



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

John A. Mirisch, Mayor

June 21, 2019

The Honorable Scott Wiener
California State Senate, 11th District
State Capitol, Room 5100
Sacramento, CA 95814

Re: SB 592 (Wiener), Housing Accountability Act
City of Beverly Hills – OPPOSE

Dear Senator Wiener,

On behalf of the City of Beverly Hills, I write to you in strong **OPPOSITION** to your **SB 592**, which would extend the provisions of the Housing Accountability Act to any form of land use decision by a local agency including a ministerial or use by right decision and a discretionary approval.

We are extremely concerned that **SB 592** would stifle opportunities for our residents to engage in a transparent public process and to provide comments on projects involving single-family homes and accessory dwelling units. It would also abolish the opportunity for our City Council to call up a decision made by the Planning Commission as certain single-family home projects would be removed from the public review process under the provisions of this bill.

While it may be frustrating for some developers to modify their projects to address concerns about traffic, parking, and other development impacts, those affected by such projects have a right to have their concerns considered. Our residents frequently attend both Planning Commission and City Council meetings to express their support or opposition for commercial and residential projects. It is the public nature of the development process that encourages decision makers to balance the interests of all stakeholders for any given project.

Moreover, public review and discussion upholds the accountability of elected officials and ensures a fair process for all proposals. However, **SB 592** completely disregards this public process and extends the provisions of the Housing Accountability Act, which already exists under Government Code Section 65589.5, to a single housing unit; an accessory dwelling unit, or so-called granny unit; or even the addition of one or more bedrooms to an existing home.

Additionally, **SB 592**'s one-size-fits-all approach for all cities in California fails to take into account the role that local governments' discretionary land use authority plays in ensuring that development is done in an open, public, and deliberative manner for the benefit of their communities. In Beverly Hills, homes are often greatly expanded to add numerous additional bedrooms solely to increase the value of the home and the ability of the homeowner to entertain guests. These additional bedrooms are rarely utilized to accommodate new, permanent residents to our City as demonstrated by our stable population over the last decade.

The City of Beverly Hills routinely receives proposals to build very large single-family homes, often with above-grade square footage in the tens of thousands of square feet, plus basement areas in the tens of thousands of square feet. The scale of these projects often requires significant amounts of grading and hauling activity, which in many cases has the potential to alter the existing topography and generate adverse impacts on the surrounding neighborhood.

Furthermore, construction of homes at this scale can sometimes take three to five years to complete, which impacts the surrounding community throughout the duration of construction. Due to the sheer size of these homes, they are typically required to go through a discretionary review process that allows the City to assess the impacts that may be generated by a project and impose conditions or modifications as appropriate.

A recent example of a project processed in Beverly Hills is a home in the hillside area of the City that contained approximately 25,000 square feet of development divided between above- and below-grade levels, required privatization of a public street, export of 8,000 cubic yards of earth material (requiring over 1,000 truck trips for dirt export alone), and included construction of numerous retaining walls in series along steeply sloped portions of hillside. This project had a significant amount of negative impacts to the surrounding neighborhood, but we were able to utilize the current discretionary process to reduce the projects size, the amount of grading, and number of retaining walls. In addition, the community was able to prevent a public street from being privatized.

Our residents expect us to take every step that we can to protect the character and excellent quality of life in their neighborhood, but SB 592 would rob us of the ability to carry out this responsibility.

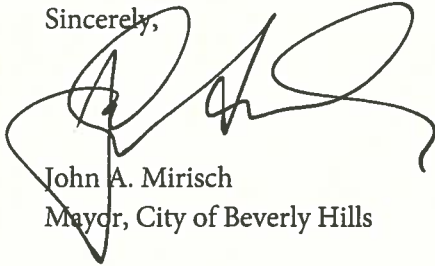
Finally, **SB 592** would handcuff a city's ability to act against the undue expansion of an existing home by allowing a developer to sue a city for a decision and receive compensatory damages from a city in addition to attorney's fees. Many cities in California already have budgets that are severely stressed due to ever-increasing costs, including unfunded pension liabilities. Having to award developers compensatory damages would further strain already depleted local budgets. This could potentially lead to a decrease in services for residents and/or result in a city potentially declaring bankruptcy.

We agree with the fundamental problem that **SB 592** tries to address — there are not enough affordable homes being built, or even available, in California. Unfortunately, **SB 592** lacks the flexibility needed to meet the State's housing goals and it diminishes the opportunity for community input and engagement. Furthermore, adding bedrooms to an existing single-family home or accessory dwelling unit does not

increase the availability of affordable housing as there is no requirement for the person modifying the home to make the new rooms only available to those in need of affordable housing. In many areas of the state, the substance of this bill will be used to increase luxury housing as typically these are the individuals who can afford such a substantial remodel. This has the potential to make the affordable housing situation worse while eliminating the public review process.

On behalf of the residents we represent, who deserve a voice in the future shape of their communities, the City of Beverly Hills must strongly **OPPOSE SB 592**. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mirisch', with a large, stylized flourish extending from the bottom left.

John A. Mirisch
Mayor, City of Beverly Hills

cc: Members and Consultants, Assembly Housing & Community Development Committee
The Honorable Ben Allen, 26th Senate District
The Honorable Richard Bloom, 50th Assembly District
Andrew K. Antwih, Shaw / Yoder / Antwih, Inc.