

## Attachment 6

# Planning Commission Minutes

CITY OF BEVERLY HILLS  
455 N. Rexford Drive  
Beverly Hills, California 90210  
Room 280-A

**PLANNING COMMISSION REGULAR MEETING**  
**October 22, 2009**  
**1:30 PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:35 PM.**

**Commissioners Present:** Corman, Furie, Yukelson, and Chair Cole.

**Commissioners Absent:** Vice Chair Bosse.

**Staff Present:** J. Lait, D. Reyes R. Naziri, G. Millican, J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

**APPROVAL OF AGENDA**

The Chair noted a request was received from resident M. Fischer to move items 4 and 5 before Item 3. Hearing no objection she ordered the agenda approved with that change.

**COMMUNICATIONS FROM THE AUDIENCE**

**None.**

**BUS TOUR**

Assemble at the 450 North Crescent Drive entrance to City Hall. The Planning Commission will visit *145 South Camden Drive*.

**The meeting recessed to a bus tour at 1:45 pm and reconvened at 2:40 pm with the same Commissioners noted in the roll call present.**

**CONSIDERATION OF MINUTES**

**1. Consideration of the Minutes of the Planning Commission Meetings of:**

- **March 24, 2009**
- **April 16, 2009**
- **May 14, 2009**
- **May 28, 2009**
- **June 11, 2009**
- **June 25, 2009**

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Corman.

That the minutes of March 24, April 16, May 14, May 23, June 11, and June 25, 2009 be adopted as amended.

**AYES:** Commissioners Corman, Furie, Yukelson, and Chair Cole.

**NOES:** None.

**ABSENT:** Vice Chair Bosse.

**CARRIED.**

**OLD BUSINESS**

**2. 8767 Wilshire Boulevard (Applicant: Alex DeGood)**

A resolution denying an amendment to a previously approved Development Plan Review Permit to amend the existing conditions of approval to allow medical and pharmacy uses and a restaurant or sundry shop designed primarily to serve tenants of the building. The amendment would have also eliminated 51 parking spaces currently required to be made available for public use. (Associate Planner: Georgana Millican).

Associate Planner Millican provided a summary of the resolution before the Commission.

Commissioner Corman questioned information in a letter from the applicant received on October 21 and stated he was in favor of continuing this matter to allow the applicant time to provide the legal authority that their statements were predicated on. The consensus of the Commission was that they had not had sufficient time to analyze the information provided or confer with the City Attorney and they could support the request to continue this item.

Ben Resnick, representing the applicant, addressed the Commission and stated that the letter was submitted within 24 hours of having received the resolution. He stated these are findings that the Commission is being asked to make and it is very logical, there needs to be substantial evidence in the record to support the findings.

**ACTION:**

Moved by Commissioner Corman and seconded by Commissioner Furie.

That consideration of this project be continued to the meeting scheduled on November 19, 2010.

**AYES:** Commissioners Corman, Furie, Yukelson, and Chair Cole.

**NOES:** None.

**ABSENT:** Vice Chair Bosse.

**CARRIED.**

***TAKEN OUT OF ORDER:***

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**4. General Plan Amendment–Commercial Common Interest Developments**

The Planning Commission will consider adding a policy to the General Plan and/or a Zoning Code amendment that would prohibit common interest subdivisions (e.g. condominiums and stock cooperatives) in the City's commercial districts. (Staff recommends that this item be continued to November 3, 2009).

***Consideration of this matter was continued to November 3, 2009, by order of the Chair.***

**DISCUSSION ITEMS**



- 5.** Formation of a subcommittee of the Planning Commission regarding the proposed 13-unit condominium project located at 9936 Durant Drive.

Principal Planner Reyes noted that the applicant had requested meeting with a subcommittee of Commission members to receive comments on the proposed project. The Chair appointed Commissioners Furie and Yukelson to a subcommittee to meet with the applicant.

***RETURN TO ORDER.***

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

3. **145 -147 ½ South Camden Drive** (Applicant: Terry Riley)  
A Development Plan Review Permit and Tentative Parcel Map No. 69959 to allow the conversion of an existing three-unit apartment building to a condominium building. (Senior Planner: Rita Naziri).

Senior Planner Naziri provided a summary of the staff report and it was made a part of the record. She reviewed the zoning issues which include the side and rear setbacks and the parking, and the staff recommendations on the waivers requested.

Plan Review Engineer Skosnick was present and responded to questions from the Commission, stating the electrical system had been upgraded in 1984 for each unit, and the plumbing had been replaced with copper, and the roof on both the building and the garage structure was replaced in 1998.

Comments in support of the project were heard from residents Sharon McCall and Gary Davis. The architect, Doug Lindfors was present to answer any questions the Commission might have.

The Commission concurred that this building is character contributing and requested that conditions be added to require a budget for proper maintenance and operation of common facilities and areas be submitted to the Director of Community Development or designee, that Disabled Access Requirements (ADA) be waived with a condition that to the extent determined by the City Building Official the building shall comply with ADA access requirements, and that in the event the walls are opened for any reason, they be reconstructed with insulation and sound attenuation measures to the extent feasible.

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Corman.

That the amended resolution conditionally approving a Development Plan Review and Tentative Parcel Map No.69959 to allow the conversion of an existing three-unit apartment building to a condominium building be adopted.

**AYES:** Commissioners Corman, Furie, Yukelson, and Chair Cole.

**NOES:** None.

**ABSENT:** Vice Chair Bosse.

**CARRIED.**

Assistant Attorney Snow noted that decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office and an appeal fee would apply.

**DISCUSSION ITEMS**

**COMMUNICATIONS FROM THE COMMISSION**

**COMMUNICATIONS FROM THE CITY PLANNER**

6. **Upcoming Meeting Schedule**
7. **Active Case List**

**THE MEETING WAS ADJOURNED AT 4:20 PM.**

**PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF APRIL, 2010.**

  
\_\_\_\_\_  
Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

CITY OF BEVERLY HILLS  
455 N. Rexford Drive  
Beverly Hills, California 90210

**PLANNING COMMISSION REGULAR MEETING**

**July 23, 2009**

**~~4:30 PM~~**

**7:00 PM**

**MINUTES**

**AFTERNOON SESSION:** 1:30 p.m. RECESSED TO 7PM DUE TO LACK OF QUORUM  
(Commission schedule adjusted in observance of a memorial  
service)  
**BUS TOUR:** 1:30-2:30 p.m. CANCELLED  
**EVENING SESSION:** 7:00 p.m

**OPEN MEETING**

**ROLL CALL AT 7:07 PM**

**Commissioners Present:** Corman, Yukelson, Vice Chair Bosse and Chair Cole.

**Commissioners Absent:** Furie.

**Staff Present:** J. Lait, D. Reyes, L. Sakurai, R. Naziri, and J. Stevens  
(Department of Community Development); D. Snow (City  
Attorney's Office), and Consultants Sue O'Carroll, Robert  
Chattel.

**APPROVAL OF AGENDA**

**~~BUS TOUR at 1:30 PM~~ CANCELLED**

The Chair noted that the Commissioners had visited 9936 Durant Drive separately, in anticipation of the change in the afternoon schedule.

**COMMUNICATIONS FROM THE AUDIENCE**

None

**OLD BUSINESS**

**1. 154 – 168 North La Peer Drive**

An application for a Time Extension Request for a 16-unit condominium project located at **154-168 North La Peer Drive**. This item is continued from the July 9, 2009 meeting. The applicant has requested that this item be continued to **September 10, 2009**.

**ACTION:**

Moved by Commissioner Yukelson and seconded by Commissioner Bosse.

At the request of the applicant, consideration of this matter was continued to September 10, 2009.

AYES: Commissioners Corman, Yukelson, Vice Chair Bosse and Chair Cole.

NOES: None.

ABSENT: Commissioner Furie.

**CARRIED.**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

 **2. 9936 Durant Drive**

This report provides an overview of the Draft Environmental Impact Report that has been prepared for a proposed new thirteen-unit condominium project as required by the California Environmental Quality Act. The purpose of the meeting is to receive public testimony on the adequacy of the DEIR, including project alternatives. A separate hearing will be held to discuss the proposed project at a future date.

Senior Planner Naziri noted the schedule of hearings and comment period and introduced Dr. Susan O'Carroll, the City's consultant for the Draft Environmental Impact Report (DEIR).

Dr. O'Carroll stated the purpose of the hearing was to hear comments on the adequacy of the EIR. She explained the EIR process and that any comments received during the preparation of the EIR had been included in the draft EIR currently out for review and comment. She noted that a "Response to Comments" document would be prepared to provide a written response to all comments received during the 45-day comment period. Dr. O'Carroll also explained that the

possibility that the project location was a cultural resource was basically what necessitated preparation of the EIR; anytime two experts substantially disagreed, it was necessary to prepare an EIR.

She noted that the existing structure at the project address was designed by Robert Darrah and constructed in 1935. It is two stories high, contains five units, and is California Register eligible. Ms. O'Carroll stated that five alternatives to the projects were contained in the DEIR; the first three would reduce historic resource impact to less than significant. All five would reduce neighborhood compatibility impact to less than significant. 1) no change/no project 2) conversion to condominiums 3) new four story building at rear of existing building; 4) similar to 3 but would be significant modification to building which would then no longer meet the Secretary State requirements for registry, but it would maintain the front facade; 5) Contemporary compatible redesign of the building with maximum envelope no greater than proposed project, achieve neighborhood compatibility.

Dr. O'Carroll announced the 45-day comment period would close on August 14, 2009.

Mr. Fischer, attorney representing the applicant, noted that a document was not part of the staff report which he would like to include in the record of this hearing and he provided copies to the Commission. Mr. Fischer described the actions taken by the applicant to develop the proposed project. He stated that at that time there was no Green Building Ordinance in place and no mention had been made of the historic significance of the building or that the architect was famed. He produced a copy of the original application and stated that at the concept review meeting it was mentioned that the property was part of a preliminary historic study and the applicant was requested to have a historic study done. Mr. Fischer provided a copy of the original report written by Mr. Maruzzi and asked that it be made a part of the public record as public comment to be addressed in the final EIR. Mr. Maruzzi's conclusion was that the property does not rise to the level necessary to be included in the California Registry.

Mr. Fischer noted the applicant is willing to develop two affordable units and would not request any bonus for this. He stated that at the time the application was made there was no Green Building Ordinance in effect but that his client had the building redesigned to meet the Silver requirement. Mr. Fischer described the green features such as water and energy efficiency, parking, and affordable units. Mr. Fischer also introduced Taylor Loudon, AIA as a new architect for the project. Mr. Loudon presented an alternative design to the Commission.

City Planner Lait noted for the record that staff did not request that the applicant provide two affordable units. He stated the record was clear that two experts disagreed about the importance of the historical significance and that is what necessitated an EIR. In order to approve the project, the Commission would have to adopt a statement of overriding considerations; and one of the issues the

Commission would consider would be the benefits against the loss of resource. Staff offered ideas that the applicant could explore and affordable housing was one of the suggestions, not asked for or requested.

Responding to a question from the Commission, Mr. Fischer stated that maintaining the existing façade becomes a challenge; both structurally and in terms of modification to the existing cultural resource. It would effectively require demolition of the building and it then wouldn't meet the historical standard.

Terrance Rodsky, owner of the building at 9933-9935 Durant Drive across from the proposed project, stated he had sent a letter of opposition to the proposed project on July 8. He stated he does not reside in the building, but that it is a character contributing property and an example of the colonial style that needs to be preserved. He stated the proposed project doesn't fit in aesthetically and would contribute significantly to traffic.

Robert Chattel, the City's historic consultant who performed the peer review and prepared the cultural section of the EIR, responded to a question from the Commission that the purpose of the historical study is to describe whether a property is or is not eligible. The determination is made when the Commission certifies the EIR. He stated that this property appears potentially eligible and that in his opinion, 9936 Durant is separately eligible for listing in the California register for several reasons which include that it is an extremely skillful example of the developer's property type in Beverly Hills, represents his important work in Beverly Hills; and for the architecture, it is a significant example of colonial revival style and an example of courtyard housing with interior and exterior space. It is also a unique property in Beverly Hills because the interior courtyard is open to and can be seen from the street; the vista is terminated in a pavilion, a gazebo that is attached to the garage.

Mr. Chattel stated the 100 block of Arnaz is the first California-listed Historical District in the city of Beverly Hills. One of the National register criteria is that a building must be 50 years or older. A building listed on the California Register need not have national integrity; it can have some losses to character. This building has a high level of this criterion. A listing/nomination form on the State mandated form for registration would be reviewed by the State Historical Resources Commission who would take action on a California registration; and their determination is final.

Responding to a question from the Commission, Mr. Chattel stated that any individual can initiate; as for what restrictions would then be placed on a listed property, this review that we are going through would be required if material impairment would be threatened. With respect to the National registry, a nomination form would go through same process as at the State level; the State Historical Preservation Officer then makes a recommendation and it goes to Washington DC for final determination. All nominations are considered on the

merits, and considered on arguments made for why it should be eligible and precedents set in what was previously determined to be significant.

Dr. Antonio Coco; applicant's traffic consultant; responded to a question from the Commission about threshold of significance for the alley. He described the methods used to prepare the traffic study. He stated that daily and peak-hour trips for the existing uses and proposed project were calculated using trips rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual which included standardized numbers that have a very high level of accuracy, due to the fact that they are based on hundreds of surveys; and explained the traffic report and findings.

Mr. Fischer speaking in rebuttal for the applicant, noted it was necessary to decide how best to solve a difference of opinion and asked for direction on how best to improve Mr. Louden's design. He stated the applicant had looked at preliminary costs for Alternative 3 and talked to specialized companies that do garages, and the conclusion was that it would be totally expensive, impracticable and not one would accept liability with respect to underpinning the building. It could be done with unlimited finances, but the applicant needs to be practical at the same time. He reminded the Commission of the benefits that the project would provide and that the existing building was built in 1935 and does not have all the modern updated electrical, underground utilities, life safety items and parking. The applicant would like the opportunity to work with the Commission to get input on design impacts and figure out how they can make this work. He added that it is interesting that for many projects in the City of Beverly Hills a standard of mitigation has always been to photograph, archive, and categorize the existing property. It has never been that we are going to prohibit anything from being built.

Comments from the Commission included that the building being discussed is potentially a historical resource with a lot of charm and that Durant is a special street; the Commission preferred alternative 3 to alternative 5, but understood that Alternative 3 might not be feasible due to financial considerations; if alternative 5 were proposed, it would need to have more of a feeling of the street than the renderings shown, address the character of the area and add to the streetscape; and possibly be less than four stories to be architecturally compatible, and there would need to be mitigation options for the alley. The Commission also requested that more information be provided on the feasibility of alternatives 2, 3 and 5.

It was noted the public hearing remains open, as the comment period on the Draft Environmental Impact Report runs until August 14.

**3. General Plan Amendment—Commercial Common Interest Developments**

The Planning Commission will consider adding a policy to the General Plan and/or a zoning amendment that would prohibit common interest subdivisions (e.g. condominiums and stock cooperatives) in the City's commercial districts.

Principal Planner Sakurai summarized the staff report and it was made a part of the record. He noted staff would like to do additional study and obtain information from other agencies, explore alternatives that have been suggested by interested parties and return in September with a recommendation.

Chris Bonbright, a resident and representing Cape Horn Group, stated he was very interested in the economic development of the City and didn't know of any municipality that prohibited commercial condominiums. He stated that promoting office condominiums would expand the range of options available to the businesses the City is trying to attract. He added that smaller businesses, typically in the 2,500 to 15,000 square foot range, that cannot afford to own a building would go to some other nearby city. He noted these types of businesses are high quality, desirable members of the business community who would frequent the restaurants and business establishments in the City and be more likely to take an active role in the civic affairs of the City. He stated the ordinance would have a negative impact on the City's financial state and urged the Commission to proceed with a policy to encourage commercial common interest development in the City.

Murray Fischer, resident and representing Beverly Hills Properties (BHP), a subsidiary of Cape Horn Group, also spoke in support of commercial property common interest development. He stated he had polled other cities regarding their concerns with this type of development and most answers were very similar, including concerns about the condition of the building to be converted, the need for inspections, CC&Rs with certain conditions, and notification of current tenants. He stated all of the cities he surveyed had requirements similar to those in the State's residential common interest development standards.

Jim Kruse, Senior Managing Partner of CB Richard Ellis (CBRE), stated his firm is worldwide and invests only in commercial real estate. He added that CBRE had been engaged by BHP, a subsidiary of Cape Horn Group, to sell commercial office space once a commercial CID project is able to move forward. He stated that his firm believes in Beverly Hills because of its world class status and that the opportunity to own property in Beverly Hills is unique. He described the multi-layered marketing approach that would be aimed directly at the key individuals and companies in Beverly Hills. He added that market studies are underway to answer questions about commercial CID. Other communities don't have the same demographics as Beverly Hills and commercial CID will be absorbed; it has better odds of succeeding than anything else in the marketplace. He agreed to provide a copy of the marketing plan for the building.

The Commission posed questions and requested follow-up in several areas, including clarification of FAQs submitted on behalf of BHP, a subsidiary of Cape Horn Group, and requested additional information on the fiscal impacts to the City from loss of business rental taxes.

**ACTION:**

Moved by Commissioner Bosse and seconded by Commissioner Yukelson

Consideration of this item was continued to the meeting scheduled to be held on September 24, 2009.

AYES: Commissioners Corman, Yukelson, Vice Chair Bosse and Chair Cole.

NOES: None.

ABSENT: Commissioner Furie.

**CARRIED.**

**COMMUNICATIONS FROM THE COMMISSION**

**COMMUNICATIONS FROM THE CITY PLANNER**

4. Upcoming Meeting Schedule
5. Active Case List

**THE MEETING ADJOURNED AT 12:04 AM on July 24, 2009.**

**PASSED AND APPROVED THIS 11<sup>TH</sup> DAY OF MARCH, 2010.**



\_\_\_\_\_  
Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

CITY OF BEVERLY HILLS  
455 N. Rexford Drive  
Beverly Hills, California 90210  
Council Chambers Room 280-A

**PLANNING COMMISSION MEETING  
MAY 27, 2010  
1:30 PM**

**MINUTES**

**OPEN MEETING**

**Commissioners Present:** Corman, Cole, Furie, Vice Chair Yukelson, and Chair Bosse.

**Commissioners Absent:** None.

**Staff Present:** J. Lait, D. Reyes, R. Naziri, J. Stevens (Department of Community Development); D. Schirmer, M. Hobson (Department of Information Technology); D. Snow (City Attorney's Office).

**APPROVAL OF AGENDA**

Approved by order of the Chair.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**INFORMATION ITEMS**

**Technology Update: Innovation that facilitates the planning process.**

Oral presentation by David Schirmer, Information Technology Department Director.

IT Director Schirmer reviewed the goals and mission of the IT Department and the scope of services provided. He also described the Safe City initiative and demonstrated the video capability of the program. He announced the City had recently completed a portion of the fiber optic network that will provide WIFI at City parks and facilities and described the City services and information currently available through the City's website, as well as a new portal that will be launched soon so that no trip to City Hall will be necessary for any parking permits.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING  
AGENCY PUBLIC HEARINGS**



- 1. 9936 Durant Drive (Applicant: Murray Fischer)**  
Request for a Development Plan Review Permit, Density Bonus Permit, R-4 Permit, Tentative Tract Map and certification of an Environmental Impact Report for a the construction of a new 13-unit condominium project.

Senior Planner Naziri provided a summary of the staff report and it was made a part of the record. She reviewed the points discussed at a prior meeting and how the applicant had addressed them in the revised project. She noted that a two-day survey of the alley traffic had been completed and no significant impact by the proposed project was anticipated. She announced the final Environmental Impact Report (EIR) was prepared and it included responses to the letters and comments received.

Ms. Naziri noted that the proposed project would increase the number of units on the property from five to 13, which would include two moderate income affordable units, and two levels of subterranean parking containing 42 parking spaces and bicycle parking. The proposed project would be eligible for LEED certification at the Silver level and if approved, the Commission would need to adopt a statement of overriding consideration.

Attorney M. Fischer, representing the owners of the building, noted that the architect, Taylor Lauden, was present as well as the project management team. He described the proposed moderate income units and the revisions made to the project since the previous hearing and stated the applicant is requesting the rear setback be reduced from 15 to 10 feet 4.5 inches as an incentive for the two affordable units. Mr. Fischer also noted that the proposed building has been reduced by an additional 1500 square feet, which is 3500 square feet less than allowed by Code. The revised design was developed in the American Colonial revival style to be compatible with the rest of the neighborhood. He described the deed restriction on the affordable units and how the sale of those units would be handled under the Code to benefit the City's affordable housing program.

Taylor Lauden, architect and applicant's historical consultant, described the design features incorporated into the building design that are from the American Colonial period.

In response to a question from the Commission regarding the historical impact of the project, Assistant City Attorney Snow stated that the EIR as presented reached conclusions and if the Commission in their independent judgment reach a different conclusion they could adopt a statement of overriding considerations.

The Commission discussed the information before them and unanimously agreed that additional information on the terms and exactly how the affordable units would work would be necessary to make a finding on this application. The applicant was requested to submit accurate and complete information on the proposed benefit package including the allocation of the two moderate income units to the City for review of the Commission's Subcommittee before a report is made to the whole Commission.

Consideration of this matter was continued to a date not certain by order of the Chair. The hearing remains open and will be renoticed when a date is set.

2. **462 Rexford Drive** (Applicant: Murray Fischer)  
Request for a Time Extension for a Development Plan Review Permit for a seven (7) unit condominium. Associate Planner: Georgana Millican.

The staff report was summarized by Principal Planner Reyes and made a part of the record. He noted that consistent with recent approvals, this project will include a number of green building features; the applicant has agreed to provide Title 24 plus 15 percent. He also noted a change recommended to correct a typographical error in the resolution.

Attorney Fischer, representing the applicant, asked if the extension could run for two years, consistent with the Tract Map. Staff noted that under the Code it can only be extended for one year at a time.

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Cole.

The resolution approving a one-year extension for a Development Plan Review for a seven-unit condominium at 462 Rexford Drive was adopted.

**AYES:** Commissioners Corman, Cole, Furie, Vice Chair Yukelson and Chair Bosse.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

Assistant Attorney Snow noted that decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office and an appeal fee would apply.

**3. 121 San Vicente Boulevard (Applicant: Ken Stockton)**

Request for a Development Plan Review Permit and a Variance from parking regulations (to allow tandem parking) to permit the construction of a new three-story, 45-foot in height Commercial building containing approximately 42,256 square feet of floor area over a four-level, subterranean parking garage with 199 parking spaces. Senior Planner: Rita Naziri.

The staff report was summarized by Senior Planner Naziri and made a part of the record. She noted no significant impacts were found except during the construction period and noted the comment period began on May 10 and will close on May 30, 2010. She reviewed the medical ordinance review process currently being conducted at the request of the City Council and said that analysis of this project and the staff recommendation was based on existing policy and regulations consistent with City Council direction. She also noted the applicant was requesting a parking variance and based on the shape of the property and the adjacent multifamily development staff felt the finding could be made to support this request.

The owner, Mike Amar, introduced his architect, Ken Stockton.

Architect K. Stockton described the comments from the project preview that were incorporated into the proposed project before the Commission. He noted that driveway access was relocated to San Vicente Boulevard rather than splitting it between San Vicente and Gale, and that truck deliveries would be located at the ground level accessed from San Vicente Boulevard. The above-grade parking was eliminated and all parking was moved under grade. He stated a new parking layout has been presented with all standard-sized parking spaces and it is proposed to be managed by a valet service, which would be complimentary with validation.

R. Stockton described the green building features incorporated into the proposed building and noted that he used both the City's checklist and the LEED core and Shell checklist. He stated the building will provide more than the LEED Silver certification.

Principal Planner Reyes read a letter in support of the project from resident David Novin.

Stuart Weiss, resident, expressed concerns related to traffic and parking for the residents on Gale and stated he did not agree the classical European look of the building made it blend into the neighborhood. He noted most of the buildings on Wilshire are contemporary and not glass edifices.

Joshua Tamaszewski, stated the current building is dilapidated and the proposed building will be an improvement and beneficial to his property's value. He added he appreciates the plantings on the Gale side giving it a more residential feel.

Dr. Howard Krabakow, resident, expressed concern for access to light and air, construction noise and dust, and parking when the building is completed. He noted that the parking garage exit might impact his access from the driveway for his residence and requested that soundproofing requirements be required during construction for noise mitigation.

Principal Planner Reyes stated that the mitigated traffic study that was prepared for this corner looked at the worst case scenario. He stated that a high turnover restaurant at the corner was studied although there were no plans for that use of space; it was used for study purposes.

Clare Yeager, the City's traffic consultant as part of the environmental consultant team explained how trip distribution was allocated to the proposed project for the analysis. She added they had met with the City's traffic engineer and reviewed traffic patterns on adjacent streets, and made observations of cars traveling northbound on Gale Drive. She responded to questions from the Commission and stated that even if you were to assign 50 percent of the new trips to this project, it would not trip the City's triggers.

Staff noted that the comment period on the EIR is still active and no action by the Commission is anticipated at this time. The Commission could deliberate to the extent there is any need for restudy or thoughts on the findings necessary for the Development Plan Review and the requested Variance.

The Commission expressed concern that the proposed use of tandem parking was excessive, and agreed the garage circulation and functionality as proposed was not acceptable. Further study of the garage was suggested to increase capacity. Suggestions included encroaching parking underground up to the curb, placing parallel loading on San Vicente, redesigning the first floor to place some parking at ground level, translucent windows along Gale Drive, elimination of pedestrian access on Gale Drive, and considering a change in some of the use from medical to general office which would lower the number of required parking spaces.

Consideration of this item was continued to a date not certain by order of the Chair. The public hearing remains open and will be renoticed when a hearing date is set.

## **DISCUSSION ITEMS**

**None**

**SUBCOMMITTEE REPORTS**

Consideration and/or establishment of new policy or project-related Planning Commission subcommittees and reports from existing subcommittees:

- a. 9936 Durant Drive (Furie/Yukelson)
- b. 9230 Wilshire Boulevard - Lexus Dealership (Bosse/Furie)
- c. Hillside / Trousdale - View Preservation (Cole/Corman)
- d. Other contemplated subcommittees

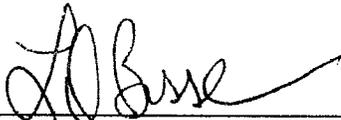
**COMMUNICATIONS FROM THE COMMISSION**

**COMMUNICATIONS FROM THE CITY PLANNER**

- 4. **Upcoming Meeting Schedule**
- 5. **Active Case List**

**ADJOURNMENT AT 5:25 PM.**

**PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF JULY, 2010.**



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Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

CITY OF BEVERLY HILLS  
455 N. Rexford Drive  
Beverly Hills, California 90210  
Council Chambers Room 280-A

**PLANNING COMMISSION MEETING  
JULY 8, 2010  
1:30 PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:30 PM**

**Commissioners Present:** Corman, Cole, Furie, Vice Chair Yukelson (arrived 1:40pm) and Chair Bosse.

**Commissioners Absent:** None.

**Staff Present:** D. Reyes, R. Naziri, G. Millican, R. Gohlich, P. Noonan, D. Mohan (Department of Community Development); D. Snow (City Attorney's Office).

**APPROVAL OF AGENDA**

The Agenda was approved by order of the Chair.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**Bus Tour**

The Chair announced the Commission would recess to the bus tour and noted that members of the public could attend if they chose to.

The Commission visited the Avalon Hotel located at 9400 Olympic Boulevard. Commissioner Yukelson was present.

The Commission reconvened from the bus tour at 2:20pm and all five were present.

**NEW BUSINESS**

**1. ADOPTION OF MINUTES**

Adoption of Planning Commission Minutes for the meetings of March 11, March 25, April 8, April 22, May 13, May 27, 2010, and June 10, 2010.

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That the minutes of March 11, March 25, April 8, April 22, May 13, May 27, 2010, and June 10, 2010, be adopted as amended.

**AYES:** Commissioners Cole, Corman, Furie, and Vice Chair Yukelson.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

**DISCUSSION ITEMS**

**2. Hazard Mitigation Plan**

Consultant Viviana Franco presented this item to the Commission. She began by briefly reviewing the City's 2004 Hazard Mitigation Plan, describing the purpose of the plan, and explaining the plan's mission. Ms. Franco explained mitigation strategies and how they pertain to obtaining funds to implement the strategies. Ms. Franco noted that representatives from each City department worked on the updated version of the plan. The remaining timeline for finalizing the Hazard Mitigation Plan includes presenting to other Commissions in June, obtaining feedback and final revisions in July, and finally approval of the plan by City Council in late August. Commissioners were asked to review the draft plan and provide feedback to Ms. Franco.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

 **3. 9936 Durant Drive (Applicant: Murray Fischer)**

Request for a Development Plan Review, Density Bonus Permit, R-4 Permit, Tentative Tract Map and certification of an Environmental Impact Report for a the construction of a new 14-unit condominium project. (Senior Planner: Rita Naziri). **This item is continued from the May 27, 2010 Meeting and the Public Hearing remains open.**

The Commission heard a staff report from Senior Planner Naziri, Attorney M. Fischer spoke on behalf of the applicant, and resident S. Katz expressed opposition to the proposed project due to concerns for the impact to a possible historical district.

A majority of the Commission concurred that the opportunity for affordable housing units would override the loss of a potential historical resource. Commissioner Corman dissented.

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That staff prepare appropriate resolutions to memorialize the Commission's findings on the EIR, the DPR, the tentative tract map, the Density Bonus findings, the R-4 Permit findings, and the overriding considerations based on the affordable units being deeded to the City free and clear, not just deed-restricted; and that the HOA fee on the affordable units will not exceed \$150 per month, be prepared and brought back to the Commission for consideration.

**AYES:** Commissioners Cole, Furie, Vice Chair Yukelson, and Chair Bosse.

**NOES:** Commissioner Corman.

**ABSENT:** None.

**CARRIED.**

**4. 121 San Vicente Boulevard (Applicant: Ken Stockton)**

Request for a Development Plan Review Permit and a Variance from parking regulations (to allow tandem parking) to permit the construction of a new three-story, 45-foot in height Commercial building containing approximately 40,750 square feet of floor area over a four-level, subterranean parking garage with 185 parking spaces. (Senior Planner: Rita Naziri)

**This item is continued from the May 27, 2010 Meeting and the Public Hearing remains open.**

The staff report was summarized by Senior Planner Naziri. Architect K. Stockton, Attorney A. Alexander, Developer Mike Ahmar, Parking Consultant R. Calard of Austin Faust & Associates, Inc., and Parking Consultant A. Megerdoodman of International Parking Design, Inc., spoke on behalf of the applicant. Public comment opposing the proposed project due to traffic concerns was received from A. Berkoff, representing 117 N. Gale Homeowner's Association.

After discussion, the Commission noted that there are concerns about the percentage of tandem spaces proposed and garage internal circulation. The applicant was requested to study the parking layout to reduce the number of tandem spaces, provide additional parking at the ground level, and reconfigure the loading area. Consideration of this item was continued by order of the chair to a date not certain. The public hearing remains open and a notice will be mailed when it is scheduled.

5. **9360 Wilshire Boulevard/Thompson Hotel** (Applicant: Mitch Dawson)  
A request for a Zone Text Amendment to Section 10-3-2868 of the Beverly Hills Municipal Code regarding the seating capacity of restaurants in hotels outside the Business Triangle, and conditionally approving a Conditional Use Permit that restricts hotel operations, a Development Plan Review permit that allows outdoor dining and a rooftop gymnasium, an Extended Hours Permit and modification of an existing variance. **This item is continued from the June 10, 2010 Meeting and the Public Hearing is closed.**

Associate Planner Gohlich summarized the staff report. Attorney M. Dawson commented on the proposed resolution renewing the CUP and DPR.

**ACTION:**

Moved by Chair Bosse and seconded by Commissioner Furie.

That the Commission adopt a resolution recommending that the City Council of the City of Beverly Hills adopt an Ordinance amending restaurant seating regulations applicable to hotels located outside the business triangle.

**AYES:** Commissioners Cole, Corman, Furie, Vice Chair Yukelson, and Chair Bosse.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

**ACTION:**

Moved by Chair Bosse and seconded by Commissioner Cole.

That the Commission adopt an amended resolution conditionally approving renewal of a Conditional Use Permit and Development Plan Review Permit and conditionally approving a Conditional Use Permit, Development Plan Review

Permit, Extended Hours Permit and variance to allow modifications to Hotel Dining and Rooftop Uses on the property located at 9360 Wilshire Boulevard. The Planning Commission shall re-review the permit six months from the date of implementation of all conditions of approval.

**AYES:** Commissioners Cole, Corman, Furie, Vice Chair Yukelson and Chair Bosse.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

The Chair noted that decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office and an appeal fee would apply.

**6. 9400 Olympic Boulevard (Applicant: Mitch Dawson)**

Request for a modification of an existing Conditional Use Permit and Extended Hours Permit to: 1) reduce the amount of off-site parking required; 2) allow the hotel to charge competitive valet parking rates (valet is currently for patrons of hotel and restaurant); and 3) to allow alcohol to be served until 1 AM.

The staff report was summarized by Associate Planner Millican. Attorney M. Dawson spoke on behalf of the applicant. Public Comment was received from L. Jones and S. Webb.

The Public Hearing was closed.

**ACTION:**

Moved by Commissioner Cole and seconded by Commissioner Corman.

That the Commission adopt an amended resolution conditionally approving revisions to the Conditional Use Permit including charging for parking, modifying the parking supply, and allowing extended hours on Sunday evenings to allow the restaurant including the bar and dining area, the open air dining area, and the pool side lounge area to receive patrons, including hotel guests, up until 11pm nightly.

**AYES:** Commissioners Cole, Corman, Furie, Vice Chair Yukelson and Chair Bosse.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

Assistant Attorney Snow noted that decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office and an appeal fee would apply.

**TAKEN OUT OF ORDER:**

**PROJECT PREVIEW**

**8. Nessah Temple (Applicant: Steve Webb)**

A project preview for a new private school, Nessah Hebrew Academy, proposed to be contiguous to the existing Nessah Synagogue located on the 100 block of South Rexford Drive, between Charleville Drive and Wilshire Boulevard. The school is proposed to be a 3 and partial 4-story building over three levels of subterranean parking containing 200 parking spaces. The school is proposed to have 16 classrooms that could accommodate 20 students each.

The Commission heard an oral report and a slide show was presented with renderings of the proposed project.

**RETURN TO ORDER:**

**DISCUSSION ITEMS**

**7. Housing Element**

Discussion and direction to staff regarding Draft Programs including review of Potential Sites Inventory Maps for the update to the City's Housing Element. (Associate Planner: Peter Noonan).

**This item is continued from the June 24, 2010 Meeting**

Associate Planner Noonan summarized the staff report. Public Comment was received from S. Webb, requesting that the timelines be adjusted as presented in the Housing Element.

Consideration of this item was continued to the meeting scheduled to be held on July 22, 2010, by order of the Chair.

**SUBCOMMITTEE REPORTS**

Consideration and/or establishment of new policy or project-related Planning Commission subcommittees and reports from existing subcommittees:

- a. 9936 Durant Drive (Furie/Yukelson)
- b. 9230 Wilshire Boulevard - Lexus Dealership (Bosse/Furie)
- c. Hillside / Trousdale - View Preservation (Cole/Corman)
- d. Other contemplated subcommittees

**COMMUNICATIONS FROM THE COMMISSION**

9. **Second Unit Survey**  
Receive and file survey letter to BH residents regarding second units.

Received and filed by order of the Chair.

**COMMUNICATIONS FROM THE CITY PLANNER**

10. **Upcoming Meeting Schedule**
11. **Active Case List**

**THE MEETING WAS ADJOURNED AT 7:55 PM.**

**PASSED AND APPROVED THIS 16th DAY OF SEPTEMBER, 2010.**



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Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

**CITY OF BEVERLY HILLS  
455 N. Rexford Drive  
Beverly Hills, California 90210  
Council Chambers Room 280-A**

**PLANNING COMMISSION SPECIAL MEETING\*  
September 23, 2010  
\*3:00 PM (SPECIAL START TIME)**

**MINUTES**

**OPEN MEETING**

**ROLL CALL**

**Commissioners Present:** Cole, Corman, Furie, Vice Chair Yukelson (arrived at 3:05pm), and Chair Bosse.

**Commissioners Absent:** None.

**Staff Present:** J. Lait, D. Reyes, R. Naziri, J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

**APPROVAL OF AGENDA**

The agenda was approved by order of the Chair.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**INFORMATION ITEM**

**State Required Adoption of Building Code 2010**  
Oral presentation by the Assistant Director of Community Development / City Building Official, George Chavez regarding the upcoming 2010 California Building Standards Code, California Code of Regulations, Title 24 Ordinance presentation to the City Council on the October 5, 2010 meeting. The 2010 California Building Standards Code and local amendments will be effective beginning January 1, 2011

An oral presentation was made by Building Official Chavez and Building Inspector DeAnda, followed by questions and answers.

**OLD BUSINESS**



**1. 9936 Durant Drive** (Applicant: Murray Fischer)  
Request for a Development Plan Review, Density Bonus Permit, R-4 Permit, Tentative Tract Map and certification of an Environmental Impact Report for a the construction of a new 14-unit condominium project. (Rita Naziri, Senior Planner).  
**This item is continued from the September 16, 2010 Meeting.**

Staff noted that several comments had been received via email and provided copies to the Commission.

Attorney M. Fischer was present representing the applicant and to answer any questions.

Public comments opposed to the proposed project were made by: Jocelyne Siegel, David Siegel, Meshcot Ahmadi, Nasser Saghian, and Irving Pardo.

**ACTION:**

Moved by Commissioner Cole and seconded by Commissioner Furie.

An amended Resolution certifying the final Environmental Impact Report, adopting findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program was adopted.

**AYES:** Commissioners Cole, Furie, Vice Chair Yukelson and Chair Bosse.

**NOES:** Commissioner Corman.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That the Planning Commission adopt an amended resolution conditionally approving Tentative Tract Map No. 70035, a Density Bonus Permit, an R-4 Permit and a Development Review Plan to allow construction of a 14-residential condominium structure on the property located at 9936 Durant Drive.

**AYES:** Commissioners Cole, Furie, Vice Chair Yukelson and Chair Bosse.

**NOES:** Commissioner Corman.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

### **SUBCOMMITTEE REPORTS**

Consideration and/or establishment of new policy or project-related Planning Commission subcommittees and reports from existing subcommittees:

- a. 9230 Wilshire Boulevard - Lexus Dealership (Bosse/Furie)
- b. Hillside / Trousdale - View Preservation (Cole/Corman)
- c. Medical (Bosse/Yukelson)
- c. Other contemplated subcommittees

### **COMMUNICATIONS FROM THE COMMISSION**

### **COMMUNICATIONS FROM THE CITY PLANNER**

2. **Upcoming Meeting Schedule**
3. **Active Case List**

**THE MEETING WAS ADJOURNED AT 4:25 PM.**

**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF OCTOBER, 2010.**



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Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary