



Planning Commission Report

dMeeting Date: May 12, 2011

Subject: 9336/9346 Civic Center Drive

A request for a Minor Accommodation Permit to allow an unoccupied architectural feature to be located **6-feet** above the existing roof height of 45-feet on each of two buildings located at the subject property.

PROJECT APPLICANT: Mathew Biss, Tishman Speyer Properties, L.P.

Recommendation: It is recommended that the Planning Commission adopt a resolution approving the requested minor accommodation.

REPORT SUMMARY

This report details a request for a Minor Accommodation Permit to allow an unoccupied architectural element to be added to two existing commercial buildings located within the City's C-5 commercial zoning district. The property has been vacant since late 2009, but has recently changed ownership and is proposed to be remodeled in preparation of a new tenant or tenants. No aspects of the remodel would result in a significant change to the building's mass, scale or height. However a small architectural element is proposed to be located at the perimeter of the building, necessitating review by the Planning Commission.

Attachment(s):

- A. [Zoning Compliance Table](#)
- B. [Staff Recommended Findings and Conditions of Approval](#)
- C. [Public Notice](#)
- D. Resolution
- E. Architectural Plans

Report Author and Contact Information:

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dreyes@beverlyhills.org

BACKGROUND

File Date	April 21, 2011
Application Complete	April 28, 2011
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	July 20, 2011, without extension request from applicant
Applicant(s)	Mathew Biss, Tishman Speyer Properties, L.P.
Owner(s)	9336/9346 Civic Center Drive, L.P.
Representative(s)	Same
Prior Project Previews	None
Prior PC Action	None
Prior Council Action	None
Other Actions	Staff level Development Plan Permit to allow an approximate 6,000 square addition to the lobby level/entrance.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9336/9346 Civic Center Drive
Legal Description	Lots 5 and 6, Block 17, Tract 5647
Zoning District	C-5 Commercial
General Plan	Low Density General Commercial & Municipal
Existing Land Use(s)	Commercial Office
Lot Dimensions & Area	Irregular, 111,606 square feet
Year Built	1986
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

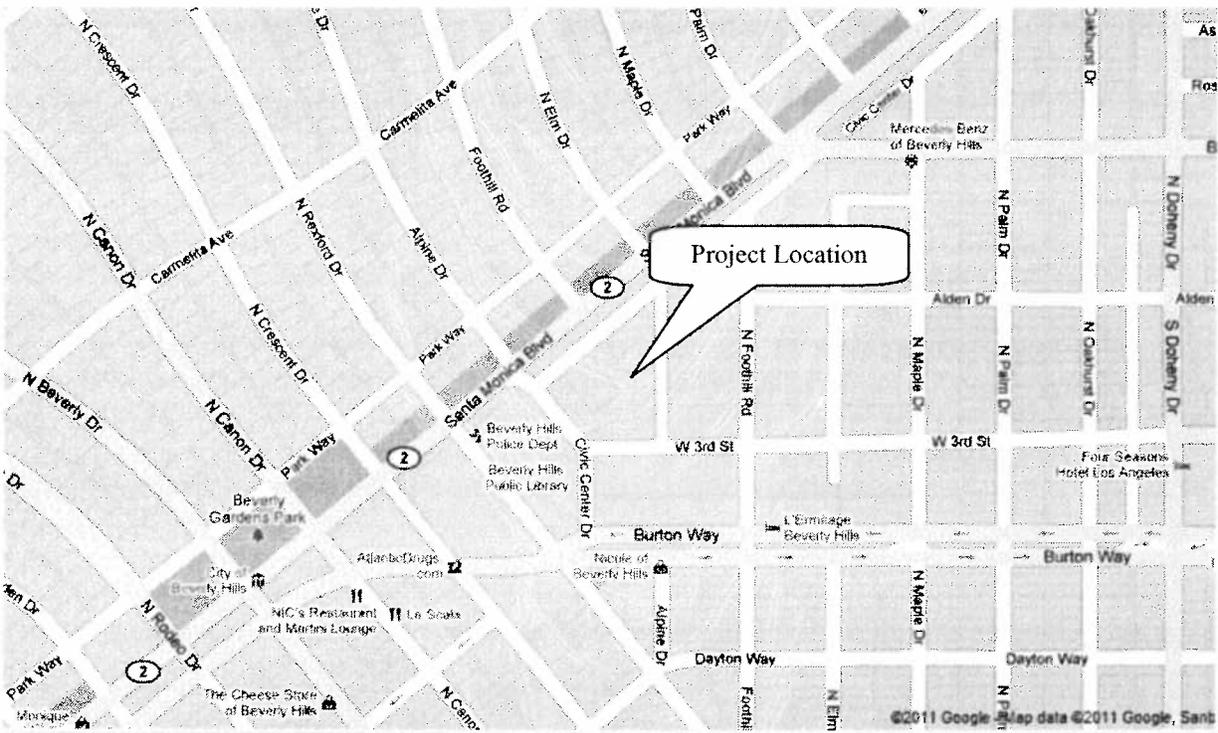
North	T-1 (Vacant Land)
South	P-S Public Service (Vacant Land)
East	P-S Public Service; Water Treatment Plant/Engineering Offices
West	C-5 Commercial; Office uses

Circulation and Parking

Adjacent Street(s)	Civic Center Drive to the north and Foothill Road to the east
Adjacent Alleys	None
Parkways & Sidewalks	Northern sidewalk/parkway along Civic Center Drive - 12' from face of curb to property line.
Parking Restrictions	On-street parking is generally provided by 1-hour meters on Civic Center Drive.
Nearest Intersection	Civic Center Drive and Foothill Road
Circulation Element	Civic Center Drive serves as a local commercial street.

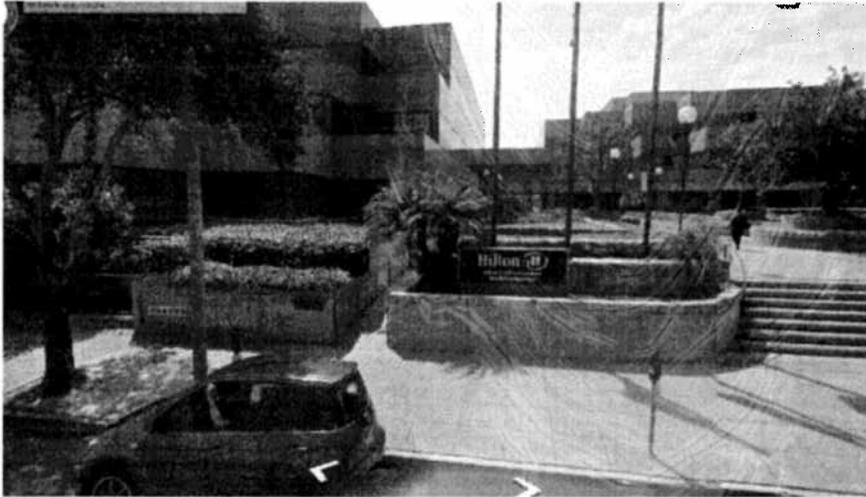
Neighborhood Character

The project site is located with the City's former industrial area, fronting along Civic Center Drive, between Rexford Drive and Foothill Road, and was developed in the mid 1980s and occupied by the Hilton Corporate Headquarters until late in 2009. This area includes 43 acres of land which is classified in either the C-5 Commercial or the P-S Public Service Zone. Property is presently developed with industrial, commercial, government and religious uses. The area is bound by Santa Monica Boulevard and Beverly Boulevard to the north, North Maple Drive to the east, Civic Center Drive to the west, and the mid-block, east-west running lot line between Third Street and Burton Way to the south. The area is largely buffered from residential and retail areas of the City. Some notable uses in the area include: Mercedes Benz; the City's Public Works/Water Treatment Building; Participant Media; the Edison Sub-Station; and Young Israel Temple.



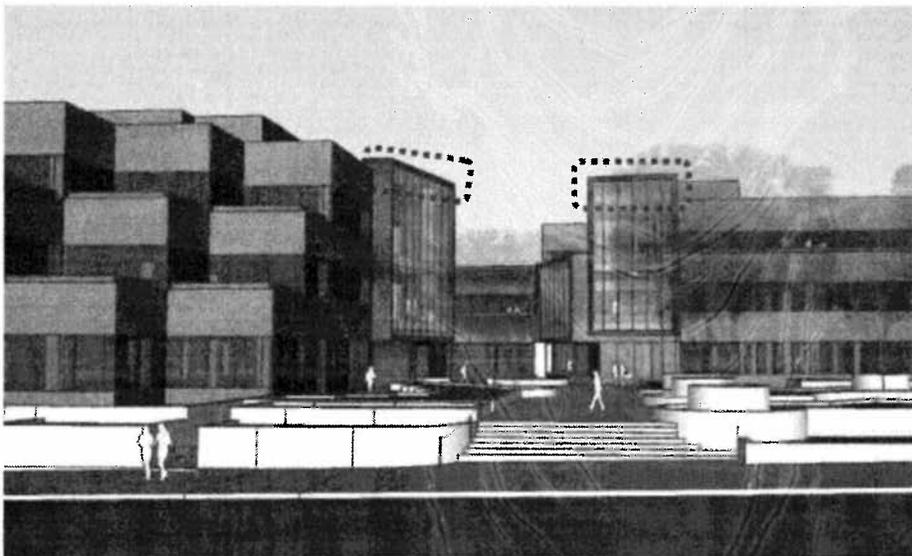
The two commercial buildings at the subject property were built in 1986 and are 3-stories and 45-feet in height and contain a total of 170,671 square feet in area. The buildings are identified as Building A, 9336 Civic Center Drive (closest to Foothill Drive) and Building B, 9346 Civic Center Drive (closest to Rexford Drive). The property is developed with 548 parking spaces (477 parking spaces within a two-level subterranean garage and 71 parking spaces at grade level), which is 42 spaces more than current zoning standards require.

Existing Civic Center Drive View



PROJECT DESCRIPTION

The current property owner is preparing the buildings for occupancy is seeking interior and exterior renovations to the building. The component of the project subject to Commission approval is a portion of the proposed remodeled lobby/entry area. The applicant wishes to allow an unoccupied architectural element that exceeds the roofline of the existing buildings by 6-feet. These elements are generally permitted as a matter of right if they are set back from the buildings' edges, but when located at the perimeter of the building, they must be approved by the Planning Commission. A rendering of the proposed new entrance/lobby area is provided below. That area requiring Commission approval is outlined.



Requested Permits

The applicant is seeking approval of a Minor Accommodation Permit to allow an unoccupied architectural element to extend 6-feet above 45-foot height limit of each of the buildings. No additional square footage would result from the approval of the architectural elements. Pursuant to Beverly Hills Municipal Code Section 10-3-2020¹, the Planning Commission may approve such requests if the approval would not impact the character of the area. If approved by the Commission, the design, colors and materials of these elements (and any other exterior changes) would be subject to review and approval by the Architectural Commission.

ZONING CODE² COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

The C-5 Zone contains regulations that are slightly different from the general C-3 standards. Among them are regulations regarding vehicle trips, building line setbacks and the inclusion of open space. The Planning Commission has discretion to modify these regulations, as well as the subject standard related to the height and location of architectural elements of buildings in this zone.

Agency Review

Due to limited scope of work, other City departments were not consulted regarding the proposed addition of architectural elements.

GENERAL PLAN³ POLICIES

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

- Policy LU 1.1 *The Scale of the City*. Although implicit in any discussion of the future of the City, the importance of scale must be underscored. As long as the City is able to regenerate itself within the general framework of the existing scale, it will offer an environment which is becoming increasingly unique in the Westside.
- Policy LU 15.3 *Revitalization of Vacant and Underutilized Buildings*. Promote the revitalization of distressed, underutilized, and vacant buildings to sustain economic viability, activity, and provide income for City services.

ENVIRONMENTAL ASSESSMENT

¹ BHMC Section 10-3-2020: Upon application by a property owner, and pursuant to the provisions of this section, the planning commission may approve unoccupied architectural features as set forth in subsection 10-3-2006A of this article and may establish building lines in the C-5 zone other than those set forth in this article.

BHMC Section 10-3-2006A: ...an unoccupied architectural feature ... may exceed or intersect a line projecting from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal if such architectural feature is approved by the planning commission pursuant to section 10-3-2020 of this article

² Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines⁴, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines, which allows for minor additions to existing structures.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	10 Days	5/2/2011	4/21/2011	20 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	5/2/2011	5/2/2011	10 Days
Website	N/A	N/A	N/A	N/A

Applicant Outreach Efforts

As of the date of the preparation of this report, staff is unaware of any outreach efforts undertaken by the applicant.

Public Comment

As of the date of the preparation of this report, staff has not received any correspondence from the public.

ANALYSIS⁵

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.

The required finding for approval of the request is limited to whether or not the project would adversely impact the present or planned character of the C-5 Zone. The proposed renovation would mark the first major renovation of these 1980s buildings and would not significantly alter the mass, scale or bulk of the building. The existing buildings total approximately 170,000 square feet and are three stories in height. A portion of the renovation would include the addition of approximately 6,000 square feet. This addition would include an unoccupied architectural element that extends 6-feet above the existing roofline. The addition of these elements would not adversely impact the character of the C-5 Zone and even though no plans are currently being prepared for the future development of the area, it is difficult to imagine this project would adversely impact the future character of this area. Draft findings in support of the project are provided as Attachment B.

Summary

⁴ The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

⁵ 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.

The former Hilton Corporate Headquarters property has recently been purchased and the new owner is seeking to upgrade the buildings in preparation of a new tenant. One element of the proposed remodel would result in an unoccupied architectural element that extends approximately 6-feet above the roofline of each of the two buildings on the property. The C-5 Zone allows for the placement of unoccupied architectural features at the perimeter of a building if approved by the Planning Commission, as proposed in this case. These elements are minor in nature and do not negatively impact the character of the area.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date uncertain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:

David Reyes, Principal Planner

ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<u>Primary Building</u>			
Lot area	111,606 sq.ft.	No change	No Change
Height	45'	45'	Unoccupied Architectural Element proposed to be a maximum of 6-feet above
Lot Coverage / Floor Area	2.0 FAR	170,671 square feet 1.53 FAR	No Change
<u>Parking & Circulation</u>			
Parking Spaces	506 [BHMC 10-3-2730]	548 spaces	Existing Parking Configuration – no change

ATTACHMENT B

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Minor Accommodation in the C-5 Zone (BHMC 10-3-2020)

1. *The proposed unoccupied architectural features will not adversely impact the present or planned character of the C-5 zone.*

There are two existing buildings on the subject property that contain a total approximately 170,000 square feet and are three stories in height. These buildings will be renovated for a new tenant. A portion of the renovation would include the addition of approximately 6,000 square feet of floor area and would include an unoccupied architectural element that extends 6-feet above the existing roofline. The addition of these unoccupied elements would not adversely impact the character of the C-5 Zone and even though no plans are currently being prepared for the future development of the area, these added architectural elements are not anticipated to adversely impact the future character of this area.

DRAFT CONDITIONS

Standard Conditions

1. **Substantial Compliance.** The project shall be in substantial conformance with the plans as conditioned and approved by the Planning Commission on May 12, 2011.
2. **Run with the Land.** These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
3. **Covenant.** This resolution granting the requested Minor Accommodation Permit 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 this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development within 60 days of any City Council approval of the Amendments. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner 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 Planning & Community Development may, upon a request by the Property Owner, 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.

ATTACHMENT C

Public Notice



NOTICE OF PUBLIC HEARING

DATE: May 12, 2011
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Council Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, May 12, 2011, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for a Minor Accommodation Permit to allow an unoccupied architectural feature to be located 6-feet above the existing roof height of 45-feet on each of two buildings located at 9336 and 9346 Civic Center Way. No new square footage or change in the footprint of the existing buildings is proposed. The request is required to allow this element of the building to be located at the perimeter of the roof.

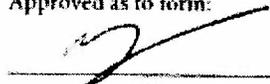
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 Categorical Exemption under the Section 15301 (e) of the Guidelines, which allows for minor additions to existing structures, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's 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 **David Reyes, Principal Planner** in the Planning Division at 310.285.1116, or by email at dreyes@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:



David Reyes, Principal Planner

Mailed: May 2, 2011

ATTACHMENT 1
DRAFT RESOLUTION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A MINOR ACCOMMODATION PERMIT TO ALLOW AN UNOCCUPIED ARCHITECTURAL FEATURE TO BE LOCATED 6-FEET IN HEIGHT ABOVE THE EXISTING ROOFLINE AND AT THE PERIMETER OF EACH OF THE TWO BUILDINGS LOCATED AT 9336 AND 9346 CIVIC CENTER DRIVE.

The Planning Commission of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. Mathew Biss of Tishman Speyer Properties, applicant on behalf of the property owner 9336/9346 Civic Center Drive, L.P., has applied for a Minor Accommodation Permit to allow a 6-foot in height unoccupied architectural feature to be located along a portion of the perimeter of each of the two building located at 9336 and 9346 Civic Center Drive.

Section 2. Beverly Hills Municipal Code Section 10-3-2020 authorizes the Planning Commission to issue a Minor Accommodation Permit for unoccupied architectural elements to exceed a line projecting a 45 degree angle from the horizontal roof line for buildings located within the C-5 Zoning District if such approval would not impact the present or planned character of the C-5 zone.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines, and the project qualifies for a categorical exemption pursuant to Section 15301 of the Guidelines (Class 3 Categorical Exemption), which allows for minor additions to existing structures.

Section 4. The Planning Commission conducted a duly noticed public hearing on May 12, 2011, at which time oral and documentary evidence was received concerning the application.

Section 5. The subject site is located in the C-5 zone of the City. The property owner is preparing the buildings for occupancy is seeking interior and exterior renovations to the building. The component of the project subject to Commission approval is a portion of the proposed remodeled lobby/entry area. The applicant wishes to allow an unoccupied architectural element that exceeds the roofline of the existing buildings by 6-feet. These elements are generally permitted as a matter of right if they are set back from the buildings’ edges, but when located at the perimeter of the building, they must be approved by the Planning Commission.

Section 6. In accordance with the requirements of Beverly Hills Municipal Code Section 10-2020, in reviewing the application for the Minor Accommodation Permit, the Planning Commission considered whether the proposed architectural element would impact the present or planned character of the C-5 zone.

Section 7. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission hereby finds as follows:

7.1 There are two existing buildings on the subject property that contain a total approximately 170,000 square feet and are three stories in height. These buildings will be renovated for a new tenant or tenants. A portion of the renovation would include the addition of approximately 6,000 square feet of floor area and would include an unoccupied architectural element that extends 6-feet above the existing roofline. The addition of these unoccupied elements would not adversely impact the character of the C-5 Zone and even though no plans are currently being prepared for the future development of the area, these added architectural elements are not anticipated to adversely impact the future character of this area.

Section 11. Based on the foregoing, the Planning Commission hereby grants the request for a Minor Accommodation subject to the following conditions:

Standard Conditions

ADMINISTRATIVE

1. APPEAL. 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. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

2. RECORDATION. The resolution approving the project 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.

3. EXPIRATION. The exercise of rights granted in this approval shall be commenced within three (3) years after the adoption of such resolution.

4. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

CONFORMANCE WITH APPROVED PLANS

5. This approval is for those plans submitted to the Planning Commission on May 12, 2011, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval. Any modifications to the plans approved by the Planning Commission on May 12, 2011 shall be presented to staff to determine compliance with the approvals and to determine whether any additional approvals are required.

6. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

7. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review

when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

8. 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.

FEES AND TAXES

9. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

PROJECT OPERATIONS

10. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
11. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

PUBLIC WORKS/PARKS AND RECREATION REQUIREMENTS

12. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

13. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
14. 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 existing tree roots within the parkway area.
15. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the 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.
16. 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.
17. 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.

18. 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.
19. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
20. 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.
21. 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.
22. 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.

23. 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.
24. 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.
25. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
26. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
27. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

Section 12. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: May 12, 2011

Daniel Yukelson
Chairman of the Planning Commission of
the City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner