



## Planning Commission Report

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**Meeting Date:** March 24, 2011

**Subject:** **119-123 San Vicente Boulevard** Revision to Development Plan Review and Variances to allow tandem parking and the ground floor parking area to be exempted from floor area calculation for construction of a new three-story, 45-foot in height commercial building containing approximately 32,450 square feet of floor area over a three-level subterranean parking garage with 157 parking spaces and adopting a Mitigated Negative Declaration

PROJECT APPLICANT: Ken Stockton

**Recommendation:** Adopt a Resolution Conditionally Approving the Revised Project; and Adopting a Mitigated Negative Declaration

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### REPORT SUMMARY

On October 14, 2010, the Planning Commission adopted Resolution No. 1587 allowing construction of a 40,050 square-foot, three-story medical /general office building at the Project site, with parking provided in a four-level subterranean garage and above ground level and adopted a Mitigated Negative Declaration (MND). The Resolution also approved variances to allow 18% or 33 tandem parking spaces and to allow the square footage of the first floor of parking area to be excluded from the total floor area calculation of the building.

The project was appealed by Kenneth Blumer on behalf of Dreskin, Gelber and Silverman, LLC (the appellant). Pursuant to Beverly Hills Municipal Code Section 1-4-401, the effectiveness of the Commission's approval was stayed pending a final decision by the Council, and is thus of no further effect at this time. In response to the appeal, the applicant has revised the project. At its meeting of the February 3, 2011 City Council, remanded the matter to the Planning Commission for its consideration of the revised project.

The proposed revised project would have similar land uses and design as previously approved by the Planning Commission, but, would have less floor area and greater setbacks. The revised project includes the following revisions:

Attachment(s):

- A. [Zoning Compliance Table](#)
- B. [Staff Recommended Findings and Conditions of Approval](#)
- C. [Public Notice](#)
- D. Draft Planning Commission Resolution
- E. Applicant's Letter
- F. Revised Parking Management Plan
- G. Mitigated Negative Declaration
- H. Planning Commission Resolution No. 1587
- I. Comments & Responses
- J. Architectural Plans

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- The project floor area is reduced by 7,600 square feet from 40,50 square feet to 32,450 square feet,
- One level of subterranean garage is eliminated and the project would have 23 fewer parking spaces,
- Incorporation of a large setback for upper floors along the southern property line varying from 19.5 to 21 feet with landscaping buffer
- Northerly elevation modification;
- Additional parking and reconfiguration of office space and loading area at ground level.

Due to elimination of the fourth level garage, the percentage of tandem spaces has increased from 18% to 21%, while the total number of tandem spaces (33 spaces) remains the same as the previously approved project. The revised project includes tandem parking stalls in front of the ramp that were previously eliminated based on prior Planning Commission discussion.

As a result of the reduced size and added setback, the proposed revised project would have the same or decreased environmental impacts compared to the original project. Therefore the proposed revision would not result in any environmental impacts that are new or more severe than those previously identified for the original project. Staff recommends that the Planning Commission adopt the Mitigated Negative Declaration and the attached resolution approving the revised project.

## BACKGROUND

File Date	April 20, 2009
Application Complete	April 30, 2010
Subdivision Deadline	N/A
Permit Streamlining	60 days from the adoption of Mitigated Negative declaration
Applicant(s)	Ken Stockton, Architect
Owner(s)	121 San Vicente , LLC
Representative(s)	Allan Alexander and Lee Silver
Prior Project Previews	<ul style="list-style-type: none"><li>• Planning Commission preview: June 16, 2009</li><li>• Architectural Commission preview: June 17, 2009</li></ul>
Prior PC Action	The project was previously reviewed and approved by the Planning Commission on October 14, 2010 subject to several conditions of approval and mitigation measures.
Prior Council Action	The Planning Commission decision was appealed to the City Council on October 26, 2011 by Kenneth Blumer for Dreskin, Gelber and Silverman, LLC. The applicant and appellant mutually agreed to revise the project. At the February 3, 2011 City Council meeting, the revised project was remanded back to the Planning Commission for its consideration.

## PROPERTY AND NEIGHBORHOOD SETTING

### Property Information

Address	119-123 San Vicente Boulevard
Legal Description	TRACT#4988 LOTS 452,453 and 454
Zoning District	C-3 Commercial Zone (Subject to transition zone standards)
General Plan	Commercial Low Density General
Existing Land Use(s)	Office buildings (vacant), <ul style="list-style-type: none"><li>• 119 San Vicente Boulevard: two-story, 8,003 sq.ft.</li><li>• 121-123 San Vicente Boulevard (two buildings): One-story, 9,293 sq.ft.</li></ul>
Lot Dimensions & Area	The lot is a triangular shaped lot with the following dimensions: 274.45' X 241.48'X 122.45' and 21,836 sq.ft.
Year Built	119 San Vicente Blvd.: 1950, 121 & 123 San Vicente Blvd.: 1940 -1946
Historic Resource	Property is not listed on any local, state or federal inventory. A historical survey was prepared for the project site as part of Initial Study/Mitigated Negative Declaration. The study found that the existing buildings at the project site are not eligible for the local, state or federal listing and do not qualify as historic resources for the purposes of CEQA.
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	Commercial properties in City of Los Angeles
South	C-3 commercial zone, a multi-family structure (non-conforming use)

East(Across San Vicente) Commercial properties in City of Los Angeles  
 West R-4 Zone, multi-family residential structures

Circulation and Parking

Adjacent Street(s) Gale Drive and San Vicente Boulevard  
 Adjacent Alleys None  
 Parkways & Sidewalks
 

- Gale Drive: 60 feet wide, 12 feet sidewalk on each side,
- San Vicente Boulevard(Beverly Hills Side only): 60 feet, 12 feet sidewalk and 46 feet street width

 Parking Restrictions
 

Gale Drive: Both sides of 100 block of North Gale Drive are restricted No Parking, any time, Daily, except for the metered spaces adjacent to the project site.  
 San Vicente Boulevard: Metered parking spaces with two hours limit 8 a.m. -6 p.m.

 Nearest Intersection San Vicente Boulevard and Gale Drive  
 Circulation Element San Vicente Boulevard is designated as street carrying regional traffic.  
 Gale Drive is a local street

 Estimated Daily Trips Existing Daily Trips without the project:
 

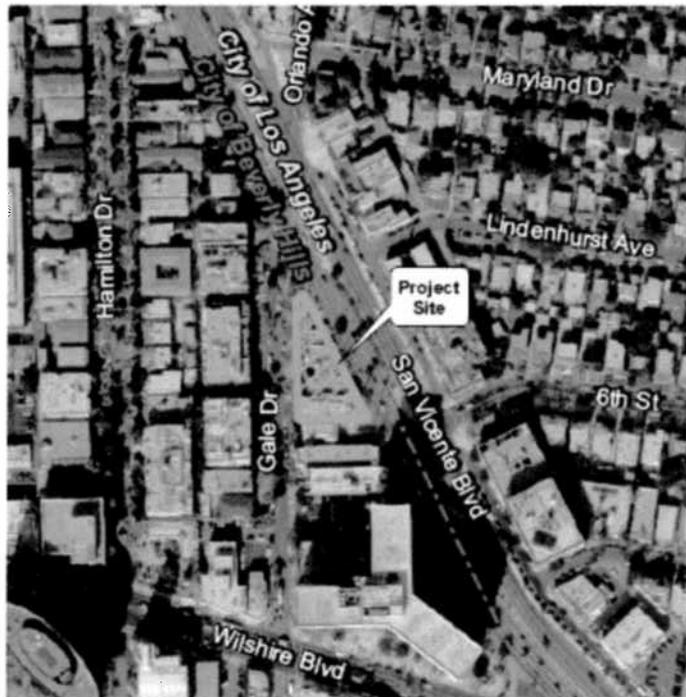
- Gale Drive ADT 6,583,
- San Vicente Boulevard ADT: 21,950 (approx.)

 Existing Daily Trips plus project:
 

- Gale Drive ADT: 6,974,
- San Vicente Blvd. ADT: 22,525

Neighborhood Character

The project site is located at the eastern boundary of the city in a transition zone between commercial and residential uses. The site is separated from Los Angeles by San Vicente Boulevard, which is a heavily travelled street. A busy Wilshire Boulevard and San Vicente Boulevard intersection is approximately 600 feet south of the project site. Surrounding buildings generally range from one to five stories in height. An exception is a 10-story office building one block south of the site on the corner of San Vicente and Wilshire Boulevards. Properties to the north and east of the project site, across San Vicente Boulevard, are located within the City of Los Angeles and are commercially zoned and used. Abutting the property to the south is a legal nonconforming multi-family residence



located in the C-3 Commercial zone; further south are commercial buildings. Properties to the west are developed with multi-family residential buildings on North Gale Drive.



View of the project site from San Vicente Boulevard looking south



View of the project site from San Vicente Boulevard looking south



View of Gale Drive from project site



View of the project site from North San Vicente Boulevard looking north

**PROJECT DESCRIPTION**

The Revised Project includes the construction of a 32,450 square foot Commercial building, with 30,000 square feet of medical office space and 2,450 square feet of general office space on a 21,837 square foot, triangle-shaped lot. The approved project was to have 40,050 square feet of total floor area, comprised of 30,600 square feet of medical office space and 9,450 square feet of general office space. As a result, the proposed project has been reduced by a total of 7,600 square feet in area. In addition, the proposed Floor-to-Area Ratio (FAR) would be 1.48, which decreased from the approved FAR of 1.83. Similar to the approved project, the proposed project would include construction of a three-story structure with a maximum height of 45 feet.

The Revised Project provides the required 157 parking spaces at the ground floor and within a three-level subterranean garage with ingress and egress from San Vicente Boulevard. The previous project was approved for 180 spaces, with four levels of underground parking. The parking for the revised project has been reduced by 23 parking spaces compared to the original project and the fourth level subterranean garage has been eliminated. As with the approved project, parking spaces for the proposed project would be a combination of tandem and standard parking spaces and would rely on a

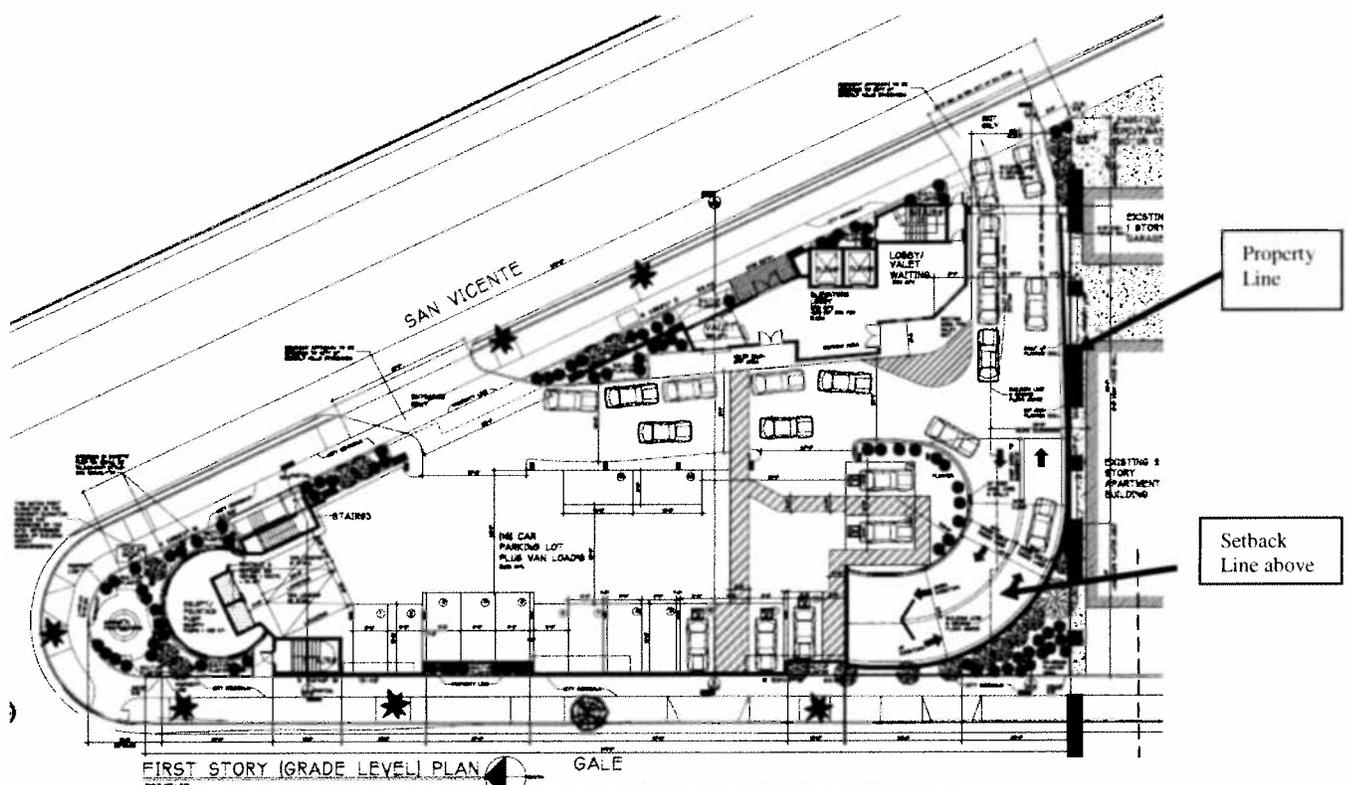
valet operation. The total number of tandem spaces is 33 spaces which remains the same as the approved project while the percentage of tandem to standard spaces would increase from 18% to 21%. The Revised project would also include two loading spaces.

The revised project includes a staggered setback with more landscaping along the south property line, varying from 19.5 to 21 feet, while the previous project was approved with no setback along the south property line. The remaining setbacks around the perimeter of the building would remain the same as those for the previous project.

The lobby elevator tower on the proposed site plan has been shifted slightly north, which would reduce the size of the tower mass and provide a greater setback distance to the south property line as measured from the tower. In addition, the proposed project does not include General Office space at the ground floor level, adjacent to the corner of San Vicente and Gale.

The outdoor area at the Corner of San Vicente Boulevard and Gale Drive has been revised to provide an enhanced pedestrian space with additional landscaping, pedestrian benches, and a water fountain feature.

The proposed project would similarly include demolition of three existing structures, a 5,324 square foot commercial structure, a 3,969 square foot commercial structure, and an 8,003 square foot commercial structure; however, the excavation and export of material for the subterranean parking garage and length of construction would be reduced as one full level of underground parking has been removed for the proposed project. Vehicular access to the underground garage would continue to be provided from San Vicente Boulevard near the site's southern boundary.

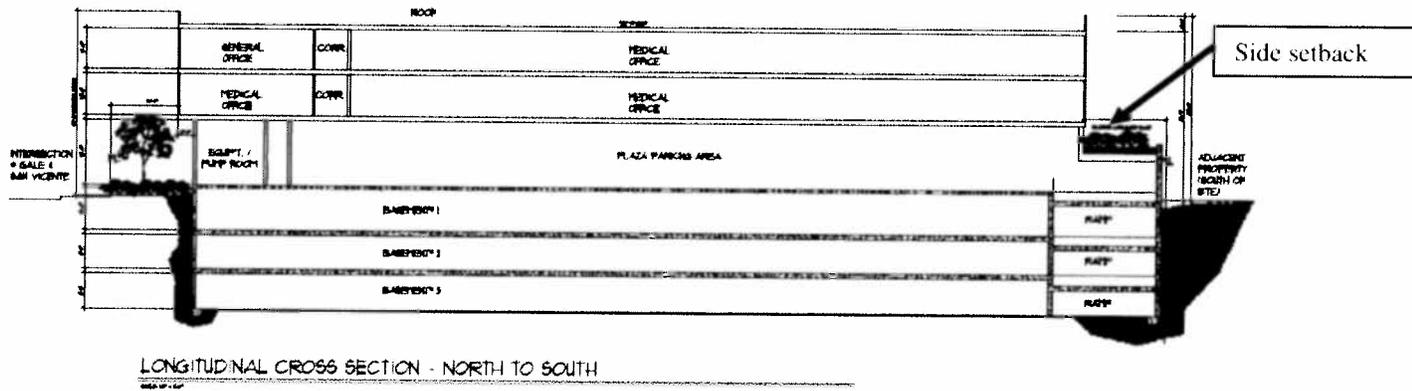


Revised Site Plan/First Floor Plan

Table below provides comparison of the original project verses the revised project: Issue

<b>Floor Area Ratio</b>	1.83 (not including ground floor parking area)	1.48 (not including ground floor parking area)
<b>Building Floor Area</b>	40,050 sq.ft. (not including the ground floor parking area which variance was requested because the building was above 2:1 FAR) Medical Use: 30,600 sq.ft. Office Use: 9,450 Sq.ft.	32,450sq.ft. (not including the ground floor parking area which variance was requested because the building was above 2:1 FAR) Medical Use: 30,000 sq.ft. Office Use: 2,450 Sq.ft.
<b>Parking</b>	<ul style="list-style-type: none"> <li>• Four levels of subterranean garage</li> <li>• 180 Parking spaces</li> <li>• 33 tandem stalls (18% of total parking spaces)</li> </ul>	<ul style="list-style-type: none"> <li>• Three levels of subterranean garage</li> <li>• 157 parking spaces,</li> <li>• 33 tandem stalls (21% of total parking spaces)</li> </ul>
<b>Building Setback</b>	No setback was proposed	A staggered setback along southerly property line varying from 19'6" to 21' with landscaping above the driveway ramp and along Gale Drive
<b>Elevation</b>	South elevation with no windows	Due to proposed southerly setback, the southerly elevation was modified which will include several windows and a balcony to access the landscape area and slight shift of elevator lobby to the north
<b>Ground Floor Lay-out</b>	Offices including valet office, 8-parking spaces including accessible parking spaces and trash/ mechanical equipment facilities	The general office space at the corner of Gale Drive and San Vicente Boulevard was eliminated, the number of parking spaces at the ground floor were increased to 16 parking spaces including 5 accessible parking, additional landscaping at the intersection of Gale Drive and San Vicente Boulevard with water feature and benches locked after hours
<b>Trip Generation/ Daily Trips</b>	1,104	1,014

Below is a longitude cross section to show the proposed setback at the southerly property line. The proposed setback would not impact the ground floor area.



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### Requested Permits<sup>1</sup>

Pursuant to BHC 10-3-3100, Development Plan Review (DPR) is required for all new commercial buildings over 2,500 square feet. The proposed project exceeds this standard. A DPR requires considerations of the project's scale, mass, traffic, general welfare and consistency with the City's General Plan. Variance approvals are requested to allow:

- Tandem parking
- Exclusion of the ground floor parking circulation areas from the floor area calculation

The variances are requested pursuant to BH MC Section 10-3-3700, which permits variance application to be filed, subject to certain findings (See analysis and Attachment B).

### **ZONING CODE<sup>2</sup> COMPLIANCE**

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. However, three areas are highlighted below which are further discussed in the analysis section of this report.

#### Floor Area

The zoning code permits a floor area Ratio of 2.0<sup>3</sup>, or 43,672 square feet on a project site of 21,836 square feet. The original project included an FAR of 1.85:1, excluding the ground floor parking area. A variance was requested to allow the ground floor parking area be excluded from the floor area

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<sup>1</sup> An appendix to Mitigated Negative Declaration (MND) has been prepared consistent with the California Environmental Quality Act (CEQA). The Planning Commission adopted a Mitigated Negative Declaration for the original project. The previous MND has been augmented with a new appendix that explains why the revisions to the project will not result in new or more severe environmental impacts.

<sup>2</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>3</sup> BHC Section 10-3-2475, the maximum floor area ratio on any commercial site area shall not exceed 2.0.

calculation while including the parking area would have increase the FAR above the permitted 2.0:1 floor area ratio.

The revised project floor area for medical and office uses is calculated as 32,450 square feet with a FAR of 1.48:1 excluding the ground floor parking area. As originally requested, the project includes a variance to exclude the ground floor parking area from the FAR calculation; otherwise, the revised project would also be above 2.0:1 FAR.

#### Parking

The original project included 180 spaces with 33 tandem spaces (18% of the required of the parking). The revised project provides 157 spaces which are provided on-site, however, the applicant requests 21% of these spaces to be provided in a tandem configuration. The revised project also includes the parking spaces that area located adjacent to the driveway ramp in levels 1, 2 and 3 of subterranean garage which those parking spaces at the level 1 and 2 were eliminated in the original project as directed by the Planning Commission. Because tandem parking is not permitted in the Municipal Code, the applicant seeks a variance to allow tandem. Approval of the variance would not result any change to the project. Denial of the variance would necessitate further reduction of square footage or a change of use from medical to general office.

#### Loading

Similar to the project as originally approved by the Commission, the revised project provides two van loading spaces accessed from San Vicente Boulevard. Due to reconfiguration of the ground floor layout, the location of the loading spaces is modified. The Planning Commission is authorized to establish the number of loading spaces as part of the discretionary review process<sup>4</sup>. The Planning commission approved a similar loading configuration for the original project.

#### Agency Review<sup>5</sup>

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- TRANSPORTATION DIVISION. Transportation Division reviewed the revised parking and loading lay-out on March 1, 2011. The Transportation Division did not raise any concerns about the new loading location and parking configurations.

### **GENERAL PLAN<sup>6</sup> POLICIES**

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy 2.10 Development Transitions and Compatibility. Require that sites and buildings be planned, located and designated to assure functional and visual transitions between areas of differing uses and densities by addressing property and height, setbacks, window and entry placement, lighting, landscape buffers, and service access.

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<sup>4</sup> Section 10-3-2745(D) authorizes the Planning Commission to modify the size of loading space or imposing additional loading space requirements as a condition of approval of any discretionary permit.

<sup>5</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

<sup>6</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

- Policy 12.1 Functional and Operational Compatibility. Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.

Considerations of the project’s consistency with these policies are provided in Attachment B.

**ENVIRONMENTAL ASSESSMENT**

The revised project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>7</sup>, and the environmental regulations of the City. The project has been found to have potentially significant construction related traffic, air quality, cultural resources and noise impacts. However, measures have been identified that would mitigate these potential impacts to a level of insignificance. Therefore, a mitigated negative declaration has been prepared which incorporates measures that constrain construction vehicles to limit air emissions and noise during construction, cultural resource measure for unknown archaeological or paleontological resources and or human remains and roadway improvements to mitigate the project’s potential operational traffic impacts.

Because the revised project currently before the Commission utilizes the same footprint and mass of the previously approved project with minor changes to the proposed project, a memo has been prepared, for use on the project currently before the Commission (Attachment G).

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	10 days	3/15/11	3/11/11	14 days
Mailed Notice (Owners & Residents - 300' Radius)	10 days	3/15/11	3/11/11	14 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/15/11	10 days

Applicant Outreach Efforts

The original project was approved on October 14, 2010 and appealed by the neighboring property to the south. The applicant has met with the appellant and decided to revise the project which is before the Planning Commission for its consideration.

<sup>7</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

### Public Comment

A notice was mailed and published regarding the revised project; however, no letters or comments were received during preparation of this report.

### **ANALYSIS<sup>8</sup>**

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

### Summary

The size and scale of the proposed revised project is generally consistent with the previously approved project and the pattern of development in the vicinity.

The project site is located adjacent to one and close to two other regional-serving roadways. While there are wide sidewalks and residential properties nearby, the area is largely oriented toward the automobile. Vehicle access to the site is appropriately placed on San Vicente Boulevard, away from the residential properties to the west. Moreover, the project has been modified to discourage patrons from parking at metered spaces on Gale Street with the elimination of a pedestrian walkway entrance.

The environmental impacts associated with the project are consistent with the type of construction proposed and are short-term in nature. The excavation and export of material for the subterranean parking garage and length of construction would be reduced as one full underground parking has been eliminated for the revised project. Mitigation measures have been originally identified for the project that would reduce any impact to a level of insignificance. However, no new impacts or increases in the severity of impact would result compared to the originally adopted MND and therefore no additional mitigation is required.

The variance requests are appropriate given the subject property's unique triangular shape and roadways on two of the three sides of the project site. Other properties in the area enjoy more traditionally, square-shaped parcels. The subject site's shape makes it difficult to provide code required parking in a manner that does not incorporate tandem parking. The revised project includes sixteen parking spaces at the ground floor. The Beverly Hills Municipal code allows parking at the ground floor to be excluded from the FAR calculation provided that no less than 40 feet of the ground floor be devoted to office or retail uses and at least one full level of parking below grade is provided. The project provides a valet office space and building lobby at the ground floor, however does not continuously provide at a minimum of 40' office space at the ground floor due to the triangular shape of the lot, having street frontages on two streets and being located at the corner of the two streets.

The proposed loading zone configuration, size and number of spaces have been reviewed and deemed acceptable by the City's Traffic Engineer. The revised parking management plan prepared by the applicant demonstrates that this van loading area is designed to allow large vehicles to maneuver in and

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<sup>8</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

out of the two spaces by making three points turns. Due to the mix of medical and office uses proposed for this building, frequent heavy delivery are not anticipated, except for routine trash pick-up. However, due to adjacency of the loading area to accessible parking, it is recommended that a loading management plan be provided if the project is approved.

Variance: The project site's triangular shape presents difficulties in designing the ground floor to provide 40' deep office space and required parking in a standard manner as required by Code. The shape of the lot reduces the ability of including the required 40' deep office space and providing code compliant parking that would otherwise be able to be provided in a more traditionally shaped, square or rectangular lot. If the subject triangular shaped lot was developed without any tandem spaces, approximately 124 code compliant spaces could be provided on the ground floor and in the three-level garage. The complexities of the site coupled with City's floor area definition and parking requirements including width of driveway access, driveway aisles and size of parking spaces limits the design of a parking structure.

The project site is located at the border of the cities of Beverly Hills and Los Angeles and is regionally accessible via Interstate 10 and locally accessible via San Vicente Boulevard and Gale Drive. San Vicente Boulevard, which borders the project site to the east, is considered a northwest to southeast roadway that is designated as an arterial by the City and is a heavily traveled roadway. San Vicente Boulevard contains six lanes at this location (three in each direction) and is separated by a center median. Based on information provided by the City's Transportation Division, San Vicente Boulevard carries about 22,500 daily vehicle trips in the vicinity of the project site. In addition, the project site is located about three blocks from Wilshire Boulevard and La Cienega Boulevard, each of which also serves a major arterial for the City and the surrounding areas.

Regional and local public bus transit stops are located adjacent to and in close proximity to the project site, including a stop immediately to the north of the site. A future subway station is also proposed at La Cienega Boulevard and Wilshire Boulevard. The existing and proposed public transit would provide convenient access to this development, as well as other regional destinations in the vicinity of the project site, including Cedars Sinai Medical Center and the Beverly Center.

While the revised project will result in approximately 1,014 net new trips, its location adjacent to three regionally significant arterial roadways, San Vicente, Wilshire and La Cienega Boulevards would provide appropriate accessibility without significant intrusion into residential areas. In addition, commercial and residential parking within the area is almost exclusively provided on private property, off-street. Adjacent to the multi-family residential properties on the west side of Gale Drive, there are approximately 43 on-street spaces, all of which are restricted for use by residents in the area. Additionally there are six-metered parking spaces abutting the property on Gale Drive and 7- metered spaces along the San Vicente side of the subject property. However, three to four spaces at San Vicente Boulevard would be lost, but one space gained on Gale Drive. The limited availability of on-street parking for both commercial and residential uses in the vicinity of the project lessens patron's potential to drive around looking for on-street parking. An exception is found across San Vicente Boulevard to the east of the project site, within the City of Los Angeles. This area provides on-street parking adjacent to commercial businesses fronting on the east side of the street. However, if patrons of the proposed project were to park at this location, they would not impact residential uses.

Traffic: The traffic and circulation impacts for the revised project would be similar to, but incrementally smaller than those identified in the original project as a result of the reduced size of the project. The traffic analysis prepared for the project indicates that the revised project would generate 96 fewer trips than the original project. And approval of the revised project will not result in any negative impacts to traffic or parking in the surrounding area. The proposed garage will be operated through a valet and assisted parking program. The applicant has prepared a revised parking management plan (Attachment F), proposing a combination of valet parking system and self parking program for the garage. The proposed layout, including the proposed valet station, has been reviewed by the City's Transportation Division and is not anticipated to result in any impact. The loading area is also redesigned, providing two van loading spaces. Due to the medical office and office uses of the building, frequent heavy loadings are not anticipated except for routine trash pick-up. Subject to conditions regarding delivery schedule and loading monitoring by a loading manger, the proposed size and location of the loading area appears to be adequate for the proposed use. Although implementation of the driveway entrance will result in the loss of metered spaces, the applicant would be responsible for any lost revenue generated by these meters.

#### Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended:

- **Parking Management Plan.** A parking management plan is required to ensure the safe ingress, egress and internal circulation of patrons of the building, including loading activities and free validated parking. (See Attachment B, Condition 1).
- **Translucent Windows.** A translucent window system is required along the Gale Drive and southerly elevations to ensure the privacy of the adjacent residents along Gale Drive and southerly apartment building. (See Attachment B, Condition 3).
- **Lost Meter Revenue.** The applicant is required to compensate the City for the loss of revenue resulting from the removal of metered parking spaces. (See Attachment B, Condition 32).
- **Improved Turning Radius.** The intersection of Gale Drive and San Vicente Boulevard shall be reconstructed to increase the safety of right turns from Gale Drive. (See Attachment B, Condition 35).
- **Pavement, Sidewalks and Curbs.** The applicant is required to remove and replace the sidewalks and pavement in the vicinity of the project. (See Attachment B, Condition 6)
- **Lot Tie.** The project site consists of three parcels and will need to be tied together. A legal document will need to be filed with the County Assessor's Office (See Attachment B, Condition 7).
- **Operation Monitoring.** The project shall be subject to an annual monitoring operation for first three years after completion of the building to observe the garage operation and to ensure vehicle queues at the entrance do not back-up to San Vicente Boulevard (See Attachment B, Condition No. 4)
- **Variance.** The time to exercise the rights conferred by the variances shall be similar the Development Plan Review Permit. Without explicitly including this condition, the Code (BHMC Section 10-3-3712) limits the time limit to exercise rights to 180 days. (See Attachment B, Condition No. 10).

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (see Attachment B):

**NEXT STEPS**

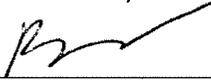
It is recommended that the Planning Commission direct staff to:

1. Prepare a resolution adopting a Mitigated Negative Declaration (MND) and,
2. Prepare a resolution conditionally approving a Development Plan Review and Variances.

Alternatively, the Planning Commission may consider the following actions:

1. Direct staff to prepare resolution with modified findings or conditions of approval.
2. Direct staff to prepare a resolution denying the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



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David Reyes, Principal Planner

**ATTACHMENT A**  
**Table - Zoning Compliance**

REGULATIONS	PERMITTED / ALLOWED	PROPOSED REVISED PROJECT	NOTES
<b><u>Primary Building</u></b>			
Height	45' [BHMC 10-3-2726]	45'	
Lot Coverage / Floor Area	2.0 FAR [BHMC 10-3-2745]	1.48 FAR 32,450 Sq.ft.	A variance is requested to exempt the first floor parking area from floor area calculation. If the variance is not granted, the proposal would be above the allowable 2.0 FAR.
<b><u>Parking &amp; Circulation</u></b>			
Parking Spaces	Medical office:1/200 General Office:1/350 [BHMC 10-3-2730]	157 33 tandem stalls (21% of total parking spaces)	<ul style="list-style-type: none"> <li>• 30,000 sq.ft. medical office/200=150</li> <li>• 2,450 general office/350=7</li> <li>• Total spaces required=157</li> </ul> No tandem spaces are allowed. A variance requested for the proposed tandem spaces.
Loading Zones	3 truck loading spaces [BHMC 10-3-2741]	2 van size loading spaces	The Planning Commission approved two van spaces for the original project.
Aisle Width	26'	31'	
Vertical Clearance	8'	9'7"	
Vehicle Access	12' Min. 14' Max.	14'	
Transition Zone	[BHMC 10-3-1951-1956)	The project will comply, after issuance of certificate of occupancy	All commercial structures within 170 feet of residential are subject to City's commercial-residential transition standards.

## **ATTACHMENT B**

### **Draft Findings and Conditions of Approval**

#### **DRAFT FINDINGS**

##### Development Plan Review

**A. The proposal is consistent with the General Plan and any specific plans adopted for the area.**

The revised project is consistent with the General Plan and any specific plans adopted for the area. The General Plan Land Use designation for the project site as given on the Land Use Designation Map is "Low Density General Commercial" which allows for a broad variety of commercial uses. The Low Density General Commercial designation allows for a maximum Floor Area Ratio (FAR) of 2:0 to 1 and a maximum height of 45-feet. The project as proposed is consistent with the land use, FAR, and height designated. Additionally the project as proposed is consistent with General Plan Goals and policies.

**B. The proposed project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.**

The revised project will not adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area. The project conforms to the applicable development standards for the C-3 commercial zone, except for the proposed tandem parking configuration and ground floor parking area exemption from FAR calculation for which a variance has been requested in compliance with city codes. The triangular shaped site is located at the southeast corner of the Gale Drive and San Vicente Boulevard intersection along the easterly border of the City limit and adjacent to north Gale Drive which consists of primarily multi-family residential and offices uses. The commercial properties adjacent to San Vicente Boulevard are not envisioned to be pedestrian oriented commercial uses due to their adjacency to San Vicente Boulevard which is a 130-foot wide thoroughfare. The width of San Vicente and level of traffic would not be consistent with smaller pedestrian oriented streets including South Beverly Drive and portions of Robertson Boulevard and streets in the business triangle.

The existing development includes three separate buildings that are one-and-two story in height. Land uses in the area include a mix of multi-family residential, commercial and medical. The existing multiple family residential buildings to the south (legally nonconforming use) and west (across Gale Drive) of the project site vary in height from 28 feet to 55 feet. The project would result in an increase in overall height and density, but the proposed height and scale would be consistent with the height and massing of the surrounding neighborhood because the project's maximum 45-foot height limit is adjacent to a 5-story/55-foot tall multi-family district along Gale Drive. The revised project includes a staggered setback and landscape buffer along the south property line.

Access to the project site is provided along San Vicente Boulevard, a major arterial roadway and is not proposed or conditioned adjacent to the residential properties along Gale Drive. Parking for the existing uses in the area are almost exclusively provided on private property, with some on-street parking available, lessening the potential for intrusion into the residential areas by patrons of the proposed use seeking parking spaces. The establishment of a medical use at this site would be well served by conveniently located public transit as well as a planned future

subway stop three blocks away and will not result in any significant impacts from parking or traffic. The proposed setback at the corner of Gale Drive and San Vicente Boulevard will be landscaped with water feature and benches. This landscaped area will be gated and located after hours. In addition, the project would require review and approval by the City's Architectural Commission. The Commission would review the design, materials and colors of new development, which would help to ensure that any approved project would promote harmonious development of the area.

**C. The nature, configuration, location, density, height and manner of operation of the project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.**

The triangle shaped project site is currently developed with three separate buildings and is bordered by residential and commercial uses. The new medical building and its location, height density (except for ground floor parking area exemption) and manner of operation will not significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property. The C-3 development standards permit a maximum height of three stories and 45 feet at the subject property. The revised project is well within these standards. Further, the project site is located at the easterly border of the City, adjacent to a heavily travelled roadway. As designed, the vehicular access to the project will be located on San Vicente Boulevard which will reduce the project's traffic and parking impacts on the adjacent residential streets. Both project driveways on San Vicente Boulevard will be limited to right-turn only ingress and egress turning movements and the driveway approached will be constructed per the City standards. The traffic study concluded that thirty five percent (35%) of all entering project trips and five percent (5%) of all exiting project trips are through Gale Drive. This assignment to Gale Drive is considered conservative given that there are other direct route choices available in the area to access the project site. Additionally, the existing parking restrictions on 100 block of Gale Drive adjacent to the project site prohibit parking on Gale Drive at any time except by permit, lessening the chances of project patrons intruding into residential areas to find parking. As conditioned the project will provide a full-time valet operated garage with free parking for employees and patrons of the site to further limit potential impacts to residential neighbors. In addition, code restrictions applicable to the subject property impose operating restrictions to reduce impacts of this use on residential neighbors.

**D. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards.**

As part of the environmental assessment of the project, a traffic and parking study was prepared and analyzed for any potential impacts that might be generated by vehicles associated with the proposed project. Transportation/Circulation section of the addendum to the MND indicates that the revised project would generate fewer trips than the previously approved project. Due to adjacency of the project site to a major thoroughfare, the area which the project site is located is not considered a pedestrian focused area like south Beverly Drive which contains small storefronts; however, the area is within walking distance of the Wilshire corridor which provides such pedestrian activities. Additionally, there are no schools in the immediate vicinity of the project site to create any traffic conflict. The closest school is located at 8701 Charleville Boulevard, approximately 0.4 miles west of the site.

The information contained in the traffic analysis was peer-reviewed and supported by the City's traffic engineer, and as conditioned the project is not expected to generate any significant adverse traffic impacts or traffic safety hazards. Access to the project's subterranean parking garage will be provided via San Vicente Boulevard.

**E. The project will not be detrimental to the public health, safety or general welfare.**

The project would be constructed in accordance with the City's Building Code standards and is consistent with the zoning for the area with exception of the requested variances. Prior to issuance of building permits, a construction management plan is required for review and approval by the Engineering Division and Building and Safety Division to ensure that all construction related impacts are adequately mitigated. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed. In addition, the project will be required to comply with operational standards that protect the adjacent residential uses during nights and weekends (Section 10-3-1951-60). Therefore, the project would not be detrimental to the public health, safety or general welfare.

Variance

- (a) Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and**

The shape, surroundings and location of the property distinguish this property from the surrounding properties in the same zoning classification. The subject property is a triangular shaped lot which presents difficulties that do not exist with conventional regularly shaped rectangular lots. The severe tapering towards the northerly point of the triangle limits the amount of space available for standard parking stalls and drive aisle widths. In addition, the subject property is adjacent to an existing nonconforming multi-family building to the south, which is located on a commercially zoned property and has frontage on a portion of Gale Drive that is commercial on east side and residential on west. No other property in the vicinity of the project site has the subject property's unusual combinations of shape, location and surroundings. In order to accommodate the property to the south, the revised project is providing a large setback and landscape buffer at the south property line.

The revised project provides 157 parking spaces. 141 parking spaces are provided within the three levels of subterranean parking and the remaining sixteen spaces are located at the ground level. 21% of the proposed parking spaces are proposed in a tandem configuration. Denial of the requested variances would result in a project with 124 code compliant parking spaces, which would not be enough to support the development of 1.48 floor area ratio project for the proposed medical and general office uses. Therefore, denial of the variance would deprive this property of the ability to develop a project with the floor area and uses permitted by the Code, which is a privilege enjoyed by other properties in the same zone and vicinity.

- (b) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.**

Approval of the variance would allow required parking to be provided in a tandem configuration and would exempt the ground floor parking area from floor area calculation. Specifically, 157 parking spaces are proposed to be provided within a three level subterranean parking garage and at the ground level. Approval of the variance would not result in a special privilege but would allow the use and development of the lot in a manner consistent with development regulations absent its unusual shape. Because no special privileges would be accorded with the approval of the variance, staff does not believe any special conditions of approval are necessary to address this issue.

## DRAFT CONDITIONS

### Project Specific Conditions

1. **The parking management plan.** Prior to the issuance of a building permit, the applicant shall submit a parking management plan for review and approval by the Directors of Community Development and Public Works. The parking management plan shall include at a minimum, the following:
  - a. Provision of free parking for employee and patrons of tenants in the building. The employee/tenant parking shall be located in the lower levels of parking garage with provision of a parking attendant at each level to assist with the tandem spaces.
  - b. Free validated on-site parking shall be provided for the patrons (patients & visitors) of the building.
  - c. The applicant shall provide signage at driveway entrance to the parking area informing patrons of the validated parking requirements. Such sign shall be installed prior to issuance of a certificate of occupancy.
  - d. The project plans shall show the location of parking equipment to gain access for employees and tenant of the building during and after hours of operation in order to make sure the proposed location does not interrupt the garage operation.
2. **Loading Management Plan.** Prior to the issuance of a certificate of occupancy, a loading management plan shall be provided to include:
  - a. The delivery hours and a schedule for large deliveries for after hours
  - b. A delivery monitor with responsibility for controlling the circulation of loading vehicles. The person would be responsible to coordinate with the valet manager for directing the incoming/outgoing cars while delivery trucks are present.
3. **Translucent Windows.** The applicant shall install translucent window system on the Gale Drive and southerly elevations.
4. **Operation Monitoring.** The project shall be subject to an annual monitoring operation for first three years after completion of the building to observe the garage operation and to ensure vehicle queues at the entrance do not back-up to San Vicente Boulevard.
5. **Metered Parking.** The proposal requires the removal of metered parking spaces along San Vicente Boulevard. Prior to removal of the metered parking spaces, the applicant shall compensate the City, with the estimated lost revenues of the removed spaces.
6. **Right-Of-Way Improvements.** Sidewalks, curb ramps and curb and gutter surrounding the site on San Vicente Boulevard and Gale Drive will need to be removed and replaced (according to City standards), and shall be paid for by the applicant.

- a. The pavement for the full width of Gale Drive (between San Vicente Boulevard and the southern property line) will have to be removed and replaced according to City standards, and shall be paid for by the applicant.
  - b. The intersection of Gale Drive and San Vicente Boulevard shall be reconstructed to increase the safety of right turns from Gale Drive. [is the intent that the applicant pays for this as well?]
  - c. The pavement on the City's portion of San Vicente Boulevard between San Gale Drive and the southern property line will have to be removed and replaced according to City standards, and shall be paid for by the applicant.
7. **Flashing Warning Light.** Prior to the issuance of a Certificate of Occupancy, a silent warning device shall be installed to the satisfaction of the Director of Transportation at garage exit that would light up whenever a vehicle or truck is leaving the garage, warning the on-coming vehicular and pedestrian traffic.
8. **Medical Waste.** Medical office shall be subject to the recommendations and procedures of the Department of Health and Human Services, including the placement of waste materials in special puncture-resistant containers.
9. **Lot Tie.** Prior to the issuance of any building permits, the three parcels associated with development of the Project shall be legally tied to form one parcel. Such lot-tie shall be recorded with the Los Angeles County Assessor's Office.
10. **Variance.** The time of exercise of rights for the variance shall be consistent with the time limits for the Development Plan Review.

#### Environmental Conditions/Mitigation Measures

##### Air Quality

11. **Ozone Precursor Control.** The following shall be implemented during construction to minimize emissions from construction equipment (AQ-1):
- a. Equipment engines should be maintained in good condition and in proper tune as per manufacturer's specifications;
  - b. Lengthen construction periods during the smog season so as to minimize the number of vehicles and equipment operating simultaneously; and
  - c. Use new technologies to control ozone precursor emissions as they become available.
12. **Fugitive Dust Control.** Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site through implementation of the following measures identified in the SCAQMD Rule 403 Handbook (AQ-2):
- a. During demolition, contractor(s) shall apply water every four (4) hours to the area within 100 feet of a structure being demolished to reduce vehicle trackout.

- b. Contractor(s) shall apply dust suppressants (e.g. polymer emulsion) to disturbed areas upon completion of demolition unless construction activities begin within two weeks of completion of demolition.
- c. Contractor(s) shall apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
- d. Demolition activities shall be prohibited when wind speeds exceed 25 mph.
- e. During clearing, grading, earth moving, excavation, transportation of cut or fill materials, water trucks or sprinkler systems are to be used every three (3) hours to prevent dust from leaving the site and to create a crust after each day's activities cease.
- f. The required minimum soil moisture shall be 12% for earthmoving. Contractor(s) shall achieve the standard by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe.
- g. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, streets and sidewalks within 150 feet of the site perimeter shall be swept and cleaned a minimum of twice weekly.
- h. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas (three times daily during mass site grading) in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour. Grading shall be suspended if wind gusts exceed 25 mph.
- i. Contractor(s) shall apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- j. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- k. Contractor(s) shall apply water to the storage pile by hand or apply a cover when wind events are declared.
- l. Contractor(s) shall insure that all trucks hauling dirt, sand, soil, or other loose materials shall be tarped with a fabric cover and maintain a freeboard height of 12 inches.

### Cultural Resources

13. **Archaeologist.** At the commencement of project construction, a qualified professional archaeologist shall be retained to give all workers associated with earth-disturbing procedures an orientation regarding the probability of exposing cultural resources and directions as to what steps are to be taken if a find is encountered. If cultural resource remains are encountered during construction or land modification, the construction manager shall ensure that all ground disturbance activities are stopped, and shall notify the Community Development Department immediately to arrange for a qualified archaeologist to assess the nature, extent, and potential significance of any cultural remains. If such remains are determined to be significant, appropriate actions to mitigate impacts to the remains shall be identified in consultation with a qualified archaeologist. Depending upon the nature of the find, such mitigation may include, but would not be limited to, avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, if significant archaeological resources cannot be avoided, impacts may be reduced by filling on top of the sites rather than cutting into the cultural deposits. Alternatively and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Duration of the excavated artifacts or samples would occur as specified by the archaeologist (CR-1).

14. **Human Remains.** If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains (CR-2).

#### Noise

15. **Heavy Truck Restrictions.** The contractor shall prohibit heavy trucks from entering or leaving the site from or to, or otherwise driving on, North Gale Drive. Heavy trucks include all cargo vehicles with three or more axles, generally with gross vehicle weight greater than 26,400 lbs (N-1(a)).
16. **Staging Area.** To reduce noise levels associated with idling construction equipment and to minimize off-site transportation of heavy construction equipment, the Contractor shall provide staging areas on the northern portion of the project site, as far as possible from sensitive residences on North Gale Drive (N-1(b)).
17. **Diesel Equipment Mufflers.** All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers(N-1(c)).
18. **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities (N-1(d)).
19. **Additional Noise Attenuation Techniques.** For all noise-generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby residences do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets (N-1(e)).
20. **Alternative Pile Types.** If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications (N-1(f)).

21. **Additional Pile Driving Measures.** If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the right to require additional noise control measures at the site during pile driving, such as temporary sound berms and dampening enclosures (N-1(g)).
22. **Noticing.** All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints (N-1(h)).
23. **Construction Management Plan - Noise.** Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following noise attenuation measures (N-1(i)):
  - a. Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.
  - b. During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residences as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.
  - c. Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential streets. The haul routes and staging areas for the project shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets.
  - d. All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes.

- e. The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers.
26. **Construction Management Plan-Traffic.** Prior to issuance of demolition or grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development, the Building Official and the City Traffic Engineer. The applicant shall be required to comply with all requirements of the Construction Management Plan, which shall include, but not be limited to, the following measures (T-1):
- a. Hours of construction shall be limited to occur between the hours of 8:00 AM to 6:00 PM, Monday through Friday, absent issuance of an after-hours construction permit.
  - b. All delivery trucks shall be scheduled to the extent feasible to occur during off-peak hours, when vehicle and pedestrian traffic is minimal.
  - c. Off-site on-street parking for project construction shall be prohibited on all adjacent streets and alleys. Construction-related parking shall be on-site to the extent feasible. The Construction Management Plan shall address construction-related worker parking, schedule of construction, and number of vehicles anticipated on-site.
  - d. All construction-related trucks destined to the site shall follow the City's approved truck route plan. The contractor shall coordinate with the City to determine the most adequate route, identify the anticipated volume of trucks destined to the site, and delivery/hauling logistics.
  - e. A fence shall be installed along the perimeter of the project site to ensure the safety of pedestrians in the neighborhood.
  - f. The contractor shall provide flagmen at the project site entrance to reduce any conflicts with cars, trucks, and pedestrians.
  - g. All heavy hauling and delivery of large construction supplies will be subject to the issuance of heavy hauling permits issued by the Department of Public Works, Engineering Division. Heavy hauling and routing shall be approved by the Engineering Division of the City of Beverly Hills. Heavy hauling operation time is limited to 4:00 p.m.
  - h. The project applicant shall be required to keep the site and adjacent areas clean during construction.
  - i. Any curbside or lane closure schedule shall be approved by the City.

#### Standard Conditions

27. **Substantial compliance.** The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of March 24, 2011.

28. **Approval Runs With Land.** These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
29. **Zoning Compliance.** The project is required to comply with all applicable zoning regulations for the commercial projects including the transitional zone operational standards and architectural review.
30. **Permit Expiration:**
  - a. **Development Plan Review Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
  - b. **Variance Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution
31. **Appeals.** The following are appeal procedures from the planning commission determination:
  - a. **Development Plan Review:** Any appeal petition from the Planning Commission decision shall be filed with the city clerk within fourteen (14) calendar days after the date of the decision.
  - b. **Variance:** Any variance decision by the board of zoning adjustments shall become effective on the thirtieth day after the decision, unless appealed to the council or an order for review is issued by the council.
32. **Recorded Covenant.** The resolution approving the Development Plan Review and variances shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

#### Fees

33. **Park and Recreation.** The project is subject to Parks and Recreation fees for permitting.
34. **Fine Arts.** After completion of architectural review of a new or modified commercial structure, and prior to issuance of occupancy, the applicant is required to comply with the Public Art ordinance. An application is required to be submitted to the fine Art Commission for review and of any proposed art piece, an alternative , the applicant may choose to pay an in lieu art fee.

## Public Works Department

35. Pedestrian access on San Vicente Boulevard and Gale Drive shall be maintained during construction. A pedestrian canopy shall be constructed along both streets.
36. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
37. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
38. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
39. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
40. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
41. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
42. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
43. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
44. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
45. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
46. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.

47. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
48. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
49. Staging of construction related vehicles on the City's street is prohibited.
50. A NPDES permit shall be required from the State Regional Water Quality Control Board for the permanent dewatering. The applicant shall comply with the City's Dewatering requirements.
51. An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval. This plan must show all improvements in the public-right-of-way adjacent to the proposed improvement site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.
52. The applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Public Works & Transportation Department. An indemnity bond must be submitted and approved by the City Attorney prior to start of excavation. A copy of a document titled "Summary of Requirement for the Installation /Removal of Tie-backs and Supporting Structures" summarizes these requirements.
53. The developer shall construct infrastructure to facilitate the underground service connections for power, communications, cable, etc. and comply with City Council Resolution No. 10-R-12737. Undergrounding will start in the year of 2010 and will be accomplished by December 31, 2012.
54. A Sewer Area Study shall be provided to analyze the existing sewer lines within the City of Beverly Hills that will convey the flow from the subject project. The applicant shall pay for the sewer system upgrades (if needed) due to the additional proposed of sewage generated from this project.
55. All survey monuments, street lights, underground utilities, and any off-site improvements affected by the demolition shall be re-established according to the City standards and shall be paid for by the applicant.
56. Future driveway approach shall be required to be constructed to current ADA and City standards. Street light conduits impacted by the proposed driveway approach on San Vicente Boulevard shall be relocated and paid for by the applicant.
57. Applicant is required to submit a SWPPP (Storm Water Pollution Prevention Plan), and a SUSMP (Standard Urban Storm Water Mitigation Plan) to the Utilities Division for review and approval.

Recreation & Parks Division

58. The applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation and Parks Department.
59. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)
60. Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

# ATTACHMENT C

## Public Notice



### NOTICE OF PUBLIC HEARING

**DATE:** March 24, 2011

**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard

**LOCATION:** Council Chambers  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210



On October 14, 2010, the Planning Commission approved a proposed medical office building at 121 San Vicente Boulevard and adopted a Mitigated Negative Declaration (MND). The project was appealed by Kenneth Blumer for Dreskin, Gelber and Silverman, LLC (the appellant). In response to the appeal, the applicant has revised the project. At its meeting of the February 3, 2011 City Council, remanded the matter to the Planning Commission for its consideration of the revised project. The hearing on the revised project will be held on **Thursday, March 24, 2010 at 1:30 p.m.**, to consider the following:

A request for a Development Plan Review and a Variance application to allow construction of approximately 32,450 square foot, 3-story, 45-foot high medical and general office at 121 San Vicente Boulevard. A Development Plan Review is required for construction of new buildings. The revised project as proposed would provide 157 parking spaces at the ground floor and within a three-level subterranean garage and with a separate ingress and egress located at San Vicente Boulevard. As originally proposed, the proposed parking spaces would be a combination of tandem and standard parking spaces, and would rely on a valet operation. The City's municipal code does not allow tandem parking spaces, and the applicant has requested approval of a variance to allow the proposed tandem parking system to satisfy the code required parking. The original project also included a second variance to allow the ground floor parking garage to be excluded from the total floor area calculation. The project proposes a partial office use at the ground floor which does not provide a minimum depth of forty feet (40') as required by code. As a result, the applicant is requesting a variance to allow the ground floor parking areas to be excluded from the floor area calculation. Pursuant to Beverly Hills Municipal Code §10-3-3700, the Planning Commission, in order to make the necessary findings to approve a variance request, may impose such conditions as it deems appropriate to protect the public health, safety and general welfare. Further, the applicant proposes loading activity within the building, consisting of two van loading areas accessible from San Vicente Boulevard.

Notice of Public hearing  
Planning Commission Meeting of March 24, 2011  
121 San Vicente Boulevard

This original project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and no significant unmitigated environmental impacts are anticipated; therefore, a mitigated negative declaration has been prepared, subject to review by the Planning Commission. The revised project is smaller in size and thus would not result in any environmental impacts that are new or more severe than those previously identified.

If you challenge the Commission's final action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Rita Naziri, Senior Planner in the Community Development Department, Planning Division at 310.285.1136 or by email at [rnaziri@beverlyhills.org](mailto:rnaziri@beverlyhills.org). Copies of the applications, plans, Mitigated Negative Declaration, and all documents referenced in the Mitigated Negative Declaration are on file in the Planning Department, and can be reviewed by any interested person at 455 N. Rexford Drive, Suite 100, Beverly Hills, CA. 90210.

  
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David Reyes, Principal Planner

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