



Planning Commission Report

Meeting Date: September 12, 2013

Subject: Historic Preservation Incentive Program

Recommendation: That the Planning Commission review and discuss a proposed strategy for developing a program to encourage property owners to preserve and maintain historic resources in the city.

BACKGROUND

On January 24, 2013, the Beverly Hills City Council adopted an ordinance establishing a Historic Preservation Program for the city. As part of the implementation of the Historic Preservation Program, the Cultural Heritage Commission (CHC) of the City of Beverly Hills has been crafting a program of incentives to encourage property owners to preserve and maintain historic resources in the city. A subcommittee of two of the Cultural Heritage Commissioners was formed and tasked with working with the Cultural Heritage Commission at large, City staff, and the community on the topic of Preservation Incentives.

On January 9, 2013, a staff report (see Attachment 1) was presented to the Cultural Heritage Commission that provided an overview of established incentive programs used at the Federal, State, and local levels, for the Commission's consideration in working towards crafting a set of incentives to encourage historic preservation in the City of Beverly Hills.

A follow-up report (see Attachment 2) was presented at the April 10, 2013, CHC meeting to provide analysis of the possible incentives and present a strategy for developing and prioritizing a Historic Preservation Incentives Program. At that meeting the CHC considered various options available to incentivize Historic Preservation in the City and requested that a liaison meeting of a subcommittee of Planning Commissioners and the CHC - Preservation Incentives Subcommittee be scheduled to discuss possible strategies for developing a Historic Preservation Incentives Program. The Cultural Heritage Commission further requested the matter be forwarded to the Planning Commission to continue to develop scenarios for an incentives program for the City of Beverly Hills and to make recommendations to the City Council. A specific request by the CHC at that meeting was for staff and the Preservation Incentives Subcommittee to further study the option of In Lieu Parking provisions as a potential incentive. A more in-depth section titled "Parking" has been included in this report in response to the CHC's request and for the Planning Commission's consideration.

At the request of the Cultural Heritage Commission, a joint subcommittee of the Planning Commission (Chair Rosenstein and Commissioner Yukelson) met with the CHC - Preservation Incentives

Attachments:

1. Cultural Heritage Commission Report – January 9, 2013
2. Cultural Heritage Commission Report – April 10, 2013
3. Article 33 of Beverly Hills Municipal Code – In Lieu Parking

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Subcommittee (Commissioners Greer and Pynoos) and Planning Division staff to discuss priorities for developing a Historic Preservation Incentives Program and the matter is now being brought before the Planning Commission for further review and discussion.

DISCUSSION

A basic description of specific incentives is included below for reference. Specific incentive options have been analyzed in terms of potential costs (time, money, barriers) and benefits (promoting or preserving historic resources). Each incentive has been broken down to identify the following properties:

- Time frame for implementation;
- Estimated level of costs for the City to implement and for the applicant;
- Factors or potential barriers to consider;
- Benefits that are likely to result;
- What actions will be needed; and
- Which agencies and community or stakeholder groups might be involved.

Estimates of timing and cost are kept general to guide the Commission in decision making about which programs to pursue. More in-depth analysis of specific program requirements could be conducted once the Cultural Heritage Commission, Planning Commission and City Council set priorities for the incentives work program.

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
FINANCIAL	<p>Federal Tax Credits</p> <p>Tax relief for owners of historic properties is provided by the federal government in the form of tax credits. Federal historic preservation tax credits lower the amount of tax owed and are offered at two levels: 20% and 10% of cost of construction.</p>	Short	<p>For City: <i>Low</i>. Staff time for technical assistance guiding applicants in the process or assisting with application for National Register.</p> <p>For owners: <i>High</i>. Will require investment of time and resources to apply for National Register designation and/or tax credit application. But if the application is successful, the owner could reap large tax savings.</p>	<p>-Only applies to properties listed on or eligible for the National Register (20% tax credit), or to certain properties built before 1936 (10% tax credit).</p> <p>-Private residential properties are not eligible.</p>	<p>-Rehabilitation costs provide tax advantages to owners who improve their historic properties.</p> <p>-Helps make historic redevelopment financially possible.</p>	<p>-Inform applicants looking to rehabilitate historic properties of the possibility of tax credits.</p> <p>-Staff can assist applicants with application for National Register of Historic Places.</p>	<p>City Staff – Planning Division for technical guidance.</p> <p>Applicant</p> <p>National Parks Service (NPS)</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
FINANCIAL	<p>Mills Act Contracts</p> <p>The Mills Act is a state law that enables local governments to enter into contracts with owners of historic properties to provide property tax abatement in exchange for the continued preservation of a historic property.</p>	Short	<p>For City: <i>High</i>. Tax benefits to property owners results in decreased tax revenue to the City and other agencies. Also, application processing by the City is not assessed a cost recovery fee.</p> <p>For applicant: <i>Mid</i>. Have to commit to maintaining the property for minimum 10 years and use savings to reinvest in the property. But tax savings, particularly for recently-acquired properties, can be considerable.</p>	<p>-The City's current 2-year Pilot Mills Act Program is set expire at the end of 2013. The program is currently under re-evaluation by the CHC & PC for recommendation to the CC on possible refinements and extension of the program.</p> <p>-Recommendation that only properties that are designated Local Landmarks be eligible to apply.</p>	<p>-Promotes preservation, rehabilitation, and maintenance of historically designated properties by the property owner.</p> <p>-May provide substantial tax relief to the property owner, particularly on recently-acquired properties which would have higher assessed property values.</p> <p>-The historic contract could boost the marketability of a property.</p>	<p>-Future of Mills Act program depends on direction from City Council.</p> <p>-If the program is renewed, eligibility and criteria could be re-evaluated.</p>	<p>City Council & CHC</p> <p>City staff – Planning Division; City Attorney's Office.</p> <p>Los Angeles County Assessor's Office.</p> <p>Possibly an outside consultant for fiscal impact analysis.</p> <p>Beverly Hills Unified School District (BHUSD)</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
FINANCIAL	<p>Fee waivers or deductions</p> <p>Some cities offer full or partial refunds of building permit fees for work on historic properties.</p> <p>*See "Parking" section of this report below for further discussion of In Lieu Parking as a financial incentive.</p>	Mid	<p>For City: <i>Mid – High.</i></p> <p>-Reduced fees to applicants prevent cost recovery of staff time for processing permits.</p>	<p>-The fiscal impact of reduced fees (revenue) should inform how the subsidy is structured.</p> <p>-Recommendation that only properties that are local landmarks be eligible to apply.</p> <p>-Recommendation that only building permit or planning application fees be eligible, not other fees collected, e.g. development impact fees</p>	<p>-Would be a local incentive specific to City of Beverly Hills (though other cities also have similar programs)</p> <p>-Direct financial incentive to encourage property owners to maintain or rehabilitate historic properties.</p>	<p>-Study how to structure such a program – criteria for eligibility, amount of fees to be refunded, etc.</p> <p>-City staff or possibly an outside consultant to conduct a fiscal impact analysis.</p>	<p>City staff – Planning Division; Building and Safety Division</p> <p>Possible outside consultant for fiscal impact analysis.</p> <p>City Council for approval of fee schedule</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
CONSERVATION	<p>Conservation and Façade Easements</p> <p>Conservation and façade easements allow a property owner to receive an income tax deduction by donating a part of the historic property to a qualified preservation organization (considered a charitable donation) that will oversee that the historic and architectural qualities of the structure are not altered in the future.</p>	Mid	<p>For City: <i>Low</i>, if the easements are handled by an outside preservation organization such as the LA Conservancy. City would not be a party to the binding agreement between the property owner and easement holder.</p> <p>For applicant: <i>Mid</i>. Restricts the future appearance and/or use of the property. Requires applicant to process application and agreement.</p>	<p>-The LA Conservancy can be the easement holder for such easements. If appropriate in the future, Beverly Hills could establish its own non-profit conservancy (e.g. Pasadena Heritage).</p>	<p>-Protects the architectural and historical significance of a building by restricting the right to alter its appearance or footprint.</p> <p>-The property owner who donates an easement can receive a one-time income tax deduction. The value of the easement is determined by calculating the difference between the fair market value of the property without the easement, and the value of the property with the easement restrictions (limitations on future development, height, use, etc.)</p>	<p>-Staff to identify projects which may be good candidates for such an easement, and direct applicants to LA Conservancy.</p>	<p>City Staff – Urban Design Team.</p> <p>Conservation organization (e.g. LA Conservancy).</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
CONSERVATION	<p>Transfer of Development Rights (TDR)</p> <p>TDR is a growth management tool that allows for the development potential on sensitive sites to be transferred or sold to non-sensitive sites through the private market.</p>	Long	<p>For City: <i>High</i>. Cost of developing a TDR program would be high and would need to be funded as a separate work program.</p> <p>For applicant: Value of buying & selling development rights would be determined in the marketplace.</p>	<p>-Developing a TDR program could be a complicated and complex process. Designing and implementing such programs has proven to be difficult (but not impossible) elsewhere.</p> <p>-Factors that will influence the TDR market include: local housing and land market conditions; underlying zoning restrictions; ability to acquire additional density through other means, etc.</p>	<p>-Discourages demolition of historic buildings by allowing property owners to realize the unused economic potential of their property.</p> <p>-Helps minimize negative economic impacts to landowners by providing a path for a property owner to recoup part of the economic loss that local landmark designation may have caused.</p> <p>-TDR programs prosper in areas with high land values and hefty development pressures, both of which apply to Beverly Hills.</p>	<p>City would need to establish a "TDR Bank" and designate areas where development may be transferred to or from. The "sending zone" is the area to be protected, where development potential will be exported from. "Receiving zones" are areas designated to accept development potentials, which are appropriate for and exhibit a market demand for increased density.</p> <p>-Conduct a land suitability analysis to determine which areas of the City are appropriate sending and receiving zones.</p> <p>-Hold community meetings to involve stakeholders</p>	<p>City Staff – Planning Division; City Attorney’s Office.</p> <p>Outside consultants for analysis and drafting program.</p> <p>Engage the community: residents, property owners, and business, real estate & development community.</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
CONSTRUCTION	<p>California State Historic Building Code (CHBC)</p> <p>The state recognizes that historic buildings have unique construction qualities and so the CHBC provides an alternate building code applicable for use by historic properties, which is performance-based rather than prescriptive.</p>	Mid	<p>For City: <i>Low</i>.</p> <p>For applicant: <i>Low</i>. Would need to go through process to seek designation as a local landmark.</p>	<p>-Recommendation that only properties that are designated as Local Landmarks or "character contributing buildings" be eligible to utilize the CHBC.</p>	<p>-Allows for flexibility in the otherwise rigid building regulations to enable sensible rehabilitation, restoration, preservation, relocation, or change in occupancy of historic buildings.</p> <p>-Aims to encourage preservation of historic buildings and conservation of architectural elements while maintaining standards for public safety.</p> <p>-Intent is to further a cost-effective approach to preservation.</p>	<p>-City has already adopted the CHBC.</p> <p>-Inform eligible properties of the available use of the CHBC.</p>	<p>City Staff – Planning Division; Building & Safety Division; Development Services Team.</p> <p>Could partner with professional organizations (e.g. California Building Industry Association [BIA], American Institute of Architects [AIA]) to publicize the option of using the CHBC in Beverly Hills.</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
ZONING	<p>Adaptive Reuse Ordinance</p> <p>An adaptive reuse ordinance could modify zoning requirements to facilitate the conversion of existing historic structures into new uses. The ordinance could create an expedited approval process and ensure that older and historic buildings are not subjected to the same zoning and code requirements that apply to new construction, which might otherwise preclude reuse of historic buildings.</p>	Long	For City: <i>High</i> . Cost of developing an ordinance is high and would need to be funded as a separate work program.	<ul style="list-style-type: none"> -Thorough research and analysis would need to be conducted to examine the suitability of such an ordinance for Beverly Hills. -Consider if ordinance should apply only to properties listed on the local register. -All work should be conducted in accordance with the Secretary of the Interior's (SOI) Standards 	<ul style="list-style-type: none"> -Would facilitate the process of converting historic structures and encourage the preservation of historic resources -Allows obsolete historic structures to breathe new life through rehabilitation and change of use. -Could be a neighborhood revitalization tool for underutilized areas of the city -Can help create new housing units to serve market-rate and affordable tenants. 	<ul style="list-style-type: none"> -Study other cities' adaptive reuse ordinances. -Begin to investigate the appropriateness of such an ordinance in Beverly Hills by identifying potential subject properties, etc. -Hold community meetings to involve stakeholders 	<p>City staff – Planning Division; Building & Safety Division; City Attorney's Office.</p> <p>May need to employ a consultant to conduct analysis and/or draft the ordinance.</p> <p>Could seek guidance from other cities, such as Los Angeles, who have adopted such an ordinance.</p> <p>Engage the community: residents, property owners, and business, real estate & development community.</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
ZONING	<p>Bonus or Incentive Zoning</p> <p>A developer may be granted certain zoning “bonuses,” e.g. additional density above and beyond what would ordinarily permitted by the zoning code in exchange for providing a public amenity such as historic preservation.</p>	Long	For City: <i>High</i> . Cost of developing an ordinance is high and would need to be funded as a separate work program.		<p>-Incentivizes developers to save and reuse historic structures rather than demolish them to make way for new development.</p> <p>-Benefits the public through provision of amenities such as historic preservation, open space, affordable housing, etc.</p>	<p>- Begin a study to investigate the appropriateness of such an ordinance in Beverly Hills by identifying potential subject properties, etc.</p> <p>-Explore the possibility of tying zoning bonuses to meeting the City’s housing needs as identified in the Housing Element of the General Plan.</p> <p>-Hold community meetings to involve stakeholders</p>	<p>Planning Commission</p> <p>City staff – Planning Division; Building & Safety Division; Development Services Team.</p> <p>Engage the community: residents, property owners, and business, real estate & development community.</p> <p>Include resident groups for zoning changes that are proposed in or near to residential areas.</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
ZONING	<p>Parking Reduction</p> <p>City could offer a reduction in in-lieu parking fees or other parking relaxations to encourage the preservation or reuse of historic buildings.</p> <p>*See "Parking" section of this report below for further discussion of In Lieu Parking as a financial incentive.</p>	Mid - Long	<p>For City: <i>High</i>. Loss of in-lieu parking fees could be substantial.</p> <p>Cost</p>		<p>-Reduction in in-lieu parking fees or on-site parking requirements could translate into substantial cost savings for applicant.</p> <p>-Flexibility in standards could enable historic structures to be utilized, which might not otherwise be able to provide required parking on site.</p>	<p>-Funds would need to be allocated to hire a consultant to conduct a parking study.</p> <p>-Hold community meetings to involve stakeholders</p>	<p>Planning Commission</p> <p>City Council</p> <p>City staff – Planning Division; Transportation Division.</p> <p>Engage the community: residents, property owners, and business, real estate & development community.</p>

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
ADMINISTRATIVE	<p>Resource Guide for Homeowners</p> <p>Compile a guidebook of resources and tips for owners of historic properties, e.g. guidelines for restoration</p>	Short	<p>For City: <i>Low – Mid.</i></p> <p>-Staff time.</p> <p>-Design services.</p> <p>-Printing costs.</p>	<p>-Whether to compile one comprehensive manual or to create a series of guides.</p> <p>-Once published, keeping information current and accurate could be an issue.</p>	To be able to provide easily accessible information to homeowners.	<p>-Conduct research, compile information</p> <p>-Document design</p> <p>-Publish and disseminate</p>	<p>City Staff – Planning Division; Graphic Services.</p> <p>Consult other cities or organizations for content.</p> <p>Possibly hire consultant for graphic design.</p> <p>Disseminate finished product through citizens groups such as homeowners associations.</p>
ADMINISTRATIVE	<p>Prioritization of project approvals</p> <p>Projects involving historic properties could be moved to the top of the application priority list.</p>	Short	<p>For City: <i>Low.</i> Staff time and reprioritization.</p> <p>For applicant: <i>none.</i></p>	-Recommendation that only properties that only local landmarks be eligible for priority processing.	Time savings could translate to financial savings for applicants.	-Adopt a City policy regarding which projects or properties should receive fast-track priority processing.	City staff – Planning Division; Building & Safety Division; Development Services Team.

	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
ADMINISTRATIVE	<p>Plaques</p> <p>Owners of historical properties that have been designated by as either a Historic Landmark or a Contributing Resource on the Beverly Hills Register of Historic Properties, are eligible to apply for a Beverly Hills Historic Property Plaque. The Plaque is to be placed on the exterior façade of the building or at the front of the property to acknowledge the date when the resource was constructed and its historic significance.</p>	Short	<p>For City: <i>Low – mid.</i></p> <p>For applicant: <i>Low – mid.</i></p>	<p>Cost will depend on if the City chooses to provide the plaque at no cost for landmarked properties. Currently, owners of landmarked properties may order plaques through the Urban Designer at a cost that ranges from approximately \$150 to \$930, based on the desired size of the plaque.</p>	<p>-Provides recognition to homeowner</p> <p>-Increases public awareness of Beverly Hills’ history through a historical marker</p>	<p>-Commission could approach partner organization(s) to sponsor the plaque program by providing some or all of the cost of the plaque.</p> <p>-Staff to inform owners of locally landmarked properties of the plaque program.</p>	<p>City staff – Urban Design Team.</p> <p>Possible partner organization.</p>

Parking

One of the areas identified by the CHC and Preservation Incentives Subcommittee as a potentially desirable incentive is related to parking. At their April 10, 2013 meeting, the CHC directed staff to further investigate the idea of extending in lieu parking benefits to historic properties as a financial incentive.

In Lieu Parking

The Beverly Hills Municipal Code (BHMC) specifies standards of required off-street parking for various uses in the city. For example, the current code requirement for commercial uses (retail and office) is 1 space per 350 square feet of floor area. The City also operates an in-lieu parking program which provides qualifying commercial properties the option “to satisfy all or part of the requirements for parking spaces by the payment to the city of an in lieu fee” (BHMC §10-3-3301). The fees collected are then used by the City to construct and maintain parking facilities to serve the In Lieu Parking District. Article 33 (In Lieu Parking) of the BHMC (herein after referred to as “Article 33”) outlines the general requirements for a property to qualify for the in lieu parking program (see Attachment 3 for full text):

Zoning and Uses

- Must be a commercially zone property
- Located in the area bounded by Wilshire Boulevard, North Santa Monica Boulevard, and Crescent Drive (herein after referred to as the “Business Triangle”).
- Uses allowed: general retail sales, service commercial activities, food establishments primarily providing full table service, equipment rental and leasing.
- Uses prohibited: commercial office uses, eating establishments that do not primarily provide full table service, construction sales and service, adult entertainment businesses.

Bulk and Size Limits

- Maximum site size: 16,000 square feet
- Maximum floor area ratio (FAR) of any building constructed on the site: 2:1
- Maximum height of any building on the site area: 45 feet¹

Findings Required

- That participation in the in lieu parking district will not:
 - Adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.
 - Create a significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.
 - Be detrimental to the public health, safety and welfare.

Article 33 currently specifies “historic places” as eligible to participate when the use involves adaptive reuse of a building listed on the National Register (and also meets the other qualifications). Additionally, these “historic places” (as well as non-profit museum uses) may be granted a waiver, in whole or in part,

¹No building on the site area that was constructed after June 17, 1976, shall exceed 3 stories in height

of the in lieu parking fees by the City Council or the Planning Commission. Current adopted in lieu parking fees are as follows:

In-Lieu Parking Fee (per space)	2012/2013 Rate
Rodeo Drive location	\$47,007.40
Beverly Drive location	\$37,605.80
Other Locations	\$28,284.60

As a possible incentive, the code could be amended to allow this provision to apply to all historic places listed on the Beverly Hills Local Register of Historic Places (“Local Landmarks”).

Properties Affected

Currently, only six properties in the City of Beverly Hills are listed on the National Register of Historic Places. Of those six, only two are commercial properties, and only one (Anderton Court at 332 North Rodeo Drive) is located in the In Lieu Parking District. This property has not participated in the in lieu parking program, which means that no property has yet taken advantage of the code provision that allows National Register historic properties to do so.

If the code were amended to expand the program from *nationally* designated to all *locally* designated historic commercial properties in the Business Triangle, several more properties would be encompassed. To date, 14 properties have been designated as Local Landmarks and are listed on the Local Register of Historic Places. Of those 14, Anderton Court remains the only property that is located in the In Lieu Parking District (the Business Triangle).

Amounts

Only one property in the near past has been granted a reduction or waiver in in lieu parking fees: The Paley Center for Media (formerly The Museum of Television & Radio) located at 465 N. Beverly Drive, which is considered a non-profit museum use. In 1994-95, the Planning Commission and City Council granted a reduction in required fees from \$20,000/space to \$5,500/space, which represents a 72.5% reduction.

Currently Article 33 specifies that the actual amount of any fee waiver or reduction for a property would be determined by the Planning Commission and/or City Council on a case-by-case basis. In order for the in lieu parking fee reduction to be a viable incentive for property owners or developers, it is recommended that the amount of reduction be designated as a specific amount or percentage, adopted in the City’s fee schedule, rather than be determined on a case-by-case basis.

Expansion of the In Lieu Parking District

In the coming year the Planning Commission will be considering the feasibility of expanding the In Lieu Parking District to other commercial districts beyond the Business Triangle, for example along South Beverly Drive or Robertson Boulevard. Many of the commercial properties that might in the future be locally landmarked are likely to be in other areas of the city. So if Article 33 is amended in the future to

expand the In Lieu Parking District area, it would likely capture a greater number of historic properties that would be able to take advantage of the incentive for reduced or waived fees. It is recommended that the future in lieu parking expansion study and the Planning Commission carefully consider the impact on potentially historic properties when analyzing new area boundaries.

Additionally, the Planning Commission should consider whether an expansion of the types of uses permitted for adaptive reuse of Local Landmark properties would be appropriate, or if it would be desirable to look at other parking incentives for Local Landmarks not located within an in lieu parking district, such as a reduction in the amount of required off-street parking.

Benefits

Many of the existing available incentives for historic preservation are available through federal or state initiatives. The in lieu parking incentive that is proposed represents the opportunity for Beverly Hills to offer a very specific *local* incentive that is beneficial both for applicants and the City. The prospect of reduced or waived in lieu parking fees represents a significant financial incentive that the City could offer to applicants. If the incentive is strong enough, it would encourage property owners to preserve, adaptively reuse, and seek Local Landmark designation for their eligible historic properties. Additionally, this incentive represents an opportunity for the City to advance the goals of the historic preservation program and the City's General Plan. General Plan Goal and Policy HP 1.3 is to "Promote national, state, and local designation of historic resources," with a call to "develop programs to promote the nomination of properties listed on the City's historic resources inventory for listing on the local register of historic resources."

Character Contributing Buildings

While considering the range of potential incentives for historic preservation, it may also be useful for the Planning Commission to keep in mind the list of incentives and how they might apply to "character contributing buildings." BHMC § 10-2-707 defines "character contributing building" to mean: "Any multi-family residential building that the Planning Commission determines, due to its proportions and scale, design elements, and relationship to the surrounding development, is of continued value and contributes to defining the character of the community as a whole." One of the benefits afforded to character contributing buildings by the BHMC is that buildings that are designated as such are eligible for certain zoning relaxations when converting an existing multi-family building for condominium purposes. If granted, the "character contributing" determination allows an owner of an existing legally non-conforming building to apply to the City to convert the building to common interest development units without meeting all zoning code requirements in place at the time of conversion.

The Planning Commission could consider if any of the incentives discussed herein would be appropriate to offer to "character contributing buildings." Particularly, the following might be suitable for application to character contributing buildings: ability to utilize the California State Historical Building Code (CHBC); inclusion in a potential Adaptive Reuse Ordinance; participation in a Transfer of Development Rights (TDR) program; and a reduction of required off-street parking. The character contributing buildings code section, coupled with appropriate incentives, could allow for properties to be preserved that are significant to the community but not eligible or not designated for individual listing on the Local Register of Historic Places. Vice versa, the opportunities currently available to

character contributing buildings could guide future initiatives that would apply to historic properties. For example, non-conforming character contributing buildings are currently eligible to request relief from certain development standards required in the zoning code; the same benefit could be offered to historic properties in a potential Adaptive Reuse Ordinance.

Joint Subcommittee Recommendations

A joint PC-CHC subcommittee consisting of the two PC liaisons to the Cultural Heritage Commission and the two CHC Preservation Incentives Subcommittee members met to discuss the ideas contained herein and provide preliminary feedback. The joint subcommittee expressed overall support for the incentives program and the ideas proposed. The top priorities identified in the joint special meeting were:

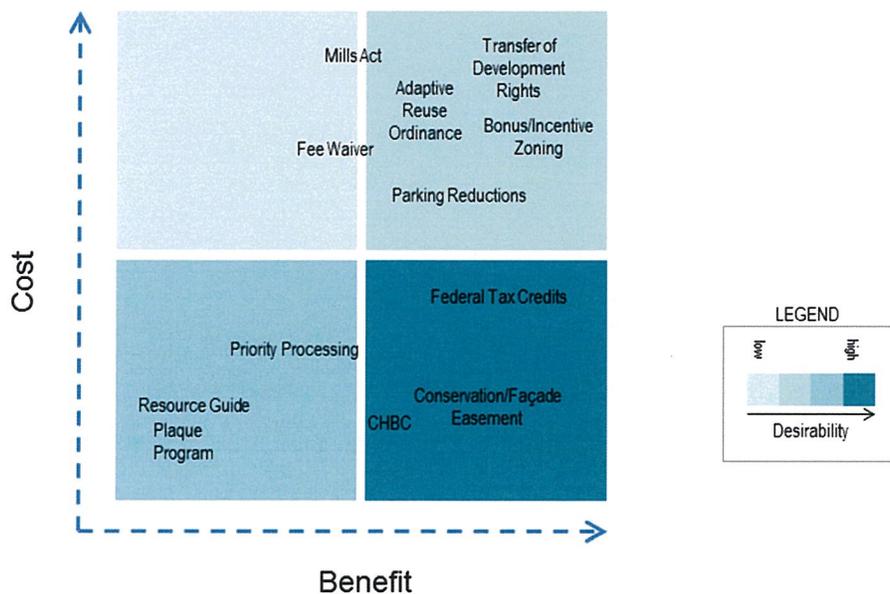
- 1) Mills Act Program: recommending extension of the pilot program
- 2) Priority processing: developing a process to shorten review times for historic projects
- 3) Fee waivers/reductions: including a study in Phase I and implementing it in Phase II

As a result of the meeting, the joint subcommittee recommended a minor rearrangement of the phasing plan to reflect the newly identified priority list. The committee expressed desire to move forward with an incentives program that can be offered to historic property owners soon, while saving more complex initiatives for a future phase in order to properly study and vet program details. An updated phasing plan is included under the “Phasing” section of this report.

ANALYSIS

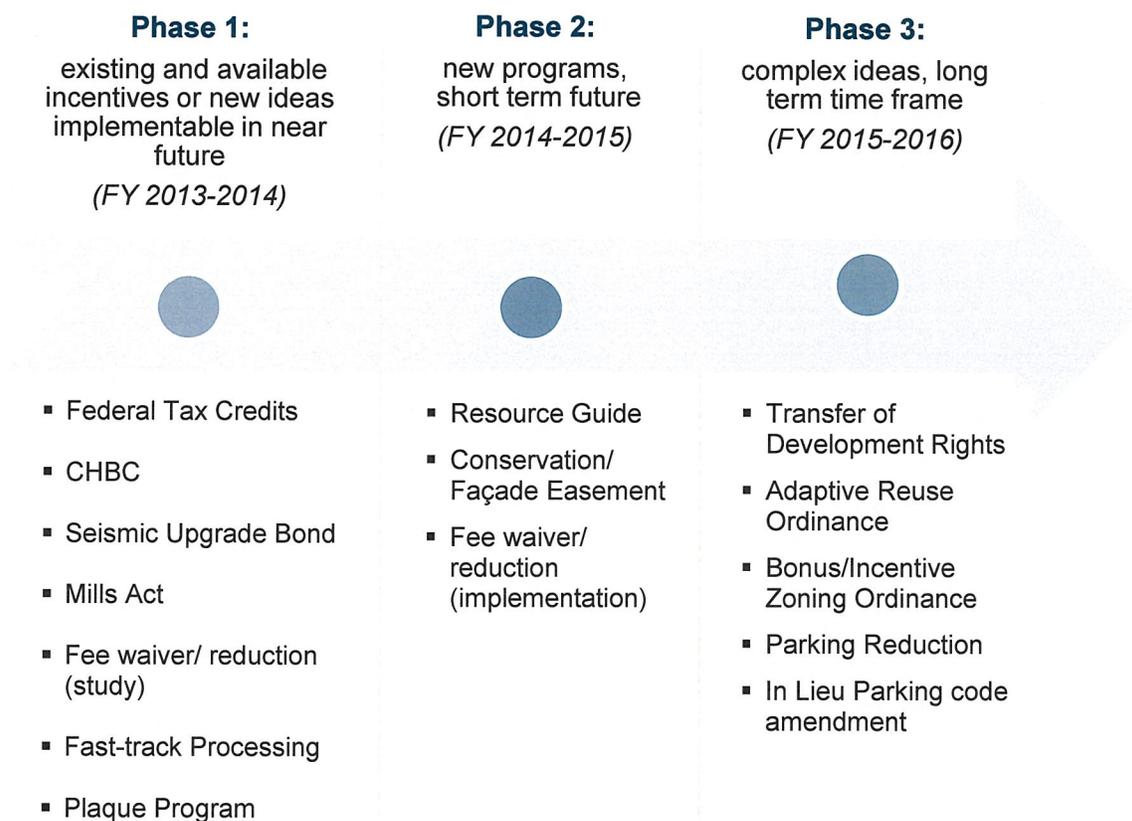
Cost-Benefit

The information parsed in the incentive analysis can be used to chart the incentives in terms of potential costs and benefits. The cost-benefit diagram can help illustrate the viability of such programs to be implemented; for example, the most desirable incentives would be those with low costs and high benefits.



Phasing

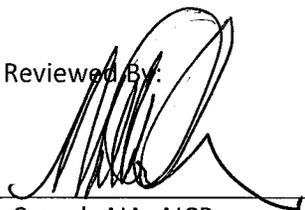
Authorizing a comprehensive Historic Preservation Incentives Program is a substantial undertaking that will require significant time, planning and resources. As such, it is recommended that the Program be broken down into phases and implemented over time. This allows the City to capture the “low-hanging fruit” and capitalize on opportunities that are within reach to be implemented in the near future. Other ideas or programs that are more complicated or longer-range have been identified for later phases. Alternatively, programs can be rearranged in phases based on the priorities of the CHC, Planning Commission, and City Council.



CONCLUSION

The Cultural Heritage Commission, staff, and representatives from the Planning Commission have worked together to identify, analyze, and prioritize the field of incentives for historic preservation available at the federal, state, and local levels. The information has been forwarded from the CHC to the full Planning Commission for review and comment and for the PC's feedback on setting priorities within the incentives program. After the PC provides feedback to staff, an informational update will be provided to the CHC and staff will begin to draft an ordinance for review and recommendation by the CHC, PC and CC. Ultimately, the item will be forwarded to the City Council for their review and approval.

Report Reviewed By:

A handwritten signature in black ink, appearing to read 'W. Crouch', written over a horizontal line.

William Crouch AIA, AICP
Urban Designer



Planning Commission Report
455 North Rexford Drive, Room 280-A
PC Meeting – September 12, 2013

Attachment A:
Cultural Heritage Commission Report
January 9, 2013



City of Beverly Hills

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Cultural Heritage Commission Report

Meeting Date: January 9, 2013

Subject: Incentives for Historic Preservation

Recommendation: Review the information on preservation incentives and provide feedback and direction to staff.

REPORT SUMMARY

This report provides an overview of established incentive programs used at the Federal, State, and local levels, for consideration by the Cultural Heritage Commission (CHC) in working towards crafting a set of incentives to encourage historic preservation in the City of Beverly Hills.

Programs outlined herein include:

- Federal Tax Credits
- Mills Act Contracts
- Conservation and Façade Easements
- Transfer of Development Rights
- State Historic Building Code
- Adaptive Reuse Ordinance
- Bonus or Incentive Zoning
- Seismic Upgrade Bond
- Other Incentive Ideas

BACKGROUND

Historic preservation is not only about regulations that prevent inappropriate change to historic resources. Successful historic preservation programs also make available positive incentives, providing property owners financial and technical tools that help give new life to historic properties. Property owners also find that property values and marketability increase when historic preservation standards are used in rehabilitating their properties.

Following recent discussion by the Preservation Incentives Subcommittee of the CHC, this staff report summarizes some of the key incentives that help make historic preservation projects possible.

DISCUSSION

The City Council and the Cultural Heritage Commission have expressed desire to push an incentive-based approach (over mandates) to encourage preservation of historic resources in Beverly Hills. As

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such, staff has prepared this report to provide an overview of established approaches to preservation incentives. Based on direction from the Cultural Heritage Commission, staff can elaborate on the following material or work with the CHC to begin to craft a Historic Preservation Incentives Program for Beverly Hills.

The following tables provide summaries of the incentive programs available in California that would be potentially applicable and appropriate in the Beverly Hills context.

FEDERAL TAX CREDITS

Tax relief for owners of historic properties is provided by the federal government in the form of tax credits. A tax credit lowers the amount of tax owed (as opposed to a tax deduction, which lowers the amount of income subject to taxation).

Federal historic preservation tax credits are offered at two levels:

- 1) 20% Rehabilitation Tax Credit. For "certified historic structures."
- 2) 10% Rehabilitation Tax Credit. For buildings built before 1936 that are *not* "certified historic structures."

20% REHABILITATION TAX CREDIT

Description	The 20% tax credit "rewards private investment in rehabilitating income producing historic properties, such as offices, rental housing and retail. The incentive provides a 20% tax credit for all qualifying hard and soft cost expenditures during rehabilitation." ¹
Benefits	<ul style="list-style-type: none">▪ Rehabilitation costs provide tax advantages to owners who improve their historic properties.▪ Helps make historic redevelopment financially possible.
Eligibility	<ul style="list-style-type: none">▪ Only <i>certified historic structures</i> are eligible for the 20% tax credit. A "<i>certified historic structure</i>" is defined by the NPS as "a building that is listed individually in the National Register of Historic Places or a building that is located in a <i>registered historic district</i> by the National Parks Service as contributing to the historic significance of that district."²▪ Commercial, industrial, agricultural and rental residential properties that are used to produce income and buildings that are depreciable are eligible.▪ A property used exclusively as an owner's private residence is not eligible.
Restrictions	<ul style="list-style-type: none">▪ All new work must be done to meet the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.▪ The building owner must hold the structure for five years following completion of the rehabilitation, or they must pay back the credit.

¹ LA Conservancy, "Incentives for Preserving Historic Buildings," page 2

² National Parks Service, "Historic Preservation Tax Incentives," page 4

10% REHABILITATION TAX CREDIT

Description	The 10% tax credit rewards private investment and applies to qualifying soft and hard costs for rehabilitations on non-residential, non-historic properties built before 1936.
Benefits	<ul style="list-style-type: none">▪ Rehabilitation costs provide tax advantages to owners who improve their historic properties.▪ Helps make historic redevelopment financially possible.
Eligibility	<ul style="list-style-type: none">▪ Applies to properties which are not listed on or not eligible for listing on the National Register of Historic Places▪ Building must be built before 1936▪ Non-residential properties only (including hotels)▪ Residential buildings, including private homes and rental housing, are not allowed.
Restrictions	<ul style="list-style-type: none">▪ An owner can either receive the 20% tax credit or the 10% tax credit for a property, not both.

STATE MILLS ACT PROGRAM

Description	The Mills Act is a state law that enables local governments to enter into contracts with owners of historic properties to provide property tax abatement in exchange for the continued preservation of a historic property.
Benefits	<ul style="list-style-type: none">▪ Promotes preservation, rehabilitation, and maintenance of historically designated properties by the property owner.▪ May provide substantial tax relief to the property owner, particularly on recently-acquired properties which would have higher assessed property values.▪ The historic contract could boost the marketability of a property.³
Eligibility	<ul style="list-style-type: none">▪ Specific criteria and details of the program are to be determined by the local authority.▪ For example, in the City of Los Angeles, properties that are eligible are: owner-occupied single-family residences with a property tax assessment of \$500,000 or less; income-producing commercial properties (including apartments) with an assessed value of \$1,500,000 or less.
Restrictions	<ul style="list-style-type: none">▪ The minimum initial contract period is 10 years, with automatic annual renewals. The contract stays with the property and subsequent owners are bound to the same rights and obligations of the contract.

³ Getty Conservation Institute, page 5

CONSERVATION AND FAÇADE EASEMENTS

Description	Conservation and façade easements allow a property owner to receive an income tax deduction by donating a part of the historic property to a qualified preservation organization (considered a charitable donation) that will oversee that the historic and architectural qualities of the structure are not altered in the future.
Benefits	<ul style="list-style-type: none">▪ Protects the architectural and historical significance of a building by restricting the right to alter its appearance or footprint.▪ The property owner who donates an easement can receive a one-time income tax deduction. The value of the easement is determined by calculating the difference between the fair market value of the property without the easement, and the value of the property with the easement restrictions (limitations on future development, height, use, etc.)▪ Easement holders are often given funding priority for necessary repairs in the event of a natural disaster by relief organizations such as FEMA.
Eligibility	<ul style="list-style-type: none">▪ The building must be a certified historic structure – listed on the National Register of Historic Places or part of a National Register District.▪ The building is not required to be depreciable or income producing. Private residences are eligible.▪ The area covered by an easement is typically the exterior building envelope (i.e. façade easement), but can also include historically significant interiors or exterior spaces (i.e. conservation easement) as long as they are publically accessible.
Restrictions	<ul style="list-style-type: none">▪ Any changes to the area subject to the easement must be approved by the easement holder (preservation organization) and reviewed to meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties.▪ The easement runs in perpetuity with the deed of the property, regardless of change in property ownership.▪ The easement shall not in practice significantly alter the building’s use.▪ Requires lender’s approval of the easement if there is a mortgage on the property.
Examples	<ul style="list-style-type: none">▪ Preservation Organizations: Los Angeles Conservancy, Pasadena Heritage

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

Description	<p>Transfer of Development Rights, or TDR, is a growth management tool that allows for the development potential on sensitive sites to be transferred or sold to non-sensitive sites through the private market.</p> <ul style="list-style-type: none"> ▪ A TDR program designates areas where development may be transferred to or from. The “sending zone” is the area to be protected, where development potential will be exported from. “Receiving zones” are areas designated to accept development potentials, which are appropriate for and exhibit a market demand for increased density.
Benefits	<ul style="list-style-type: none"> ▪ Discourages demolition of historic buildings by allowing property owners to realize the unused economic potential of their property. ▪ Helps minimize negative economic impacts to landowners by providing a path for a property owner to recoup part of the economic loss that the historic preservation ordinance may have caused. ▪ Helps bolster the legal basis of the City’s historic preservation program in regards to the issue of whether a ‘taking’ has occurred. ▪ TDR programs prosper in areas with high land values and hefty development pressures, both of which apply to Beverly Hills.
Eligibility	<ul style="list-style-type: none"> ▪ Requires the city to designate sending and receiving zones or sites for where development rights could be transferred to and from. Some cities establish a TDR “bank,” allowing TDR from landmark structures to be purchased and held until a buyer can be found.
Restrictions	<ul style="list-style-type: none"> ▪ TDRs require active development demand to be effective.
Examples	<p>Cities of San Francisco, Los Angeles, West Hollywood, Pasadena, San Diego</p>

CALIFORNIA HISTORICAL BUILDING CODE (CHBC)

Description	<p>The state recognizes that historic buildings have unique construction qualities and so the CHBC provides an alternate building code applicable for use by historic properties, which is performance-based rather than prescriptive.</p>
Benefits	<ul style="list-style-type: none"> ▪ Allows for flexibility in the otherwise rigid building regulations to enable sensible rehabilitation, restoration, preservation, relocation, or change in occupancy of historic buildings. ▪ Aims to encourage preservation of historic buildings and conservation of architectural elements while maintaining standards for public safety. ▪ Intent is to further “a cost-effective approach to preservation.”⁴
Eligibility	<ul style="list-style-type: none"> ▪ The CHBC provides a definition of qualified historical structure or property, and can determine if a structure or property is qualified.

⁴ State Historical Building Code, Section 18951

- When new construction is involved on a historic property, the areas of new construction are required to meet the standard building code, while the historic areas can utilize the CHBC.

ADAPTIVE REUSE ORDINANCE

Description	An adaptive reuse ordinance, adopted by a city, would modify zoning requirements to facilitate the conversion of existing historic structures into new uses. The ordinance could create an expedited approval process and ensure that older and historic buildings are not subjected to the same zoning and code requirements that apply to new construction, which might otherwise preclude reuse of historic buildings.
Benefits	<ul style="list-style-type: none"> ▪ Allows obsolete historic structures to breathe new life through rehabilitation and change of use. ▪ In Downtown LA, the Adaptive Reuse Ordinance enabled the conversion of dozens of underutilized historic structures into new residential and commercial units and catalyzed the development boom Downtown. ▪ Can help create new housing units to serve market-rate and affordable tenants.
Eligibility	<ul style="list-style-type: none"> ▪ Criteria would need to be determined in the City ordinance.
Examples	<ul style="list-style-type: none"> ▪ City of Los Angeles – Downtown and other districts ▪ Cities of Long Beach, Santa Monica, Pasadena

BONUS OR INCENTIVE ZONING

Description	A developer may be granted certain zoning “bonuses,” e.g. additional density above and beyond what would ordinarily permitted by the zoning code in exchange for providing a public amenity such as historic preservation.
Benefits	<ul style="list-style-type: none"> ▪ Incentivizes developers to save and reuse historic structures rather than demolish them to make way for new development. ▪ Benefits the public through provision of amenities such as historic preservation, open space, affordable housing, etc.
Eligibility	<ul style="list-style-type: none"> ▪ Enabled by California state law. Implemented at local level.
Examples	<ul style="list-style-type: none"> ▪ City of Sacramento

CALIFORNIA SEISMIC BOND ACT

Description	Property tax relief is available in California under certain circumstances to owners of historic, unreinforced masonry buildings that are required to be seismically upgraded. The value of seismic upgrade retrofitting to unreinforced masonry buildings can be deducted from property valuation over a fifteen year period.
Benefits	<ul style="list-style-type: none">▪ This incentive can offer owners sizable tax savings while protecting at-risk historic masonry buildings.
Eligibility	<ul style="list-style-type: none">▪ Applies to unreinforced masonry buildings (URM). Provides a 15-year new construction exclusion for improvements made to URMs undertaken to comply with local ordinances on seismic safety.

OTHER IDEAS

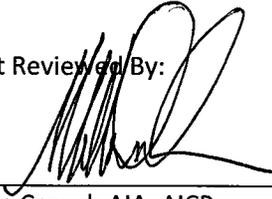
The Preservation Incentives Subcommittee of the Cultural Heritage Commission met with staff and generated a list of several other ideas for incentives that could be developed and implemented by the City of Beverly Hills. These ideas included:

- Technical assistance offered to property owners, e.g. through the local or national landmark designation process or architectural guidance for alterations. Create a “how-to” guide for what a property might be eligible for, including a list of consultants and historic architecture specialists.
 - Personalized property histories presented to property owner. Could feature historic properties on the City’s website on a revolving basis.
 - Fast-tracking of project approvals.
 - Additional access to City services, e.g. tree trimming services or film permit assistance.
 - Relaxation of zoning standards, possibly through an overlay zone.
 - Parking benefits. Relaxation of parking standards or issuance of preferential parking permits for designated properties.
-

CONCLUSION

The various preservation incentives discussed can be further developed by the Preservation Incentives Subcommittee and returned to the CHC for future consideration. If the Commission eventually decides to embark upon one or more of the available incentive options in tailoring an appropriate incentive program for the City of Beverly Hills the Commission would need to communicate their recommendations to City Council in writing, and request the necessary work be incorporated into the 2013-2014 work program.

Report Reviewed By:



William Crouch AIA, AICP
Urban Designer

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Land Use Planning and Development Regulation Law, 2003. St. Paul, MN, West Group.

Los Angeles Conservancy. *Incentives for Preserving Historic Buildings.* Los Angeles, CA.

Los Angeles Department of City Planning. *Office of Historic Resources.* "Adaptive Reuse Ordinance."
<http://www.preservation.lacity.org/reuse-ordinance>

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Technical Preservation Services, 2012. *Historic Preservation Tax Incentives.* National Park Service, U.S. Department of the Interior.



Planning Commission Report
455 North Rexford Drive, Room 280-A
PC Meeting – September 12, 2013

Attachment B:
Cultural Heritage Commission Report
April 10, 2013



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 485-1141 FAX. (310) 858-5966

Cultural Heritage Commission Report

Meeting Date: April 10, 2013

Subject: Strategy for Developing the City's Historic Preservation Incentive Program

Recommendation: That the Cultural Heritage Commission review and comment on the information contained herein.

BACKGROUND

An informational overview of incentives for historic preservation was presented to the Cultural Heritage Commission (CHC) at the January 9, 2013 regular meeting. The CHC requested that staff work with the Preservation Incentives Subcommittee to continue to develop scenarios for an incentives program for Beverly Hills and to return to the Commission with further information.

DISCUSSION

At the request of the Cultural Heritage Commission and the Preservation Incentives Subcommittee, staff has conducted an analysis of the possible incentives that could be included in a Historic Preservation Incentives Program for Beverly Hills.

A basic description of specific incentives is included below for reference. Specific incentive options have been analyzed in terms of potential costs (time, money, barriers) and benefits (promoting or preserving historic resources). Each incentive has been broken down to identify the following properties:

- Time frame for implementation;
- Estimated level of costs for the City to implement and for the applicant;
- Factors or potential barriers to consider;
- Benefits that are likely to result;
- What actions will be needed; and
- Which agencies and community or stakeholder groups might be involved.

Estimates of timing and cost are kept general to guide the Commission in decision making about which programs to pursue. More in-depth analysis of specific program requirements could be conducted once the CHC, Planning Commission (PC) and City Council set priorities for the incentives work program.

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	Incentive & Description	Time Frame for Implementation	Costs	Considerations	Benefits	Actions Needed	Groups Involved
FINANCIAL	<p>Federal Tax Credits</p> <p>Tax relief for owners of historic properties is provided by the federal government in the form of tax credits. Federal historic preservation tax credits lower the amount of tax owed and are offered at two levels: 20% and 10% of cost of construction.</p>	Short	<p>For city: <i>Low</i>. Staff time for technical assistance guiding applicants in the process or assisting with application for National Register.</p> <p>For owners: <i>High</i>. Will require investment of time and resources to apply for National Register designation and/or tax credit application. But if application is successful, the owner could reap large tax savings.</p>	<p>-Only applies to properties listed on or eligible for the National Register (20% tax credit), or to certain properties built before 1936 (10% tax credit).</p> <p>-Private residential properties are not eligible.</p>	<p>-Rehabilitation costs provide tax advantages to owners who improve their historic properties.</p> <p>-Helps make historic redevelopment financially possible.</p>	<p>-Inform applicants looking to rehabilitate historic properties of the possibility of tax credits.</p> <p>-Staff can assist applicants with application for National Register of Historic Places.</p>	<p>City Staff – Planning Division for technical guidance.</p> <p>Applicant</p> <p>National Parks Service (NPS)</p>

FINANCIAL	<p>Mills Act Contracts</p>	Short	<p>For city: <i>High</i>. Tax benefits to property owners results in decreased tax revenue to the City and other agencies.</p> <p>For applicant: <i>Mid</i>. Have to commit to maintaining the property for minimum 10 years and use savings to reinvest in the property. But tax savings, particularly for recently-acquired properties, can be considerable.</p>	<p>-The City's current Pilot Mills Act Program is under re-evaluation by the CHC and CC.</p> <p>-Recommendation that only properties that are local landmarks be eligible to apply.</p>	<p>-Promotes preservation, rehabilitation, and maintenance of historically designated properties by the property owner.</p> <p>-May provide substantial tax relief to the property owner, particularly on recently-acquired properties which would have higher assessed property values.</p> <p>-The historic contract could boost the marketability of a property.</p>	<p>-Future of Mills Act program depends on direction from City Council.</p> <p>-If the program is renewed, eligibility and criteria could be re-evaluated.</p>	<p>City Council & CHC</p> <p>City staff – Planning Division; City Attorney's Office.</p> <p>Los Angeles County Assessor's Office.</p> <p>Possibly an outside consultant for fiscal impact analysis.</p>
FINANCIAL	<p>Fee waivers or deductions</p> <p>Some cities offer full or partial refunds of building permit fees for work on historic properties.</p>	Mid	<p>For city: <i>Mid – High</i>.</p> <p>-Reduced fees to applicants results in a direct loss of revenue to the City.</p> <p>-Budget for hiring an outside consultant to conduct the fiscal impact analysis would need to be allocated.</p>	<p>-Cost is a consideration for how the subsidy should be structured.</p> <p>-Recommendation that only properties that are local landmarks be eligible to apply.</p>	<p>-Would be a local incentive specific to City of Beverly Hills (though other cities also have similar programs)</p> <p>-Direct financial incentive to encourage property owners to maintain or rehabilitate historic properties.</p>	<p>-Study how to structure such a program – criteria for eligibility, amount of fees to be refunded, etc.</p> <p>-Conduct a fiscal impact analysis.</p>	<p>City staff – Planning Division; Building and Safety Division</p> <p>Outside consultant for fiscal impact analysis.</p> <p>City Council for approval of fee schedule</p>

CONSERVATION	Conservation and Façade Easements	Mid	<p>For city: <i>Low</i>, if the easements are handled by an outside preservation organization such as the LA Conservancy.</p> <p>For applicant: <i>Mid</i>. Restricts the future appearance and/or use of the property. Requires applicant to process application and agreement.</p>	<p>-The LA Conservancy can be the easement holder for such easements. If appropriate in the future, Beverly Hills could establish its own non-profit conservancy (e.g. Pasadena Heritage).</p>	<p>-Protects the architectural and historical significance of a building by restricting the right to alter its appearance or footprint.</p> <p>-The property owner who donates an easement can receive a one-time income tax deduction. The value of the easement is determined by calculating the difference between the fair market value of the property without the easement, and the value of the property with the easement restrictions (limitations on future development, height, use, etc.)</p>	<p>-Staff to identify projects which may be good candidates for such an easement, and direct applicants to LA Conservancy.</p>	<p>City Staff – Urban Design Team.</p> <p>Conservation organization (e.g. LA Conservancy).</p>
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CONSERVATION	<p>Transfer of Development Rights (TDR)</p> <p>TDR is a growth management tool that allows for the development potential on sensitive sites to be transferred or sold to non-sensitive sites through the private market.</p>	Long	<p>For City: <i>High</i>. Cost of developing a TDR program would be high and would need to be funded as a separate work program.</p> <p>For applicant: Value of buying & selling development rights would be determined in the marketplace.</p>	<p>-Developing a TDR program could be a complicated and complex process. Designing and implementing such programs has proven to be difficult (but not impossible) elsewhere.</p> <p>-Factors that will influence the TDR market include: local housing and land market conditions; underlying zoning restrictions; ability to acquire additional density through other means, etc.</p>	<p>-Discourages demolition of historic buildings by allowing property owners to realize the unused economic potential of their property.</p> <p>-Helps minimize negative economic impacts to landowners by providing a path for a property owner to recoup part of the economic loss that the historic preservation ordinance may have caused.</p> <p>-Helps bolster the legal basis of the City's historic preservation program in regards to the issue of whether a 'taking' has occurred.</p> <p>-TDR programs prosper in areas with high land values and hefty development pressures, both of which apply to Beverly Hills.</p>	<p>City would need to establish a "TDR Bank" and designate areas where development may be transferred to or from. The "sending zone" is the area to be protected, where development potential will be exported from. "Receiving zones" are areas designated to accept development potentials, which are appropriate for and exhibit a market demand for increased density.</p> <p>-Conduct a land suitability analysis to determine which areas of the City are appropriate sending and receiving zones.</p> <p>-Need to engage local real estate & development community during the process</p>	<p>City Staff – Planning Division; City Attorney's Office.</p> <p>Outside consultants for analysis and drafting program.</p> <p>Involve real estate & development community.</p>
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CONSTRUCTION	California State Historic Building Code (CHBC)	Mid	<p>For City: <i>Low</i>.</p> <p>For applicant: <i>Low</i>. Would need to go through process to seek designation as a local landmark.</p>	<p>-Recommendation that only properties that only local landmarks be eligible to be granted the benefit of the CHBC.</p>	<p>-Allows for flexibility in the otherwise rigid building regulations to enable sensible rehabilitation, restoration, preservation, relocation, or change in occupancy of historic buildings.</p> <p>-Aims to encourage preservation of historic buildings and conservation of architectural elements while maintaining standards for public safety.</p> <p>-Intent is to further a cost-effective approach to preservation.</p>	<p>-City has already adopted the CHBC.</p> <p>-Inform eligible properties of the available use of the CHBC.</p>	<p>City Staff – Planning Division; Building & Safety Division; Development Services Team.</p> <p>Could partner with professional organizations (e.g. California Building Industry Association [BIA], American Institute of Architects [AIA]) to publicize the option of using the CHBC in Beverly Hills.</p>
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ZONING	<p>Adaptive Reuse Ordinance</p> <p>An adaptive reuse ordinance could modify zoning requirements to facilitate the conversion of existing historic structures into new uses. The ordinance could create an expedited approval process and ensure that older and historic buildings are not subjected to the same zoning and code requirements that apply to new construction, which might otherwise preclude reuse of historic buildings.</p>	Long	<p>For City: <i>High</i>. Cost of developing an ordinance is high and would need to be funded as a separate work program.</p>	<p>-Thorough research and analysis would need to be conducted to examine the suitability of such an ordinance for Beverly Hills.</p> <p>-Consider if ordinance should apply only to properties listed on the local register.</p> <p>-All work should be conducted in accordance with the Secretary of the Interior's (SOI) Standards</p>	<p>-Would facilitate the process of converting historic structures and encourage the preservation of historic resources</p> <p>-Allows obsolete historic structures to breathe new life through rehabilitation and change of use.</p> <p>-Could be a neighborhood revitalization tool for underutilized areas of the city</p> <p>-Can help create new housing units to serve market-rate and affordable tenants.</p>	<p>-Study other cities' adaptive reuse ordinances.</p> <p>-Begin to investigate the appropriateness of such an ordinance in Beverly Hills by identifying potential subject properties, etc.</p>	<p>City staff – Planning Division; Building & Safety Division; City Attorney's Office.</p> <p>May need to employ a consultant to conduct analysis and/or draft the ordinance.</p> <p>Could seek guidance from other cities, such as Los Angeles, who have adopted such an ordinance.</p> <p>Could engage development community involved in adaptive reuse of historic structures.</p>
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ZONING	<p>Bonus or Incentive Zoning</p> <p>A developer may be granted certain zoning “bonuses,” e.g. additional density above and beyond what would ordinarily permitted by the zoning code in exchange for providing a public amenity such as historic preservation.</p>	Long	<p>For City: <i>High</i>. Cost of developing an ordinance is high and would need to be funded as a separate work program.</p>		<p>-Incentivizes developers to save and reuse historic structures rather than demolish them to make way for new development.</p> <p>-Benefits the public through provision of amenities such as historic preservation, open space, affordable housing, etc.</p>	<p>- Begin a study to investigate the appropriateness of such an ordinance in Beverly Hills by identifying potential subject properties, etc.</p> <p>-Coordinate with City’s Long-Range Planning Team to explore the possibility of tying zoning bonuses to meeting the City’s housing needs as identified in the Housing Element of the General Plan.</p>	<p>Planning Commission</p> <p>City staff – Planning Division; Building & Safety Division; Development Services Team.</p> <p>Involve real estate/development community.</p> <p>Include resident groups for zoning changes that are proposed in or near to residential areas.</p>
ZONING	<p>Parking Reduction</p> <p>City could offer a reduction in in-lieu parking fees or other parking relaxations to encourage the preservation or reuse of historic buildings.</p>	Mid - Long	<p>For City: <i>High</i>. Loss of in-lieu parking fees could be substantial.</p> <p>Cost</p>		<p>-Reduction in in-lieu parking fees or on-site parking requirements could translate into substantial cost savings for applicant.</p> <p>-Flexibility in standards could enable historic structures to be utilized, which might not otherwise be able to provide required parking on site.</p>	<p>-Funds would need to be allocated to hire a consultant to conduct a parking study.</p>	<p>Planning Commission</p> <p>City Council</p> <p>City staff – Planning Division; Transportation Division.</p> <p>Engage downtown business community</p>

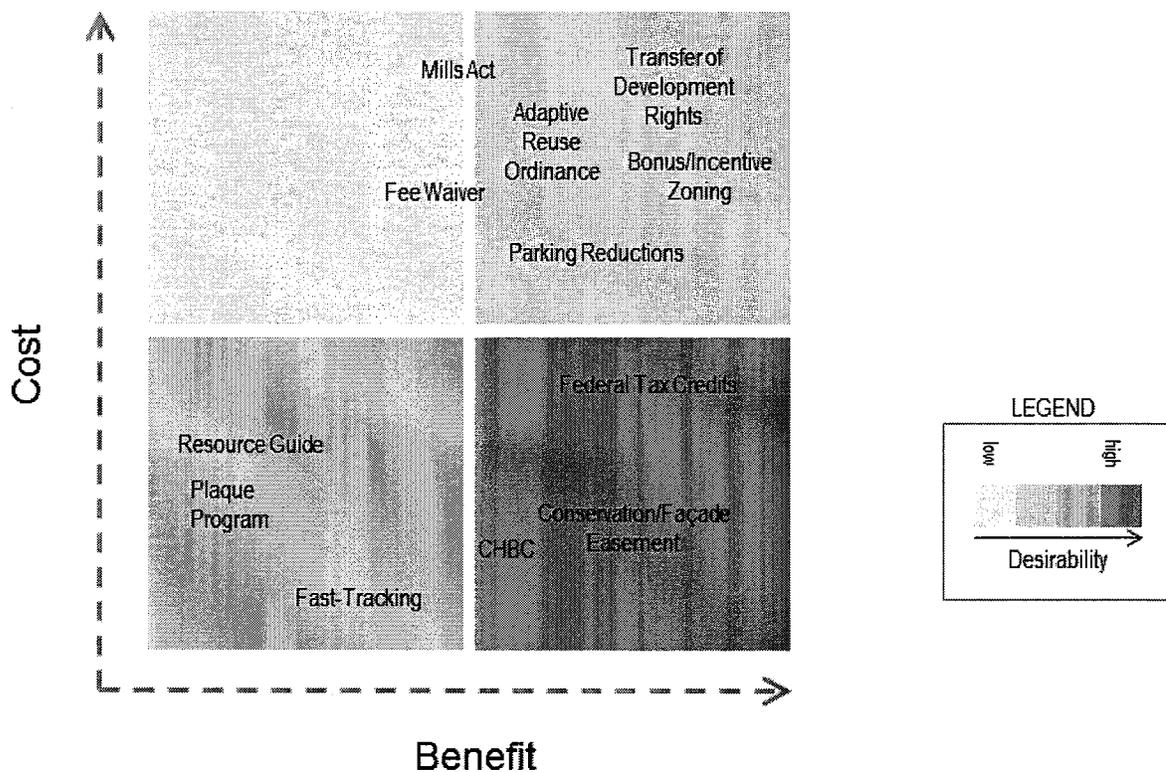
ADMINISTRATIVE	<p>Resource Guide for Homeowners</p> <p>Compile a guidebook of resources and tips for owners of historic properties, e.g. guidelines for restoration</p>	Short	<p>For City: <i>Low – Mid.</i></p> <p>-Staff time.</p> <p>-Design services.</p> <p>-Printing costs.</p>	<p>-Whether to compile one comprehensive manual or to create a series of guides.</p> <p>-Once published, keeping information current and accurate could be an issue.</p>	To be able to provide easily accessible information to homeowners.	<p>-Conduct research, compile information</p> <p>-Document design</p> <p>-Publish and disseminate</p>	<p>City Staff – Planning Division; Graphic Services.</p> <p>Consult other cities or organizations for content.</p> <p>Possible hire consultant for graphic design.</p> <p>Disseminate finished product through citizens groups such as homeowners associations.</p>
ADMINISTRATIVE	<p>Fast-tracking of project approvals</p>	Short	<p>For City: <i>Low.</i> Staff time and reprioritization.</p> <p>For applicant: <i>none.</i></p>	<p>-Recommendation that only properties that only local landmarks be eligible for fast-tracking.</p>	Time savings could translate to financial savings for applicants.	<p>-Adopt a City policy regarding which projects or properties should receive fast-track priority processing.</p>	<p>City staff – Planning Division; Building & Safety Division; Development Services Team.</p>

ADMINISTRATIVE	<p>Plaques</p> <p>Owners of historical properties that have been designated by as either a Historic Landmark or a Contributing Resource on the Beverly Hills Register of Historic Properties, are eligible to apply for a Beverly Hills Historic Property Plaque. The Plaque is to be placed on the exterior façade of the building or at the front of the property to acknowledge the date when the resource was constructed and its historic significance.</p>	Short	<p>For City: <i>Low – mid.</i></p> <p>For applicant: <i>Low – mid.</i></p>	<p>Cost will depend on if the City chooses to provide the plaque at no cost for landmarked properties. Currently, owners of landmarked properties may order plaques through the Urban Designer at a cost that ranges from approximately \$150 to \$930, based on the desired size of the plaque.</p>	<ul style="list-style-type: none"> -Provides recognition to homeowner -Increases public awareness of Beverly Hills’ history through a historical marker 	<ul style="list-style-type: none"> -Commission could approach partner organization(s) to sponsor the plaque program by providing some or all of the cost of the plaque. -Staff to inform owners of locally landmarked properties of the plaque program. 	<p>City staff – Urban Design Team.</p> <p>Possible partner organization.</p>
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ANALYSIS

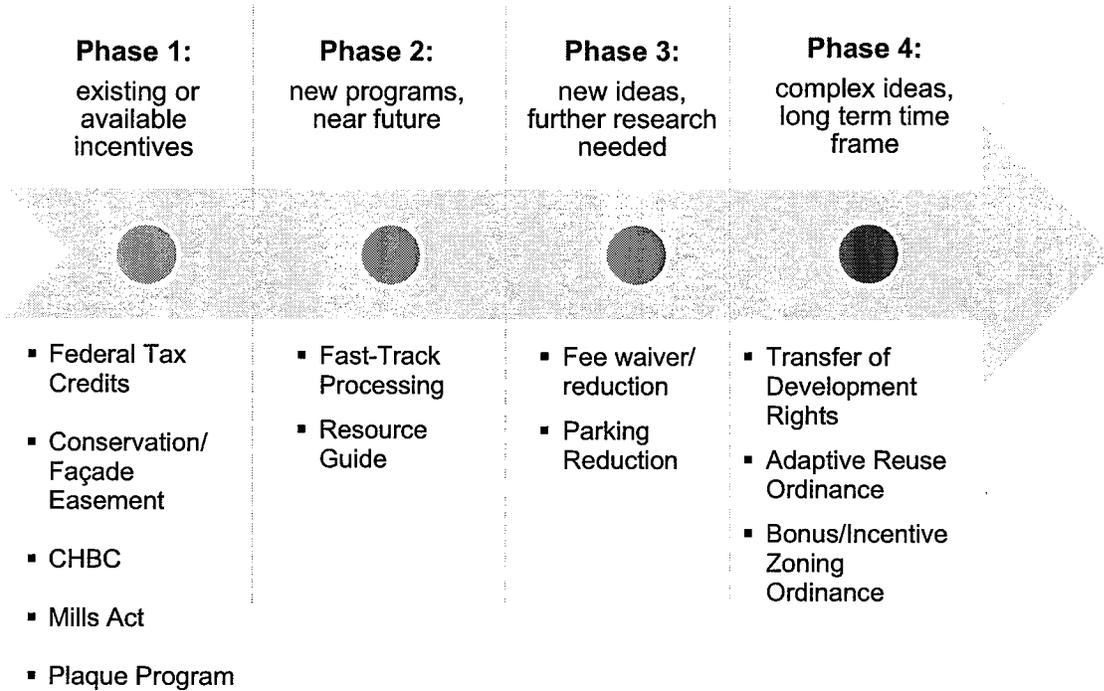
Cost-Benefit

The information parsed in the incentive analysis can be used to chart the incentives in terms of potential costs and benefits. The cost-benefit diagram can help illustrate the viability of such programs to be implemented; for example, the most desirable incentives would be those with low costs and high benefits.



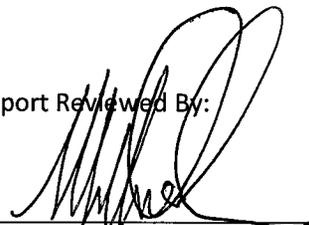
Phasing

Authorizing a comprehensive Historic Preservation Incentives Program is a substantial undertaking that will require significant time, planning and resources. As such, it is recommended that the Program be broken down into phases and implemented over time. This allows the City to capture the “low-hanging fruit” and capitalize on opportunities that are within reach to be implemented in the near future. Other ideas or programs that are more complicated or longer-range can be identified for later phases. Alternatively, programs can be rearranged in phases based on the priorities of the CHC, Planning Commission, and City Council.



CONCLUSION

Staff has conducted an analysis of specific preservation incentive programs in terms of timing and suitability for implementation. This information has been used in a cost-benefit diagram to create a proposed phasing plan in order to identify priorities for development of an incentives program. Once the Cultural Heritage Commission provides feedback to staff, it is recommended that the proposed strategy for developing a preservation incentives program be forwarded to a joint subcommittee of the Cultural Heritage and Planning Commissions as a next step.

Report Reviewed By: 

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Urban Designer



Attachment C:
Article 33 of Beverly Hills Municipal Code
In Lieu Parking

Article 33. In Lieu Parking

10-3-3301: IN LIEU PARKING DISTRICT:

- A. This article establishes an in lieu parking district for any commercially zoned property located in the area bounded by the centerlines of the following streets: Wilshire Boulevard, Santa Monica Boulevard north roadway, and Crescent Drive.

- B. Those properties which are zoned for commercial use and which comply with all the requirements of this article may participate in the in lieu parking district and be permitted to satisfy all or a part of the requirements for parking spaces by the payment to the city of an in lieu fee. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)

10-3-3302: BULK AND SIZE LIMITS:

This article applies only to those properties which comply with the following bulk and size limits:

- A. The site areas shall not exceed sixteen thousand (16,000) square feet in size.

- B. The floor area ratio to the ground area of any building constructed on the site shall not exceed two to one (2:1).

- C. The height of any building on the site area shall not exceed forty five feet (45') in height, measured as set forth in this chapter.

- D. No building on the site area that was constructed after June 17, 1976, shall exceed three (3) stories in height. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 77-O-1648, eff. 5-19-1977; Ord. 83-O-1888, eff. 5-5-1983; Ord. 94-O-2206, eff. 8-5-1994; Ord. 97-O-2278, eff. 5-9-1997)

10-3-3303: ELIGIBLE USES:

Except as otherwise provided in this article, eligibility to participate in the in-lieu parking district shall be restricted to the following uses:

- A. **General Retail Sales Commercial Activities:** General retail sales commercial activities shall include the retail sale or rental from the premises, primarily for personal or household use, of goods and general hardware but exclude the sale or rental of motor vehicles.
- B. **Convenience Sales And Service Commercial Activities:** Convenience sales and service commercial activities shall include the retail sale, from the premises, of drugs and other frequently needed small personal convenience items, such as toiletries, tobacco, and magazines, as well as the provision of personal convenience services which are typically needed frequently or recurrently, such as barber and beauty care, and include shoe shining and laundry or dry cleaning pick up stations.
- C. **Food Sales And Service Commercial Activities:** Food sales and service commercial activities shall include the retail sale, from the premises, of food or beverages for home consumption, as well as the retail sale of prepared food or beverages for on premises consumption, but shall exclude auto oriented short order eating places and eating establishments that do not primarily provide full table service to their customers.
- D. **Equipment Rental And Leasing Services:** Equipment rental and leasing services shall include business equipment, medical equipment, sports equipment, photography equipment, and furniture but shall exclude vehicular, construction, and heavy duty equipment and sanitation units.
- E. **Museum Uses:** Museum uses owned and controlled by nonprofit, tax exempt entities.
- F. **Historic Places:** Adaptive reuse of a building listed on the National Register of Historic Places. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)

10-3-3304: EXCLUSIONS:

Any use of property located within the in-lieu parking district for commercial office use, including, but not limited to, legal, medical, dental, financial, consultative, real estate, insurance, and administrative office purposes or manufacturing, repairs, reservations, banking, savings and loans, travel agencies, financial services, communication services, research, wholesale sales, auto oriented short order eating places, eating establishments that do not primarily provide full table service to their customers, construction sales and service and adult entertainment businesses, shall be specifically excluded from participation in the in-lieu parking district, except as provided in section 10-3-3306 of this article. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994; Ord. 98-O-2301, eff. 7-2-1998)

10-3-3305: NONSPECIFIED USES:

Applications for in-lieu parking exemptions for uses which are not listed as eligible uses in section 10-3-3303 of this article and which are not excluded from the in-lieu parking district in section 10-3-3304 of this article may be approved by the planning commission provided the commission determines that the use for which eligibility is sought is a use that encourages retail trade in the in-lieu parking district and would generate additional retail sales either through the use itself or because the use will attract and serve potential retail sales customers to the in-lieu parking district; that the use is compatible with and will not be detrimental to retail business in the in-lieu parking district; and that the application complies with all the other requirements of this article. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)

10-3-3306: COMBINED ELIGIBLE AND EXCLUDED USES:

- A. Persons desiring to combine in an existing structure uses excluded by section 10-3-3304 of this article with uses permitted by section 10-3-3303 or 10-3-3305 of this chapter, may apply to the planning commission for participation in the in lieu parking district.

- B. The planning commission, after notice and a hearing as provided in section 10-3-3307 of this chapter, may approve an application for participation in the in lieu parking district where a request has been submitted for combined uses provided that the commission determines that:
 - 1. The entire ground floor of the structure is to be utilized for a use permitted by section 10-3-3303 or 10-3-3305 of this chapter; and

2. The floor area of the structure utilized for a use permitted by section 10-3-3303 or 10-3-3305 of this chapter exceeds that of the floor area of the structure used for the excluded use; and
3. Eligibility for participation in the in lieu parking district is restricted only to the floor area of the structures used as set forth in section 10-3-3303 or 10-3-3305 of this chapter; and
4. The excluded use of the structure is compatible with and will not be detrimental to retail business in the in lieu parking district; and
5. The application complies with all the other requirements of this article. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 83-O-1888, eff. 5-5-1983; Ord. 94-O-2206, eff. 8-5-1994)

10-3-3307: REVIEW OF IN LIEU PARKING APPLICATIONS:

Persons desiring to participate in the in lieu parking district established by this article shall submit an application for participation to the director of community development. If the director determines that such application meets the requirements set forth in sections 10-3-3302 through 10-3-3306 of this chapter, then the director shall schedule a hearing on that application before the planning commission, unless the application is solely for a restaurant use and the number of in lieu parking spaces requested will result in a total number of in lieu parking spaces of ten (10) or fewer, in which case the director shall have the authority to approve the request without conducting a hearing. Written notice of any required hearing shall be mailed to the applicant by United States mail, at least ten (10) days prior to the hearing. Furthermore, if the applicant has concurrently filed other applications which require a hearing before the planning commission, then the hearing regarding the application for participation in the district shall be combined with such other hearing. Similarly, notice of the application for participation in the district shall be combined with the notice of any other application that will be reviewed concurrently by the planning commission. (Ord. 11-O-2615, eff. 12-16-2011)

10-3-3308: STANDARD OF REVIEW:

The planning commission or director pursuant to the provisions of section 10-3-3307 of this chapter shall approve an application for participation in the in lieu parking district only if the commission or director makes the following findings:

- A. Participation in the in lieu parking district, as approved, will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

- B. Participation in the in lieu parking district, as approved, will not create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

- C. Participation in the in lieu parking district will not be detrimental to the public health, safety and welfare.

The commission or director may restrict participation in the in lieu parking district by requiring the provision of a minimum amount of on site parking if the commission or director determines that such restriction is necessary to allow the commission or director to make the findings set forth in this section. (Ord. 11-O-2615, eff. 12-16-2011)

10-3-3309: APPEALS:

Any decision of the director pursuant to this article may be appealed to the planning commission in a manner consistent with the procedures set forth in title 1, chapter 4, article 1 of this code. Any decision of the planning commission pursuant to this article may be appealed to the city council in the manner provided by title 1, chapter 4, article 1 of this code. (Ord. 11-O-2615, eff. 12-16-2011)

10-3-3309.5: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting an in lieu parking approval, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter. (Ord. 02-O-2411, eff. 11-22-2002)

10-3-3310: IN LIEU FEE AMOUNT:

If the city approves an application for participation in the in lieu parking district, then the applicant shall pay the fees set forth in this section.

- A. **New Construction And Reconstruction:** For each parking space required due to the addition of floor area or due to reconstruction, the applicant shall pay a twenty five thousand dollar (\$25,000.00) fee if the subject property is located on Rodeo Drive, a twenty thousand dollar (\$20,000.00) fee if the subject property is located on Beverly Drive, and a fifteen thousand dollar (\$15,000.00) fee if the subject property is located elsewhere within the in-lieu parking district. These amounts may be adjusted annually by resolution of the city council.
- B. **Food Sales And Service Commercial Activities:** Notwithstanding the provisions of subsection A of this section, and subject to the restrictions set forth in this subsection, the applicant shall pay a reduced fee of six thousand seventy dollars (\$6,070.00) for each parking space required by the expansion of: 1) a convenience sales and service commercial business which has been lawfully operated at the subject site for more than two (2) years, or 2) a food sales use. The fee of six thousand seventy dollars (\$6,070.00) represents thirty five percent (35%) of the estimated 1993 cost to construct a parking space, exclusive of land value.

This amount may be adjusted annually by resolution of the city council. The reduced fee set forth in this subsection shall be applied to no more than one expansion of a food sales use or convenience sales and service commercial business during the lifetime of a building unless such expansion involves the purchase of less than fifteen (15) in-lieu parking spaces. If the expansion involves the purchase of less than fifteen (15) in-lieu parking spaces then the reduced fees set forth in this subsection may be applied to the purchase of up to fifteen (15) in-lieu spaces during the life of the building.

- C. **Small Theaters:** Notwithstanding the provisions of subsection A of this section, for each parking space required as a result of the establishment of a theater within an existing building, the applicant shall pay a fee equal to fifty percent (50%) of the fee required under subsection A of this section provided that the building contains at least one parking space per three hundred fifty (350) square feet of floor area, the theater does not exceed twenty five percent (25%) of the existing floor area of the building and the planning commission, after notice and a hearing as set forth in section 10-3-3307 of this article, finds that such theater would complement existing retail uses in the in-lieu parking district by enhancing the pedestrian or retail attraction of the in-lieu parking district. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 78-O-1701, eff. 8-31-1978; Ord. 83-O-1888, eff. 5-5-1983; Ord. 89-O-2053, eff. 3-23-1989; Ord. 91-O-2112, eff. 3-22-1991; Ord. 94-O-2206, eff. 8-5-1994; Ord. 96-O-2264, eff. 8-16-1996)

10-3-3311: WAIVER OF FEES AND OTHER EXEMPTIONS:

Pursuant to the requirements, limitations and procedures set forth in this section, the city

council or the planning commission may allow a property owner to purchase in-lieu parking to serve a site area in excess of sixteen thousand (16,000) square feet and may waive, in whole or in part, the fees required by section 10-3-3310 of this article.

- A. **Eligible Uses:** The city council or planning commission may only take action pursuant to this section with regard to site areas occupied by, or fees imposed upon, the following uses:
1. Museum uses owned and controlled by a nonprofit, tax exempt entity.
 2. Adaptive reuses of a building listed on the National Register of Historic Places.
- B. **Findings Required:** The city council or planning commission shall not take action pursuant to this section unless the city council or planning commission finds that:
1. Due to the unusual nature of the proposed use, the proposed use will attract and serve potential retail sales customers to the in-lieu parking district; and
 2. The proposed use will not unreasonably deplete parking resources in the in-lieu parking district.
- C. **Reviewing Body:** The city council shall review an application filed pursuant to this section unless that application accompanies an application that otherwise requires review by the planning commission. If the application filed pursuant to this section accompanies an application that otherwise requires review by the planning commission, then the planning commission shall be the reviewing body for the application filed pursuant to this section.
- D. **Procedure:** An application filed pursuant to this section shall be submitted to the director of planning and community development. Upon receipt of such application, a hearing regarding the application shall be scheduled before the city council or the planning commission, as provided in subsection C of this section. Notice of the hearing shall be mailed to the applicant at least ten (10) days prior to such hearing. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)

10-3-3312: PAYMENTS; DEPOSITS:

Funds collected pursuant to this article shall be deposited by the city in a special fund entitled "in-lieu parking district fund", which is hereby established. Such fund shall be used exclusively for the purpose of acquiring, developing, operating, and maintaining off street

parking facilities to serve the in-lieu parking district. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 91-O-2112, eff. 3-22-1991; Ord. 94-O-2206, eff. 8-5-1994)

10-3-3313: PAYMENT OF IN-LIEU FEES:

Payment of in-lieu parking fees shall be made as follows:

- A. Four (4) equal installments of twenty five percent (25%) of the in-lieu parking fees due shall be paid to the city within a four (4) year period. The first installment shall be due prior to the issuance of the certificate of occupancy for the structure or, in the case where such fees are due by virtue of a change or expansion of use which does not require a certificate of occupancy, before such change or expansion takes place. The remaining twenty five percent (25%) installments shall be due and payable annually on the anniversary of the first installment. Interest shall not accrue on any unpaid balance of such fees, however, the balance shall be adjusted annually to account for increases in the consumer price index. Such adjustment shall not exceed ten percent (10%). If any portion of the unpaid balance is paid in advance of its due date, any such premature payment shall be credited with a discount to the present monetary value of the payment otherwise due.
- B. Notwithstanding the provisions of subsection A of this section, the payment of the required in-lieu parking fees by a lessee or sublessee, whose lease term (including options) is fifteen years or less, for a restaurant use in an existing building may be made in ten (10) equal installments within a ten (10) year period. The first installment shall be due prior to the issuance of the certificate of occupancy for the structure or, in the case where such fees are due by virtue of a change or expansion of use which does not require a certificate of occupancy, before such change or expansion takes place. The remaining ten percent (10%) installments shall be due and payable annually on the anniversary of the first installment. Interest shall not accrue on any unpaid balance of such fees, however, the balance shall be adjusted annually to account for increases in the consumer price index. Such adjustment shall not exceed ten percent (10%). If any portion of the unpaid balance is paid in advance of its due date, any such premature payment shall be credited with a discount to the present monetary value of the payment otherwise due. This subsection shall not apply when the owner of the existing building or any other lessor or sublessor thereof whose lease term (including options) is more than fifteen (15) years has a direct or indirect beneficial interest in the lessee or sublessee conducting the restaurant use therein.
- C. Any portion of the in-lieu parking fees which is not paid prior to the issuance of the certificate of occupancy or the change or expansion of use shall be adequately secured.

Such security shall be subject to approval by the city manager or his designee, and shall be one of the following types of security:

1. A bond or bonds by one or more duly authorized corporate sureties;
2. A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, or money or negotiable bonds of the kind approved for securing deposits of public monies;
3. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit by such a financial institution; or
4. A note secured by a first deed of trust in real property; provided, further, the first deed of trust shall not exceed eighty five percent (85%) of the city's appraisal value of the property. The applicant requesting such type of security shall pay to the city all costs associated with the appraisal of the property and other city costs directly related to such type of security.

D. In the event that a lessee or sublessee making payments pursuant to this section ceases to occupy the leased premises prior to making payment of the full in-lieu parking fee, no in-lieu fee credit may be transferred to the new occupant of the property unless the new use of the property is the same as the prior use, the new use is not a change of use or an expansion thereof, and the new occupant agrees to assume the obligation to make the balance of the payments. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 91-O-2112, eff. 3-22-1991; Ord. 94-O-2206, eff. 8-5-1994)

10-3-3314: TRANSFERABILITY RESTRICTIONS:

In-lieu parking spaces paid for pursuant to the provisions of this article shall be assigned only to the property for which the building permit was issued and shall not be assigned or transferred for use on any other property. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)

10-3-3315: REQUIREMENTS FOR ADDITIONAL PARKING SPACES:

Should the use of any property which is complying with the requirements for off street parking set forth in this chapter by the use of in-lieu parking be considered for conversion to a new use, and the proposed new use requires additional off street parking spaces, the additional off street parking spaces shall be provided by the owner, lessee or sublessee

either by providing on site parking spaces, as required by this chapter, or by the purchase of in-lieu parking spaces in compliance with the requirements of this article. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)

10-3-3316: OTHER CHARGES:

Payment pursuant to the provisions of this article shall not relieve any owner, developer, lessee or sublessee from any ad valorem tax or special district assessment or from any charge which may be imposed for the use of parking spaces within any established municipal off street parking facility. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 83-O-1888, eff. 5-5-1983; Ord. 91-O-2112, eff. 3-22-1991; Ord. 94-O-2206, eff. 8-5-1994)

10-3-3317: EFFECTIVE DATE OF APPROVAL:

Any decision regarding an application for participation in the in-lieu parking district shall not be effective until such time as the time for filing an appeal regarding that approval has expired or, if an appeal has been filed, the decision shall not become effective until such time that the appeal has been finally determined. In addition, no approval of an application for participation in the in-lieu parking district shall be effective until the owner of the subject site has executed a covenant accepting the terms of the approval, in a form approved by the city attorney, which covenant shall run with the land and be recorded with the county recorder by the city clerk. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 83-O-1888, eff. 5-5-1983; Ord. 94-O-2206, eff. 8-5-1994)

10-3-3318: PROHIBITED USES:

Any property which has been granted eligibility to participate in the in-lieu parking district shall not be used for any use other than a use that is permitted by section 10-3-3303, 10-3-3305, or 10-3-3306 of this article, unless parking spaces are provided on site as required by this chapter. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994)