



**CITY OF BEVERLY HILLS
STAFF REPORT**

Meeting Date: March 1, 2011
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP, Director of Community Development
Subject: Modification to Community Development Priorities for FY 2010-11
to Include Mills Act Ordinance
Attachments: 1. FY 2010-2011 Budget Work Program (Planning)
2. Non-budgeted Work Effort / Priorities

INTRODUCTION

This item is being presented at the request of Mayor Delshad.

BACKGROUND

On November 30, 2010, the City Council updated the Planning Division's Work Plan. Further refinements were made in January 2011 that replaced the Commercial Common Interest Development Ordinance with work exploring options to address late night social events on private property.

The Mills Act has previously been discussed and, at Council's direction, placed as a 'B' priority with the stated expectation that it be a part of the Planning Division's FY 2011-2012 Work Plan.

The current, amended, Work Plan is attached along with the list of non-budgeted priorities.

DISCUSSION

The City Council sets the work plan for all Departments every year during the budget hearings. Work plans can and do change at the Council's direction to address changing priorities during the fiscal year. Greater focus has been placed on department work plans in part due to reduced resources and to provide increased accountability for the work being completed from one year to the next.

To help inform the Council in its deliberation of a possible change to the Planning Division's Work Plan, this report provides additional information on the Mills Act and comments on the Work Plan.

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Mills Act

The Mills Act is a federal program that allows a property owner to enter into a contract with a governmental entity to receive tax incentives for the purpose of historic rehabilitation and maintenance.

To take advantage of the Mills Act on a local level, the City Council would need to adopt an ordinance that set forth this opportunity, the process, and applicable criteria. It is staff's understanding that this would be the nature of the work directed by the City Council when this work effort is initiated, along with appropriate public outreach. More specifically, adopting the subject ordinance is estimated to take approximately 120 staff hours and 4-6 months to complete. The work effort requires research to identify the number of properties that would be eligible under this program, hearings before the Planning Commission, ordinance drafting and at least two meetings before the City Council, prior to its implementation.

The Mills Act grants participating local governments the authority to enter into contracts with owners of qualified historic properties to reduce property taxes in exchange for the restoration and maintenance of their historic property. The Mills Act allows local governments to design preservation programs to accommodate specific community needs and priorities for:

- Rehabilitating neighborhoods
- Encouraging seismic safety programs
- Contributing to affordable housing
- Promoting heritage tourism
- Fostering pride in ownership

Local governments enter into contacts with the property owners of qualifying historic properties. This is a formal agreement, generally known as a Mills Act or Historical Property Contract, and is between the local government and the property owner.

To qualify for the Mills Act Program, the property must be listed on any Federal, State, county, or city historic register, including:

- The National Register of Historic Places
- California Register of Historical Resources,
- California Historical Landmarks
- State Points of Historical Interest

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- Locally designated landmarks

While the City has state and federally designated historic resources, there is no formally established list of locally designated landmarks. In 1975, the City established a Landmarks Preservation ordinance that gave the Architectural Commission the authority to investigate potentially historic properties and establish a list; the commission could even designate properties as Landmarks. A review of city records shows that no single property has formally been designated under these regulations. And, the ordinance has largely been regarded as a voluntary program, in part because the City has not proactively sought to designate property.

The Mills Act is a passive preservation tool. If the City were interested in shifting its policy toward more proactive protections for potentially historic properties, a review of these regulations provides an appropriate starting place. Current regulations are constructed poorly, at once identifying the Architectural Commission as an advisory body only to the City Council, and then suggesting it has the authority to designate Landmarks. Also, a review of the definition of a Landmark should be re-evaluated and refined based on specific criteria in which the City would evaluate future designations. For instance, there has been much discussion in the public and at Council meetings regarding how much weight to place on a possible designation based on the occupants of a building. Implementation of a more proactive program, however, would have a significant impact on existing staff and commission resources, and could have a dramatic impact on the pace of development in the city, as well as cost and timing implications to developers.

With respect to the Mills Act, the City's current, local ordinance provides a mechanism by which an interested property owner could seek designation. A local designation along with the passage of a Mills Act Ordinance would enable a property owner to enter into an agreement with the City as described in this report.

Mills Act – Fiscal Considerations

A Mills Act ordinance can apply to certain or all categories of properties, such as residential, multi-family, commercial, industrial, etc., based on the established local provisions.

A limit to the maximum number of applications can also be established as has been done in other nearby communities. The limit to applications would reduce the property tax revenue lost to the City to ensure reductions are measured over time and within acceptable limits.

The formula that the State Board of Equalization and Los Angeles County Assessor offices use to establish the reduced property assessment is complex and it is difficult to draw definitive conclusions at this time as to the potential fiscal impact to the City, if a Mills Act ordinance were established. Therefore, the City Council may want to discuss the maximum amount of reduced property tax it is

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willing to accept year after year and have that establish the threshold or limits for moving forward with a Mills Act Ordinance.

For illustrative purposes, it is estimated that a Mills Act qualifying private residence in Beverly Hills that is 5,000 square feet in area with an assessed value of 3.5 million, would save a property owner approximately 73% from their general property tax assessment and reduce property tax collection in the city by approximately \$4,500 annually. These numbers are generalized and based on assumed variables, which change over time based, in part on market conditions, but also could relate to how long an individual has owned the property (newer owners are likely to see greater reductions and savings as opposed to someone who has owned their property for 20 years, for example). It should not be assumed that every residence meeting the above criteria necessarily results in the same savings to the owner or cost to the city.

School districts not receiving basic aid and other county programs also see reductions in general property tax assessments through a Mills Act program.

Commercial properties could also be eligible if the local enabling ordinance permitted this level of participation. As described in another report on the March 1, 2011 agenda, Paul Williams designed many commercial buildings in the City, including the Saks Fifth Avenue building. It is reasonable to expect that such a structure could be evaluated and determined eligible for listing as a local historic resource and, therefore, eligible for assessed valuation reductions.

Commercial and multi-family properties generally see slightly less reductions based on criteria in the capitalization rates used in the state / county formula.

The extent of a fiscal impact to the city would depend on how broad the program was extended and whether, and to what extent, the city established a limit on the number of applications or a cap on the lost property tax revenue.

Work Program

All items identified on the FY 2010-2011 Planning Division Work Plan are expected to be completed by the end of the fiscal year. As shown on the attached work plan, some efforts have been completed and work continues on the remaining tasks. Importantly, work effort has already begun on all tasks. Therefore, a shift at this point to a non-budgeted work effort would draw resources from an existing task that may result in that task not being completed this fiscal year and reduce the division's overall efficiency in completing work program assignments.

Hours dedicated to each task are estimated. Some tasks will go over allocated time, others will have residual hours that can be used on other efforts. Rather than shifting the work program at this time, staff recommends that the Mills Act be identified as the very next task to initiate should there be available staff hours

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to start that work effort. In the absence of available time, the Mills Act ordinance will be identified as a task for the upcoming fiscal year work plan.

If the City Council determines it necessary to begin the Mills Act Ordinance this fiscal year there are two options available:

1. Eliminate one of the pending work plan items (120 hours)
2. Direct staff to hire a consultant to prepare the work (estimated at approximately \$10,000)

Additionally, evaluation and implementation of a more proactive historic preservation ordinance is identified as a 'B' Priority on the work plan, and therefore, no dedicated staff time has been identified to begin work on this effort at present. The steps to implement such a program would be similar to other ordinances, which involve clear understanding of the Council's direction, research and analysis, identification of options, evaluation of the benefits and potential concerns, public outreach, hearings before the Planning Commission and City Council, ordinance drafting and implementation.

FISCAL IMPACT

The recommendation contained in this report has no immediate or direct fiscal or budget related impact. However, changes to the Work Program may alter the completion of certain tasks. Additionally, if directed to proceed with a Mills Act Ordinance, a fiscal analysis would be required to determine the loss in property taxes that may result from participation in the program. Such analysis may require the hiring of a consultant and the need to appropriate funds for that service.

RECOMMENDATION

Staff recommends that the City Council make no change to the FY 2010-2011 Work Plan and that the Mills Act be incorporated into next year's work plan.

Susan Healy Keene, AICP

Approved By



Attachment 1

FY 2010-2011 Budget Work Program (Planning)

CURRENT FY 10-11 WORK PROGRAM (Planning). Last Council Modification: January 11, 2011

NO.	TITLE/DESCRIPTION	SOURCE	ES	GP	VS	GF	PI	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	ESTIMATED COMPLETION	PERCENT COMPLETE	PRIORITY
PLANNING													
P01	Ongoing Tasks. Other 'ongoing' tasks: process and analyze current development projects, process and analyze design-related applications, plan review, support the public permit center counter, answer phones / emails, monitor regional development activity, monitor state legislation, and training.	2010-11 Budget	X	X	X	X	X	Day-to-Day Work and Case Processing	Planning	14,439	Ongoing through Fiscal Year		A
P02	Housing Element. Prepare the 2007-2013 Housing Element for review by the Planning Commission, comment by State Department of Housing & Community Development and hearings before the City Council	2010-11 Budget		X	X	X		Planning Commission and City Council Public Hearings/HUD approval of Program	Planning	500	Spring/Summer 2011	80.0%	A
P03	General Plan Implementation – 5 Year Plan. Identify, prioritize and develop a five-year schedule to advance certain goals and objectives in the City's General Plan (Implementation Plan).	2010-11 Budget		X	X			Review of General Plan and Possible Public Hearings/City Council Adoption of Text Amendment	Planning	120	Summer 2011	15.0%	A

ES: Economic Sustainability GP: General Plan Goal/Policy VS: Vision Statement GF: Core Government Function - Foundation PI: Process Improvement

CURRENT FY 10-11 WORK PROGRAM (Planning). Last Council Modification: January 11, 2011

NO.	TITLE/DESCRIPTION	SOURCE	ES	GP	VS	GF	PI	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	ESTIMATED COMPLETION	PERCENT COMPLETE	PRIORITY
P04	Streamline Entitlement Process. Evaluate and implement strategies that streamline the Architectural, Design and Planning Commissions entitlement process.	2010-11 Budget	x	x	x	x	x	Staff evaluation of current practices and Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	361	Spring/Summer 2011	30.0%	A
P05	Medical Land Use Ordinance. Develop an ordinance that limits new and expanded medical office space in the city, include a provision that allows medical to be established in an existing building if code required parking is available	2010-11 Budget	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	350	Winter 2010	95.0%	A
P06	Zoning Interpretations Manual. Create a framework for and populate a publically available zoning code interpretations manual .	2010-11 Budget		x	x	x	x	Staff Review of Municipal Code / Development Projects	Planning	180	Spring 2011 ongoing as needed	1.0%	A

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P07	Zoning Code Amendments – 5 Year Plan. Identify, prioritize and develop a five-year schedule to amend the City's Zoning Code to improve its administration, consistency with other City regulations, enhance public participation and clarify conflicting or confusing regulations .	2010-11 Budget		x	x	x	x	Staff Review of Municipal Code and Development Regulations	Planning	220	Spring/Summer 2011	15.0%	A
P08	Trousdale View Preservation. Develop standards that protect/restore views of the LA Basin obstructed by landscaping and trees.	2010-11 Budget		x	x	x		Planning Commission and City Council Public Hearings/HUD approval of Program	Planning	250	Fall/Winter 2010	85.0%	A
P09	AC Membership Changes / Stagger DRC Terms. Amend the Zoning Code to reduce, through attrition, the Architectural Commission from 7 to 5 appointees and change the discipline qualifications to match Design Review Commission. Stagger so that no more than 2 members come off at one time.	Staff Initiated		x	x		x	Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	Winter 2011 or sooner	50.0%	A

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P10	CEQA Traffic Thresholds. Support the Public Works Department, which is evaluating changes to the city's traffic thresholds of significance	City Council Initiated			x	x	x	Planning Commission and City Council Public Hearings	Planning/Transportation	40	Summer 2010	100.0%	A
P11	Second Unit / Accessory Structure Ordinance S. of SMB Text amendment for short section of South Spalding Drive where it abuts the alley along the west side of Roxbury Park (432 – 492 South Spalding Drive). The text amendment would allow two-story second units as are allowed in the Central Area north of Santa Monica Boulevard.	Planning Commission Initiated				x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	Winter 2010	100.0%	A
P12	Renaming Little Santa Monica. Proposed name change to honor Will Rogers.	Councilmember Initiated			x	x		Community Outreach/Public Hearings/ Council Adoption	Planning	20	Fall 2010	100.0%	A
P13	Medical Marijuana Ordinance. Develop an interim ordinance that specifically prohibits the establishment of medical marijuana dispensers in the City	Council Initiated			x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/CAO	80	Spring 2011	100.0%	A

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P14	Sustainable City Plan – Support the Public Works Department and assist with the collection of data on City processes and input into existing software programs to establish baseline information on City government’s carbon emissions.	Council Initiated		x	x	x		Research and Present to Council	Planning / Public Works	280	Spring 2011	10.0%	A
P15	Subway. Review and comment on the subway extension including consideration for grand stations featuring retail and other synergetic activities. NOTE: Part of amended work program	Planning Commission & City Council Initiated	x	x	x	x		Outreach/Coordination and Public Hearings	Planning / Public Works	200	ongoing	85.0%	A
P16	California Code Adoption. Assist the Building & Safety Division with review and code-related amendments for the new 2010 California Codes	2010-11 Budget/ State Mandate	x			x	x	The Beverly Hills Code Adoption Committee has been conducting various meetings with regional cities and counties and will be presenting a code adoption ordinance in the Fall of 2010.	Planning / Bldg & Safety	80	Winter 2010	100.0%	A
P17	Strategic City Plan. Participate and implement work plan items resulting from the City Manager-driven strategic plan	City Manager Initiated	x		x	x	x	Assist City Manager's Office with visioning / reorganization efforts	Planning	150	Spring 2011	70.0%	A
P18	Noise Ordinance. Amplified Music in Residential Areas. Extending the time limit for amplified music in residential areas.	Councilmember Initiated		x	x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	Winter 2011 or sooner	100.0%	A

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NO.	TITLE/DESCRIPTION	SOURCE	E S	G P	V S	G F	P I	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	ESTIMATED COMPLETION	PERCENT COMPLETE	PRIORITY
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Attachment 2

Non-Budgeted Work Effort / Priorities

NON-BUDGETED WORK EFFORT/PRIORITIES

NO.	TITLE/DESCRIPTION	SOURCE	ES	GP	VS	GF	PI	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	DURATION*	PRIORITY
Non-Budgeted Work Effort / Priorities												
1	Extend SFD Design Review to Hillside & Trossdale. Evaluate and develop recommendations related to the extension of design review of single family homes in Hillside and Trossdale	2010-11 Budget		X	X			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	300	1 Year	B
2	Affordable Housing Policy. Develop a structure to manage affordable housing units in the city. NOTE: This is a General Plan Implementation program that will be considered for future review in the current fiscal year's five year GP Implementation plan	Councilmember Initiated		X	X	X		City Council Meetings/Research and dialogue with other agencies/organizations	Planning/ Policy and Management	120	9-12 months	B
4	Commercial Entertainment. Extending or establishing zones within commercial areas where entertainment and amplified music is permitted. Consider a CUP so that it can be revoked if abused, but make the CUP available at a nominal cost or design a process where it can be issued and administered administratively.	Councilmember Initiated	X	X	X			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	4-6 months	B
5	Historic Preservation Standards & Creation of a Certified Local Agency. Explore the possibility, steps and costs of establishing a local historic preservation program. NOTE: This is a General Plan Implementation program that will be considered for future review in the current fiscal year's five year GP Implementation plan	Councilmember Initiated		X	X			City Council Meetings/Research and dialogue with other agencies/organizations	Planning	400	9-12 months	B

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* Estimated Start to Finish, After Authorization to Proceed.

NO.	TITLE/DESCRIPTION	SOURCE	ES	GP	VS	GF	PI	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	DURATION*	PRIORITY
6	Parking In-Lieu Fees. Return to Council with information on the in-lieu fee program. History, past action, cost of construction, etc. NOTE: City Council directed AD HOC meeting follow up. <i>Request to advance restaurant only expansion not supported by CC on January 11, 2011</i>	City Council Initiated	x	x	x			Research/Report and City Council Hearing	Planning	80	4-6 months	B
7	Reduce Planning Entitlement Expiration Timeframe. Explore the possibility of reducing current 3-5 year entitlement expiration of approvals to 2 years and/or payment beyond 3 year entitlement.	City Council Initiated				x		Research/Report and City Council Hearing	Planning	80	2 months	B
8	Mills Act Ordinance Implement this federal program providing tax benefits for historic rehabilitation of private property.	Planning Commission Recommended City Council Endorsed		x				Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	4-6 months	B
9	Density Bonus/Second Unit Ordinance Revisions. Update the City's density bonus and second-unit provisions to more effectively implement State mandates and to establish standards that protect the scale and character of residential neighborhoods. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated		x	x	x	x	Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	4-6 months	B

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10	R-1 Mass and Bulk Standards. Revisit current development standards with respect to their adequacy in addressing mass and scale issues including basement areas and related parking issues. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated		x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	400	9-12 months	B
11	Reduce Unit Size and Increase Density on R4 Zoned Parcels. Explore decreasing the minimum unit size for multi-family units and increasing density	City Council Initiated	x	x				Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	6-8 months	B
12	Commercial CID Ordinance. Develop standards that limit or prohibit the conversion of commercial properties into to common interest developments	2010-11 Budget	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	180	9-12 months	C
13	Hillside View Preservation. Develop standards that protect/restore views of the LA Basin obstructed by landscaping and trees.	2010-11 Budget		x	x	x		Planning Commission and City Council Public Hearings/HUD approval of Program	Planning	250	1 Year	C
14	Affordable Housing Strategies Ordinance. Zone Text Amendment which institutes affordable housing mechanisms, such as inclusionary housing, contributions to a housing trust fund, and other strategies. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated		x	x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	400	4-6 months	C

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15	Appeal Fees. Present report on Appeal Fees on recently approved Fee Schedule. What the fee applies to and appropriate range of costs (cost recovery to subsidized). Evaluate of what other cities charge. NOTE: City Council directed staff to evaluate changes to appeal fees (September 2010)	City Council Initiated			x			City Council Meetings/Research and dialogue with other agencies/organizations	Planning	40	2 months	C
16	CEQA Thresholds. Consider changes to the city's thresholds of significance used for analysis beyond traffic, such as parking, air quality, view, shade / shadows, etc.	City Council Initiated			x	x	x	Planning Commission and City Council Public Hearings/Hiring of Consultant/Preparation of New Technical Studies	Planning/ Transportation	360	9-12 months	C
17	Historic Properties Application Fee. Return to Council re: fee structure, how many owner's have taken advantage of this program, whether the fee is too high, evaluation of other Cities' programs. NOTE: This fee will be eliminated upon adoption of next FY Fee Schedule	City Council Initiated		x	x			City Council Meetings/Research and dialogue with other agencies/organizations	Planning	40	3-4 months	C
18	Theater & Arts District. Explore possible changes to the City's Zoning Code and/or General Plan to establish a theater / arts district at the eastern portion of Wilshire Blvd. Explore possibility of establishing a Redevelopment Agency to implement changes .	Councilmember Initiated	x		x			Research Planning and Redevelopment Laws Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/ Policy and Management	400	9-12 months	C
19	Tie Planning Entitlements to Individuals not Property. Explore the possibility of changing entitlement ownership from the property owner to individual applicants.	Councilmember Initiated	x					Research Planning Laws Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/CAO	80	2 months	C

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20	Zoning Code Amendments. The Design Review Commission has identified a number of Zoning Code amendments that it would like to see implemented. The amendments relate to building height, basements, window heights, average setbacks, porte cocheres, alley access and reduced side yards.	Design Review Commission Initiated			x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	180	6-8 months	C
21	Change Zoning from R1 to R4 & General Plan Designation (as appropriate) for certain parcels located on Carson Street.	Councilmember Initiated			x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	6-9 months	C
22	Historic Hot Dog Stand. Look for opportunities to bring the former West Hollywood stand that is currently in storage to the City.	Councilmember Initiated			x			Staff Outreach and discussions	Planning	50	3 months	C
23	Master Parking Inventory and Program. Support Public Works with an inventory of public and private parking in the Business Triangle and a coordinated management program to maximize use of these parking resources.	Planning Commission Initiated	x	x	x	x		Hire Consultant/Conduct Study	Planning/ Transportation	80	4-6 months	C
24	Hotel Ordinance Text Amendment requiring PC approval to reduce room count, and amending duration of stay requirements as transient occupancy uses. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated	x	x	x			Outreach/ Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4-6 months	C

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25	Rooftop Use Ordinance. Zone Text Amendment to encourage and expand rooftop uses in commercial districts. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4 months	C
26	Single Lot Standards. Zone Text Amendment to development regulations to improve the viability of single lot commercial development. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4 months	C
27	Medical Backup Generators. Explore requiring existing medical office buildings to be equipped with backup power systems to protect patients in the event of power outages during medical procedures	Councilmember Initiated						Research and possible hearings before the Planning Commission & City Council	Planning	50	2-3 months	C
28	Redevelopment Agency. Study the feasibility of establishing a redevelopment agency in Beverly Hills	Councilmember Initiated	x					Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	250	9-12 months	C

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