10 or more units, a minimum of 10% of all the units in the development must be rented to and occupied by very-low-, low-, or moderate-income households.
- For new condominium projects or condominium conversion projects with 10 or more units, a minimum of 10% of all the units in the development must be sold to and occupied by very-low-, low-, or moderate-income households.
- When only one affordable unit is constructed as part of a development it may be allocated for a very-low-, low-, or moderate-income household. When two or more affordable units are constructed, the units shall be allocated alternately with the first unit for low- or very-low-income and the second for moderate-income and so forth.
- The inclusionary housing regulations do not apply to projects that enter into a development agreement with the City.

Rent Control

~~All apartment units~~ Most non-condominium multi-family properties in Beverly Hills built before 1995 are subject to rent control. Rent control of apartment units first went into effect March 31, 1979. On January 24, 2017, the City's rent control ordinance was amended to establish the requirement to pay relocation fees to tenants who were evicted for *no-cause* or *non-just cause* from Chapter 6 units. This Ordinance also increased the relocation fees that must be paid to tenants for Chapter 5 units, and established an annual increase in the relocation fees tied to the CPI to be conducted on July 1st of each year for both Chapter 5 and Chapter 6 units. The ordinance decreased the allowable rent increase for Chapter 6 to the greater of; 3% or the percentage equal to the percentage increase in the CPI. It also established a rent increase application process and the requirement for property owners to annually register their rental units.

On October 18, 2018, the City further updated the rent control regulations to eliminate no cause evictions. In addition it added a new grounds for a just-cause eviction of a disruptive tenant and a new procedure pertaining to the termination of a tenancy of a disruptive tenant to Chapters 5 and 6.

On April 2, 2019, an Ordinance was adopted establishing the Rent Stabilization Commission. The Commission is to be composed of the following: two (2) landlords who own one or more residential rental properties with the City; two (2) tenants who reside in the City; and two (2) at large members who are not landlords, tenants or managers of an apartment building. The Commission will also have three alternates, one from each of the categories (1 landlord, 1 tenant and 1 at large member). The Rent Stabilization Commission, as established by the Ordinance has the power to: a) make recommendations to the City Council concerning amendments to Chapter 5 and 6 of Title 4 that have not been resolved by the City Council; and b) to perform any other functions that may be designated by resolution or motion of the City Council.

All Ordinances are closely monitored by the Rent Stabilization Division in an attempt to assure the rent stabilization guidelines are properly followed and there is no abuse or misinterpretation of the City Council's intent.

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. In addition, the City adopted a mandatory seismic retrofit ordinance in 2018 that requires existing soft-story multi-family buildings to be reinforced. The City is also exploring the adoption of a mandatory retrofit program for non-ductile concrete buildings and pre-Northridge earthquake moment frame 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 no Federal Emergency Management Agency (FEMA) designated flood zones in the City of Beverly Hills. The City 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 Zone "X" which does not require mandatory flood mitigation enforcement.⁹ Properties are not required to carry flood insurance (Hazard Mitigation Action Plan 2017, pg. 59). 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, and 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 incorrect 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 Avenue 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

⁹ City of Beverly Hills Hazard Mitigation Plan 2017-2022.
<http://www.beverlyhills.org/citymanager/emergencymanagement/hazardmitigationplan>

(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 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's Safety Element and hazard mitigation plan address flood hazard mitigation, including dam or reservoir failure inundation hazards. Furthermore, any project would be required to undergo project-specific environmental review, at which time specific mitigation or design changes would be required 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.¹⁰

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. The City's Fire Department has implemented programs¹¹ to help educate the community located in the VHFHSZ area, and encourage them to take steps to reduce the risk of wildfire in the VHFHSZ area. These include the "Ready, Set, Go!" program which emphasizes homeowner preparation for fire events, the Brush Clearance and Fuel Modification Programs, which

¹⁰Beverly Hills General Plan EIR, 2008

¹¹ <http://www.beverlyhills.org/departments/firedepartment/vegetationprograms/>

focus on reducing vegetation that can contribute to fire events, and the Public Tree Program, which seeks to provide greater defensible space from public trees with higher flammability characteristics.

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

New housing development within the City is expected to occur through the infill of existing sites and mixed-use development in commercial areas. Limited future 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 department 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. The only relatively undisturbed areas include those located near the foothills of the Santa Monica Mountains and the few open space areas located in the area 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.

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.¹²

In summary, while environmental constraints will require development to incorporate measures to mitigate potential hazards, the City's development review process already includes standard processes and requirements to address such constraints. For example, the plan check process requires a seismic study for any development that may be affected by a seismic hazard. In addition, the housing units included in the Sites Inventory are not located within the Very High Fire Hazard Severity Zone (VHFHSZ), and the City's Safety Element was recently updated (in 2022) to address potential climate change issues and assess any safety issues related to an increase in development and population over the next planning period. Furthermore, the City has experienced housing development, including single-family, multi-family, and mixed use residential projects, in recent years, which demonstrates that such constraints have not precluded development in the past. As such, the identified constraints are not expected to preclude housing development on the sites identified to satisfy the RHNA.

2. Infrastructure Constraints

Infrastructure needed to maintain and develop new housing includes water facilities, sewer facilities, streets, storm drains, street lights, 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

¹² Beverly Hills General Plan Amendments Environmental Review (2009)

and construction of multi-family or mixed-use development within commercial areas. Therefore, the provision of infrastructure does not constitute a constraint to housing production.¹³

Water System

The City of Beverly Hills provides water service to all of the City's residents and to some residential parts of the City of West Hollywood. The City of Beverly Hills will be importing about 70% of its water from the Metropolitan Water district (MWD) to approximately 9,400 customers. The remaining 30% of water need is met by the four groundwater wells in the City. Three groundwater Hollywood wells are located in the Beverly Gardens Park, one in the Burton Way median, two shallow groundwater wells (Maple yard wells) at the City's yard, and one is currently being developed in the unadjudicated portion of the Central Basin in the City of Los Angeles. All existing and proposed wells will be pumped to the City's treatment plant through a transmission main owned and maintained by the City. The proposed Central Basin well is drilled and the transmission main construction completed. The well-equipping construction phase of the project is currently underway. About 80 percent of the water service area use is residential in nature.¹⁴

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 a sewer collection system within the community. The existing sanitary sewer system consists of over 95 miles of sewer main. More than half of the existing sewer system within Beverly Hills is over 50 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 wastewater infrastructure. The City of Beverly Hills sewer flows come from the City of Los Angeles from its north and northwestern border and then comingles flows within the city limits until it connects to the City of Los Angeles sewer facilities at the southeastern border of the City. All of the City's wastewater flow is treated at the City of Los Angeles

¹³ Ibid.

¹⁴ Ibid.

Hyperion Treatment Plant in El Segundo.¹⁵ Wastewater treatment capacity is expected to be adequate to accommodate projected housing development during the planning period. ¹⁶As 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 drains within and adjacent to the boundaries of the City of Beverly Hills, approximately two-thirds of which are owned and maintained by the City. The remaining one-third are 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 2020 Integrated Water Resources Master Plan (IWRMP) included the evaluation of the storm drain system which includes capacity and system integrity. Overall, the City's storm drain system has sufficient capacity and significant flooding areas are not expected due to the Hollyhills Storm Drain improvement project. The Hollyhills project increased the capacity of the regional system that addressed upstream flooding conditions. The Los Angeles County Department of Public Works and Flood Control System were the project leads of this regional project.

To verify the City's storm drain pipe conditions, the IWRMP is recommending a 5-year storm drain inspection program that would investigate the integrity of the system and assess potential capacity issues. Results of the CCTV assessments will provide a list of future projects for replacement or rehabilitation.

Street System

The City is located along the densely developed Wilshire Corridor and is regionally situated in the middle of a variety of regional traffic generators that include Westwood, the University of California, Los Angeles (UCLA),

¹⁵ City of Beverly Hills General Plan Update Technical Background Report, October 2005.

¹⁶ City of Los Angeles, Citywide Housing Element 2021-2029 and Safety Element Updates Draft EIR, p. 4.16-72

Century City, Los Angeles International Airport (LAX), 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: the I-405 freeway in the north-south direction and the I-10 freeway in the east-west direction. This results in 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 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. In addition, several more enhanced pedestrian crossings are in the design phase for use throughout the City. The City's Complete Streets Plan (discussed below) includes a crosswalk policy for non-controlled intersections so that all future crosswalks are of the highest quality possible to improve pedestrian safety and visibility. The Business Triangle 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, crosswalks, stairs, pedestrian promenades, and paths in the City's parks.

Four separate transit agencies provide bus service in the City. The Los Angeles County Metropolitan Transportation Authority (Metro or MTA) operates the majority of the fixed-route bus transit service. 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. Metro has also planned two underground rail stations in the City that will extend the Purple Line subway route through Beverly Hills. The stations are currently under construction in two sections: The first section of the Purple Line Extension will extend the subway from the Wilshire/ Western station in Los Angeles to Wilshire/La Cienega in Beverly Hills. Section 2 extends from the Wilshire/ La Cienega station to the Wilshire/ Rodeo station in Beverly Hills and then on to the Century City / Constellation station.

In 2021, the City Council adopted a Complete Streets Plan, which aims to consider access to the public right-of-way for all road users of all ages and abilities. The plan works to accommodate those who are walking or biking, as well as those using public transit and vehicles. As part of the plan's development, the City comprehensively evaluated and updated existing policies and programs to relieve traffic congestion, including policies to encourage non-driving modes.

As outlined in the Complete Streets Plan, the City has started to implement its holistic bikeway network. Currently there are bike lanes on Burton Way

east of Rexford Drive, on Santa Monica Boulevard from west to east City limits, and on Crescent Drive north of Santa Monica Boulevard. There are also bike routes with shared lane markings on South Santa Monica Boulevard between Moreno Drive and Roxbury Drive, and Crescent Drive between Santa Monica Boulevard and Wilshire Boulevard. The City continues to expand end-of-trip facilities through short-term and long-term bike parking at key destinations.

...