

Attachment 5

Planning Commission Staff Reports
(November 20, 2008-May 24, 2012)

Planning Commission Staff Report (w/o attachments)

Dated May 24, 2012



City of Beverly Hills

Planning Division

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Planning Commission Report

Meeting Date: May 24, 2012

Subject: **9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard-Gateway Project:** Adoption of resolutions recommending certification of the Final Environmental Impact Report (FEIR), adoption of a Mitigation Monitoring and Reporting Plan and Statement of Overriding Considerations, and recommending adoption of a General Plan Amendment and Zoning Code Amendments to three T-1 zoned properties and the adjacent C-3 commercially zoned properties
Continued from March 22, 2012
PROJECT APPLICANTS: Jeffrey Wilson, Maynard Brittan and Jeffrey Mirken

Recommendation: Staff recommends that the Planning Commission:

1. Adopt a Resolution recommending that the City Council certify the Final EIR (FEIR) for the Beverly Hills Gateway Project, adopt findings pursuant to the California Environmental Quality Act, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program
2. Adopt a Resolution recommending approval of a General Plan Amendment to establish a Gateway Commercial/Mixed Use/Transportation land use designation and a Zone Text Amendment to create a Commercial Planned Development Gateway (C-PD-G) Overlay Zone

REPORT SUMMARY

This report transmits draft resolutions memorializing the Planning Commission's discussion on a General Plan Amendment and Zone Change for the subject T-1 zoned properties and adjacent C3 properties. The Final Environmental Impact Report (FEIR) has been updated to reflect commissioner comments and changes to the project description (notably the elimination of the specific development project at 9900 Santa Monica Boulevard).

Overlay zone objectives and development standards have been updated and are presented for Commission review. Further Commission discussion is needed on the following:

- Review two new objectives (Objectives 13 and 14)
- Determine whether the Commission will consider additional height on Parcel 3
- Clarify whether the need for excess parking beyond Code applies to all parcels or only Parcels 1 and 2 (Objective 5).

Attachment(s):

- A. CEQA Resolution of Findings
- B. Planning Commission Resolution and draft ordinance
- C. FEIR & Supplemental Environmental analysis
- D. Mitigation Monitoring and Reporting program
- E. Letters
- F. Notice of Public Hearing

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It is anticipated that refinement of the objectives or development standards can be addressed at the meeting.

BACKGROUND

At its meeting of March 22, 2012, the Planning Commission conducted a public hearing and discussed the proposed overlay zone objectives and development standards. At that meeting, the Planning Commission directed staff to prepare resolutions recommending an overlay zone and General Plan Amendment to the City Council and recommending certification FEIR.

To create the proposed overlay zone, the Planning Commission discussed goals for the overlay zone including:

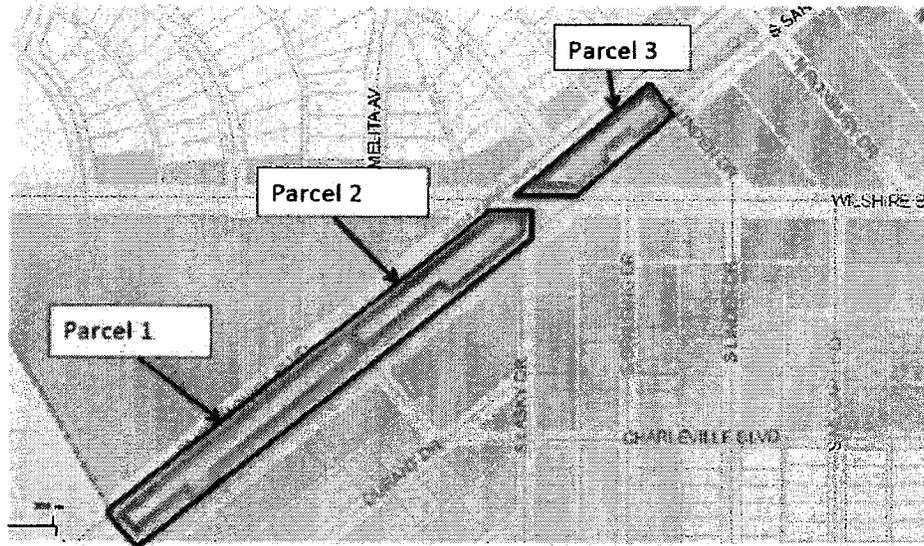
- Encourage developers to combine the C-3 lots fronting South Santa Monica Boulevard with the adjacent T-1 parcels
- Promote iconic architecture by allowing design flexibility
- Encourage ample green space and view corridors
- Develop a pedestrian-oriented area by encouraging pedestrian uses
- Address a parking deficiency in the area
- Accomplish development without negatively impacting the adjacent neighborhoods.

The proposed overlay zone objectives reflect these goals.

The proposed overlay zone and general plan amendment provide a path for the subject property owners to apply for future development of the T-1 Zoned properties or the T-1 Zoned properties in combination with the C-3 Zoned properties. At present, development of the T-1 parcels is limited to specific transportation-related uses.

PROJECT DESCRIPTION

The project involves creating a new generalized land use designation in the General Plan and amending the zoning code to create an overlay zone that could be applied to the three former railroad right-of-way properties located at 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard and 9817 Wilshire Boulevard and the adjacent C3 zoned properties. If approved, development ranging from 18 to 60 feet in height could be approved along with a floor area ratio ranging from 0.0:1 to 2.0:1 depending on several factors. A variety of commercial and residential uses could be established within the overlay zone.



Proposed Overlay Zone Area

Approval of the C-PD-G Overlay Zone by the City would require each property owner to file a separate application for a zoning code amendment to apply the new overlay zone to the T-1 parcels. Development proposed under the overlay zone would require a Planned Development Permit. If a T-1 lot is developed in conjunction with an adjacent C-3 parcel, the C-3 parcel(s) would also be subject to the C-PD-G Overlay Zone objectives and standards. The underlying C-3 base zoning standards would continue to apply to the C3 parcel(s) for C-3 parcels redeveloped independent of T-1 parcels (i.e. 45' height and 2.0:1 FAR).

C-PD-G (Commercial Planned Development Gateway) Overlay Zone Text Amendment

The following objectives would be incorporated into the text amendment. These objectives have been refined to reflect Planning Commission comments and two new objectives, Objectives 13 and 14:

1. Development shall be consistent with the purpose and intent of the C-PD-G Overlay Zone and the General Plan.
2. Development within the overlay zone shall promote the garden quality of the City.
3. Lot consolidation and coordinated development of underlying T-1 zoned properties and adjacent underlying C-3 properties fronting on South Santa Monica Boulevard is encouraged and shall be required for the reviewing authority's approval of maximum height and density allowances.
4. Project design shall be internally and externally consistent and promote pedestrian, bicycle, and vehicular access and connectivity within and between C-PD-G Overlay Zone properties, the adjacent C-3 properties, and residential and hotel development built or planned across North Santa Monica Boulevard. Connectivity at or above grade and within underground parking structures shall be achieved to the extent feasible. The reviewing authority shall consider

reviewing the appropriateness of ingress/egress for proposed projects within the C-PD-G Overlay Zone to ensure that traffic will not adversely impact the adjacent residential areas and the high school area.

5. Parking shall be located below-grade and located on properties within the C-PD-G Overlay Zone; vehicle and pedestrian access to parking shall be convenient. Minimal at-grade parking may be considered by the reviewing authority. Parking in excess of the minimum required parking set forth in Section 10-3-2730 of the zoning code shall be incorporated into any development and be made available to the public. The excess public parking incorporated into any development on Parcel 1 (9900 Santa Monica Boulevard) and Parcel 2 (9848 Wilshire Boulevard) shall, on a collective basis, substantially offset the parking deficiency in the neighborhood along South Santa Monica Boulevard between the intersection with Wilshire Boulevard and the city's western Boundaries.
6. Development shall take advantage of design flexibility incorporated into the C-PD-G Overlay Zone to create iconic architecture that promotes the image of the City and that respects the scale, mass, and character of surrounding development in the immediate vicinity. Building facades visible from public streets shall exhibit innovative design, distinctive architectural merit, or a combination of both.
7. Project design and site planning shall incorporate substantial area dedicated to green space, public open space, and pedestrian amenities. Building height shall be balanced with appropriate setbacks and landscaping adjacent to public streets to promote the appearance of a green belt and minimize the perception of a continuous uninterrupted wall of development as viewed from public streets. Buildings shall be well modulated.
8. Development shall be designed with pedestrian-oriented amenities and uses at the ground floor that encourage pedestrian activity during daytime and nighttime hours such as restaurants, outdoor dining and retail.
9. Development on Parcels 2 and 3 (9817 Wilshire Boulevard) shall provide significant setbacks from the intersections of Wilshire Boulevard and North and South Santa Monica Boulevard to aesthetically complement Beverly Gardens Park and fountain plaza, and the planned open space at the northwest corner of Wilshire Boulevard and North Santa Monica Boulevard. The setback area at the intersections shall include pedestrian amenities, green space, significant public art, or other elements determined to be appropriate by the reviewing authority. The size and shape of the setbacks on Parcel 2 shall be a primary consideration for any approval by the reviewing authority of maximum height allowances on that Parcel.
10. Development shall incorporate adequate land dedications or easements that may be needed for future roadway and transportation improvements, including bicycle facilities, pedestrian mobility elements, bus shelters, pedestrian bridges, or similar improvements.
11. Development shall not result in detrimental impacts to existing or planned development in the vicinity with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, and pedestrian safety hazards, parking demand, parking design, loading, or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
12. Development shall include additional public benefits that the reviewing authority determines to be appropriate.

13. The reviewing authority may grant additional height for projects that preserve reasonable expectations of privacy and provide substantial green space that visually connects North and South Santa Monica Boulevards. Projects approved for additional height must have an exceptional design and must distribute building form and mass in such a way as to minimize the perception of a continuous uninterrupted wall of development as viewed from public streets and provides corridors in which to view other iconic architecture in the neighborhood. Any additional height granted may not exceed sixty feet (60'), not including permitted projections.
14. Development on the underlying T-1 zoned parcel shall not preclude future development opportunities on adjacent C-3 zoned parcels. Projects designed to meet the open space requirements of this article on portions of the T-1 parcel immediately adjacent to C-3 zoned parcels not included in the C-PD-G Overlay Zone, or designed with structures immediately adjacent to C-3 zoned parcels not included in the Overlay Zone, may be determined by the reviewing authority as having precluded future development opportunities on the adjacent C-3 zoned parcels.

Proposed Development Standards of the C-PD-G Overlay Zone

The development of properties in the C-PD-G Overlay Zone are limited and defined as follows:

1. Permitted Uses

- a. Office
- b. Retail & restaurants
- c. Galleries
- d. Museums
- e. Boutique Hotels
- f. Residential uses above ground floor (rental)
- g. Other permitted uses in C-3 Zone

2. Prohibited Uses

- a. All uses prohibited in C-3 Zone
- b. Medical offices
- c. Night clubs

• Height/Story Restriction

- a. T-1 zone Properties: one-story, 18 feet in height.
- b. Combined development of C-3 zoned and T-1 zoned properties (immediately adjacent to C-3 zoned properties): 3-story, 45 feet in height. At the discretion of the reviewing authority, a 60' high building for a combined development may be allowed.

• Floor Area Ratio(FAR)

- a. C-3 Zoned properties: 2.0:1 FAR (unchanged by overlay zone)
- b. T-1 Zoned properties: 0.5:1 FAR
- c. Combined development of C-3 and T-1 Zoned properties: C-3 Zoned properties shall not exceed 2.0 FAR; T-1 Zone properties that are immediately adjacent to C-3 Commercial properties shall not exceed 1.5:1 FAR. T-1 Zoned properties that are not immediately

adjacent to a C-3 property that is part of a combined development shall have Zero FAR (0.0:1).

- **Parking**

Parking for a project located in the proposed overlay zone shall be provided in accordance with sections 10-3-2727 through 10-3-2736 of the Beverly Hills Municipal Code. As part of the application process, the reviewing authority shall require parking in excess of the minimum required parking set forth in BHMC Section 10-3-2730 and that excess parking shall be made available for public use pursuant to Overlay Zone Objective 5.

Staff requests clarification as to whether the requirement for excess public parking shall apply to all T-1 parcels or only to parcels 1 and 2 which are located west of Wilshire Boulevard. Parcel 3 is located east of Wilshire Boulevard in the City's Business Triangle which has fewer parking deficiencies because of the existing public parking structures.

- **Other Development standards**

Any setback, green space, modulation, dedication and loading requirements shall be as authorized in a Planned Development Permit, consistent with the objectives contained within the C-PD-G Overlay Zone.

General Plan Generalized Land Use Map Amendment

The Project proposes amending the General Plan Land Use Map, which would establish a new generalized land use category of Gateway Commercial/Mixed Use/Transportation. This new Land Use Map designation would allow for development of the project site with commercial, retail, restaurant, hotels, offices, mixed use (rental residential and commercial), and transportation uses as allowed under the current zoning, provided all required entitlements and legislative approvals are granted.

The City's General Plan includes several goals and policies that support the proposed General Plan Amendment and the proposed Overlay Zone including:

- Policy LU 2.7, **City Gateways**. Explore opportunities for public improvements and private development to work together to enhance the sense and quality of entry at key gateways into the City.
- Policy 2.8, **Pedestrian-Active Streets**. Require that buildings in business districts be oriented to, and actively engage the street through design features such as build-to lines, articulated and modulated façades, ground floor transparency such as large windows, and the limitation of parking entries directly on the street. Parking ingress and egress should be accessed from alleys where feasible.
- Policy LU 2.9, **Public Safety**. Require that development be located and designed to promote public safety by providing street-fronting uses, lighting, sight-lines, and features that enhance community safety.
- Policy LU 2.10, **Development Transitions and Compatibility**. Require that sites and buildings be planned, located, and designed 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.

- Policy LU 4, **Land Use Distribution and Urban Form.** Community conservation that protects and enhances the distinguishing qualities of the City, the livability of neighborhoods and the economic viability of business districts while preserving environmental resources and the well-being and health of the City's residents, employees and visitors.
- Policy LU 9.1, **Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.
- Policy LU 9.3, **Anchor Locations.** It is also recommended that certain anchor locations be set aside to permit development of a higher intensity type of development which is not otherwise provided in the community. These areas should be located so as to be accessible from the City's major shopping areas and close to the City's major streets. These anchor locations should include those large parcels that are located at the gateways to the City, such as the site at 9900 Wilshire Boulevard where additional building height is appropriate. A variety of land uses such as commercial, residential, and mixed use should be considered for the gateway locations. A change of use from commercial to residential or mixed use should be allowed only if such change provides an adequate transition to adjacent single family neighborhoods.
- Policy LU 9.4, **Anchor Location Design Criteria.** The anchor location should encourage unified development oriented towards and along Wilshire Boulevard planned to complement the scale and character of adjacent residential areas. In addition, development of the anchor locations should incorporate measures to enhance streets, sidewalks, and roadways in order to encourage pedestrian circulation between these areas and the Business Triangle.
- Policy LU 9.5, **Commercial/ Residential Mixed Uses.** The feasibility of allowing mixed commercial/ residential uses should be analyzed in order to expand the variety of housing types available and in certain areas, to improve commercial/ residential transitions.
- Policy LU 11.1, **Preservation of Pedestrian-Oriented Retail Shopping Areas.** Preserve, protect and enhance the character of the pedestrian-oriented retail shopping areas, which are typified by a variety of retail shops with displays to attract and hold the interest of pedestrian shoppers, to ensure the continuity of the pedestrian experience.
- Policy LU 11.2, **Site Planning and Architectural Design.** Require that commercial and office properties and buildings are planned and designed to exhibit a high level of site and architectural design quality and excellence.
- Policy LU 11.3, **Retail Street Frontages.** Require that development and street frontages in districts containing retail uses be designed and developed to promote pedestrian activity including: (a) location and orientation of the building to the sidewalk; (b) transparency of and direct access to the ground floor elevation from the sidewalk; (c) articulation of street-facing elevations to promote interest and sense of quality; (d) inclusion of uses and public spaces that extend interior functions to the sidewalk such as cafes and plazas; and (e) use of pedestrian-oriented signage and lighting.
- Policy LU 11.6, **Parking.** Explore opportunities to expand the parking supply in underserved commercial districts and residential neighborhoods which may be developed publicly, privately, or by joint public-private partnerships.

The General Plan Land Use Designation for the subject T-1 properties at 9900 Santa Monica Boulevard, 9848 Santa Wilshire Boulevard and 9817 Wilshire Boulevard and the adjacent C-3

properties would be Gateway Commercial/Mixed Use /Transportation with a maximum floor area ratio (FAR) of 0.0:1 to 2.0:1 and maximum height of 18' to 60'. The zoning code amendment would set forth the specific development standards and procedures to develop the properties in accordance with this new land use designation. The specific zoning amendment can be found in Attachment B.

Environmental Assessment/Analysis

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines¹, and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. The City ordered the preparation of an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. As indicated above, the Draft EIR (DEIR) was previously circulated for public review on November 3, 2008 for the required 45-day public comment period. The Planning Commission's meeting of November 20, 2008 allowed for added public testimony regarding the DEIR. In addition, the Planning Commission provided comments on the adequacy of the document and requested additional analysis to be included in the FEIR.

The Final EIR, which includes responses to all public comments as well as revisions to the document in response to Commission Comments, was released in March 2011. At its hearing of March 24, 2011, the Planning Commission directed staff to revise the project by developing an overlay zone that could apply T-1 zone properties and to all adjacent commercial properties. Supplemental Environmental Impact Analysis was prepared which describes the revised project and evaluates the associated potential environmental impacts. Importantly, the study has been updated to reflect the revised project which includes the application of the overlay zone to the three T-1 zone properties and all the adjacent commercially zoned properties. The Supplemental Environmental Impact Analysis also provides comparison of the revised project and its potential impact to the project evaluated in the March 2011 Final EIR.

The FEIR and Supplemental Environmental Impact Analysis include updated methodology and technical studies to ensure the data and conclusions of the report reflect appropriate information. The additional environmental analysis did not result in the identification of any significant new impacts compared to those identified in the Final EIR.

Supplemental Environmental Impact Analysis

A supplemental analysis has been prepared to consider the effects of the revised project. In comparison to the previously analyzed project in the March 2011 Final EIR, no specific development proposals are being considered as part of the revised project. The Supplemental Environmental Analysis includes the following analysis:

- **Aesthetics** (views, visual character, light/glare, shade/ Shadow)

The revised project, in conformance with the C-PD-G Overlay Zone objectives would alter the

¹ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

visual character of the project site. However, the design and scale would be generally compatible with surrounding development. Because of the design flexibility and design objectives introduced by the proposed overlay, aesthetic impacts would likely be reduced overall compared with the project studied in the March 2011 Final EIR.

- **Air Quality** (construction, operation, CO Hotspot)
Construction-related air quality impacts would remain significant and unavoidable, even after incorporation of the recommended mitigation measures. Mitigation would reduce impacts from PM₁₀ and PM_{2.5}, but NO_x emissions would continue to exceed thresholds, assuming concurrent development of all parcels. Operational emissions and CO hotspot impacts would remain less than significant.
- **Cultural Resources**
The revised project in conformance with the proposed Overlay Zone objectives could impact up to eight properties potentially considered historic resources. Similar to the previous project analyzed in the Gateway Project Final EIR March 2011 Final EIR, the impacts associated with the proposed Overlay Zone project are considered potentially significant and adverse, but mitigable to a less than significant level. Mitigation measures CR-1(a), CR-1 (b), as required in the Gateway Project Final EIR March 2011 Final EIR, and an additional mitigation measure are required. This additional mitigation measure would be adopted as part of the mitigation monitoring and reporting program.
- **Hazards and Hazardous Materials**
Development of the three parcels within the C-PD-G Overlay Zone would require demolition of buildings and structures that could contain asbestos and lead-based paint. Groundwater underneath the three parcels also has the potential to be contaminated as a result of historic activity on adjacent parcels. Implementation of the mitigation measures included in the original March 2011 Final EIR would reduce impacts to a less than significant level.
- **Land Use and Planning**
Overall impacts to land use and planning impacts would be reduced when compared to the original project analyzed in the March 2011 Final EIR. Impacts would be less than significant and no mitigation is required for the revised project. In contrast to the project analyzed in the March 2011 Final EIR (which if approved, would permit the proposed commercial development by right within the original project area) each future parcel specific development proposal would be required to submit a development application, which would undergo discretionary review to ensure consistency with the C-PD-G Overlay Zone design objectives. The design objectives would require substantial building setbacks, pedestrian friendly green spaces and amenities, iconic building architecture, and other design elements.
- **Noise** (construction and operation)
Construction and Operational activities would generate noise that would be audible to existing uses near the project area. Noise sources would primarily include excavation, grading, mobile construction traffic, rooftop ventilation and heating systems, trash hauling, and commercial retail activities. Noise impacts would be incrementally reduced when

compared to the original project. Implementation of the mitigation measures included in the original Gateway Project Final EIR March 2011 Final EIR would reduce impacts to a less than significant level.

- **Public Services and Utilities** (Fire Protection, Police Protection, Water Demand, Wastewater Demand, Stormwater Runoff, Solid Waste, Energy)
Impacts on BHFD services, BHPD services, water, wastewater, stormwater and energy would be incrementally reduced when compared to the original project analyzed in the March 2011 Final EIR. Implementation of the mitigation measures included in the original March 2011 Final EIR would reduce impacts to a less than significant level.
- **Transportation and Circulation**
Traffic impacts for the revised project would be incrementally reduced when compared to the impacts identified for the original project analyzed in the March 2011 Final EIR. Even after implementation of mitigation measures, impacts at the South Santa Monica Boulevard/Wilshire Boulevard would remain significant and unavoidable, thus requiring the adoption of a Statement of Overriding Considerations should the Overlay Zone proposal be approved.
- **Greenhouse Gases**
Greenhouse gas emissions from the C-PD-G Overlay Zone project could be incrementally reduced compared to original project analyzed in the March 2011 Final EIR. Impacts would remain less than significant.

Environmental Impacts

The executive summary of the Final EIR and Supplemental Environmental Impact Analysis provide an overview of all environmental impacts that could result from project approval, including mitigation measures proposed to reduce these impacts. These impacts are discussed below and a table summary of all impacts and mitigations is included as Attachment D to this report.

Significant and Unavoidable Impacts

Impact AQ-1 Temporary air pollutant emissions generated by construction activities associated with the concurrent development of all three parcels would be Class I, **significant and unavoidable**. This impact is both a project level impact and a cumulative impact that results when the project is considered in combination with other known proposed or approved development projects.

Impact T-1/T-2 Traffic generated from development of Parcels 1, 2 and 3, when added to existing traffic conditions, would result in significant impacts at two of the 11 study area intersections based on the City of Beverly Hills significance criteria. Mitigation is available to reduce impacts at one of these intersections (South Santa Monica/Moreno) to less than significant levels; however, mitigation is not feasible at one intersection (South Santa Monica Boulevard/Wilshire Boulevard). Therefore, the impact at that location would be Class I, significant and unavoidable.

Impacts Less than Significant

The Final EIR concludes that impacts to the following environmental factors would be less than significant either with or without mitigation: Aesthetics, Cultural Resources; Hazardous Materials; Noise, Land Use and Planning; Noise; Public Services and Utilities.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA regulations, when a public agency decides to approve a project that will cause one or more significant environmental effects, the agency shall prepare a statement of overriding considerations (SOC) which reflects the balancing of competing public objectives. Specifically, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. The attached CEQA Resolution includes a Statement of Overriding Considerations to address the significant and unavoidable impacts summarized above relating to temporary air pollution impacts during construction (Impact AQ-1) and relating to cumulative traffic impacts at one area intersection (Impact T-1/T-2).

DISCUSSION

At the March 22, 2012 meeting, the Planning Commission directed staff to provide additional information on the following issues:

Objective to Allow Consideration of Additional Height

The Commission discussed allowing the reviewing authority to consider additional height for future developments in the overlay zone area if a particular project is extraordinary and directed staff to develop an additional overlay zone objective to address this. Staff suggests the following language for discussion and this language is included in the list of overlay zone objectives in this report and in the attached ordinance:

The reviewing authority may grant additional height for projects that preserve reasonable expectations of privacy and provide substantial green space that visually connects North and South Santa Monica Boulevards. Projects approved for additional height must have an exceptional design and must distribute building form and mass in such a way as to minimize the perception of continuous uninterrupted wall of development as viewed from public streets and provides corridors in which to view other iconic architecture in the neighborhood. Any additional height granted may not exceed sixty feet (60'), not including permitted projections. (Objective No. 13).

Staff was directed by the Commission to study the impact of 60-foot tall buildings for all involved parcels in the supplemental EIR. The study indicates that although the additional height would alter the visual character of the project sites, the scale and mass would be generally compatible with the surrounding developments and no significant environmental impacts are anticipated. Staff requests direction as to whether height above 45 feet may be considered by the reviewing authority for all parcels or should be limited to certain parcels.

Objective to Allow Denial of a Project that Forecloses Future Redevelopment Opportunities

The Commission also discussed the possibility that a project developed under the overlay zone might include development of T-1 Zoned properties adjacent to C-3 properties that are not part of the project or could attempt to meet open space objectives by using T-1 Zoned properties adjacent to a combined T-1/C-3 development. This could have the undesired consequence of foreclosing future development of C-3 properties because a T-1 property that has been developed with a structure or is required to fulfill open space obligations for another project is not available to combine with a C-3 property for future development. This potentially forecloses redevelopment of the adjacent C-3 properties because it is difficult for the existing C-3 properties to redevelop on their own and meet the City's parking standards. Redevelopment of the C-3 parcels in conjunction with the T-1 parcels provides the opportunity to spread the parking requirement across a greater area, resulting in better opportunities to provide a subterranean garage and ingress/egress to that garage that is acceptable from both an engineering/design and an economic perspective. The Commission directed staff to propose language to address this issue which follows:

Development on the underlying T-1 zoned parcel shall not preclude future development opportunities on adjacent C3 zoned parcels. Projects designed to meet the open space requirements of this article on portions of the T-1 parcel immediately adjacent to C3 zoned parcels not included in the Overlay, or designed with structures immediately adjacent to C3 zoned parcels not included in the Overlay, may be determined by the reviewing authority as having precluded future development opportunities on the adjacent C3 zoned parcels (Objective No. 14).

Next Steps

Staff recommends that the Planning Commission:

- Adopt Resolutions recommending that the City Council:
 - Certify the Final Environmental Impact Report (FEIR);
 - Adopt a Statement of Overriding Considerations;
 - Adopt a Mitigation Monitoring and Reporting Program;
 - Amend the General Plan; and,
 - Adopt an ordinance to create a Commercial Planned Development Gateway Overlay Zone (C-PD-G).

Report Reviewed By:


Jonathan Lait, AICP
Assistant Director of Community Development/City Planner

Planning Commission Staff Report (w/o attachments)

Dated March 22, 2012



Planning Commission Report

Meeting Date: March 22, 2012

Subject: 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard- Gateway Project: Discussion of a proposed overlay zone and zone text amendment to allow development on the subject T-1 zone properties

Continued from March 8, 2012

PROJECT APPLICANTS: Jeffrey Wilson, Maynard Brittan and Jeffrey Mirken

Recommendation: That the Planning Commission direct staff to:

1. Prepare resolutions:
 - a. Certifying the Final Environment Impact Report
 - b. Recommending to the City Council an ordinance to amend the General Plan to establish a Gateway Overlay Zone
 - c. Recommending to the City Council an ordinance to amend the Municipal Code to establish a Gateway Overlay Zone
 2. Renotify a public hearing for May 10, 2012
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REPORT SUMMARY

This report transmits draft overlay zone objectives and information regarding the next steps to processing the subject zoning code and general plan amendments.

BACKGROUND

At its meeting of March 8, 2012, the Planning Commission conducted a site visit to the subject properties and discussed proposed overlay zone objectives and development standards. The Planning Commission directed staff to return with updated objectives that reflect the Commission's comments.

The Gateway Subcommittee, consisting of Chair Yukelson and Vice Chair Corman, met to discuss the overlay objectives and possible development standards. The objectives provided in this report reflect their input, as well as staff input.

DISCUSSION

The subject zoning code and general plan amendments provide a path for the subject property owners to receive approvals for future development of the T-1 parcels. At present, development of the T-1 parcels is limited to specific transportation-related uses.

Action by the Planning Commission and City Council, if the Council supports the Commission's recommendations, would still require each individual property owner to file separate applications for a

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Planned Development Permit and a zoning code amendment to apply the Gateway Overlay to the T-1 parcels. If a T-1 lot is developed in conjunction with a C3 parcel adjacent to the South Santa Monica Boulevard Roadway, the C3 parcel(s) would also be subject to the Gateway Overlay objectives. The underlying C-3 base zoning standards would continue to apply to the C3 parcel(s) (i.e. 45' height and 2.0:1 FAR).

The Planning Commission is moving in a direction that supports broader design flexibility. The Commission has also expressed concerns about the quality, mass and scale of future development. Rather than establishing specific development standards that may constrain creative design solutions for these parcels, the Commission has favored carefully worded objectives to achieve applicant and City goals.

Staff recommends that some development standards be established for the overlay zone. These standards will relate to height, floor area, parking, minimum lot sizes for T-1 lots (to discourage subdivision), and permitted uses. Most of these issues have already been discussed at previous Planning Commission meetings.

The Gateway Subcommittee discussed height for the T-1 parcels and there may be support for building height up to 60 feet for Parcels 1 and 2. However, additional height would in part be predicated on the quality of the development and its use of setbacks, step backs and building modulation. Consistent with the City Council ad hoc meeting, the Commission is evaluating each of the three T-1 parcels independently. Accordingly, there are some concerns about additional height on Parcel 3 as being potentially impactful to residential properties to the north.

It is anticipated that application of the Gateway Overlay Zone to any of these properties would follow a similar process that was established for the Medical Overlay Zone. To achieve this, staff will prepare zoning text amendments that establish a C-PD-G zone, or commercial planned development gateway overlay zone. This overlay zone will have a few development standards and objectives that will guide future development.

Zone Objectives

The following are draft objectives for the Planning Commission's review:

1. Development shall be consistent with the purpose and intent of the Gateway Overlay Zone and the General Plan.
2. Development within the overlay zone shall promote the garden-like quality of the City.
3. Lot consolidation and coordinated development of underlying T-1 zoned properties and adjacent underlying C-3 properties fronting on South Santa Monica Boulevard is encouraged and shall be required for the reviewing authority's approval of maximum height and density allowances.
4. Project design shall be internally and externally consistent and allow for pedestrian, bicycle, and vehicular access and connectivity within and between Gateway Overlay Zone properties, the adjacent C3 properties, and residential and hotel development built or planned across North

- Santa Monica Boulevard. Connectivity at or above grade and within underground parking structures shall be achieved to the extent feasible.
5. Parking shall be located below-grade, shall be located on properties subject to the Gateway Overlay Zone, and vehicle and pedestrian access to parking shall be convenient. Minimal at-grade parking may be considered by the reviewing authority. Parking in excess of the minimum required parking set forth in Section 10-3-2730 of the zoning code shall be incorporated into any development and be made available to the public. The excess public parking incorporated into any development on Parcels 1 and 2 shall on a collective basis significantly offset the parking deficiency in the neighborhood.
 6. Development shall take advantage of design flexibility incorporated into the Gateway Overlay Zone to create iconic architecture that promotes the image of the City and that respects the scale, mass and character of surrounding development in the immediate vicinity. Building facades visible from public streets shall exhibit innovative design and/or distinctive architectural merit.
 7. Project design and site planning shall incorporate substantial area dedicated to green space, public open space, and pedestrian amenities, and balance building height with appropriate setbacks and landscaping adjacent to public streets to minimize the appearance of a canyon-effect along North Santa Monica Boulevard; buildings shall be well modulated, with appropriate setbacks on higher floors.
 8. Development shall be designed with pedestrian-oriented amenities and uses at the ground floor that encourage pedestrian activity during daytime and nighttime hours.
 9. Development on Parcels 2 and 3 shall provide significant setbacks from the intersection of Wilshire Boulevard and North and South Santa Monica Boulevard to aesthetically complement Beverly Gardens Park and the fountain plaza, and planned open space at the northwest corner of Wilshire Boulevard and North Santa Monica Boulevard. The setback area at the intersections shall include pedestrian amenities, green space, significant public art, or other elements determined to be appropriate by the reviewing authority. The size and shape of the setbacks on Parcel 2 shall be a primary consideration for any approval by the reviewing authority of maximum height allowances on that Parcel.
 10. Development shall incorporate adequate land dedications or easements that may be needed for future transportation and roadway improvements, including possible bike paths, bus shelters, pedestrian bridges or similar improvements.
 11. Development shall not result in detrimental impacts to existing or planned development in the vicinity with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
 12. Development shall include public benefits that the reviewing authority determines to be appropriate.

Next Steps

It is recommended that the Planning Commission provide direction on the following outstanding policy issues:

- Support or modify objectives
- Establish maximum height limits for Parcels 1, 2, and 3
- Confirm that up to a 1.5 FAR can be achieved on a T-1 parcel, for that portion of the T-1 parcel that is immediately adjacent to a C3 parcel that is part of the overall development project
- Verify that the distribution of the allowed 1.5 FAR on T-1 parcels can occur on portions of the T-1 parcel that are adjacent to C3 parcels NOT included as part of the overall development.

Following clarification of the above points, staff will complete the environmental analysis and prepare resolutions for the Planning Commission to review at its May 10, 2012 meeting.

Report Reviewed By:

Michelle McBrath for Jonathan Lait
Jonathan Lait, AICP

Planning Commission Staff Report (w/o attachments)

Dated March 8, 2012



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: March 8, 2012
Subject: 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard- Gateway Project: Site visit and a follow-up discussion of development standards

Continued from February 9, 2012

PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission conduct a site visit, a follow-up discussion regarding development standards and provide direction on the proposed overlay zone standards

REPORT SUMMARY

This report provides an overview of the discussion that occurred at the February 9, 2012 Planning Commission meeting on the proposed overlay zone development standards.

BACKGROUND

At the meeting of February 9, 2012, the Planning Commission reviewed the proposed overlay zone and continued the matter to March 8, 2012 to conduct a site visit and follow-up discussion. The purpose of the bus tour and discussion is to further consider setback requirement for Wilshire Boulevard.

PROPOSED OVERLAY ZONE

The following development standards were discussed at the February 9, 2012 Planning Commission meeting:

Development Standards

- **Permitted Uses:**
 - Office
 - Retail & restaurants
 - Galleries
 - Museums

Report Author and Contact Information:

Rita Naziri
(310) 285-1136
rnaziri@beverlyhills.org

- Boutique Hotels
- Residential uses above ground floor (rental)
- Other permitted uses in C-3 Zone

- **Prohibited Uses**
 - All uses prohibited in C-3 Zone
 - Medical offices
 - Night clubs

- **Height/Story Restriction**
 - a. T-1 zone Properties: one-story, 18 feet in height.
 - b. Combined development of T-1 zoned and C-3 zoned properties: 45' high measured from the highest point of grade, with an exception that Parcel 2 may be permitted up to 60' in height with provision of a larger setback on Wilshire Boulevard and additional green space.

- **Floor Area Ratio(FAR)**
 - a. C-3 Zoned properties: 2.0:1 FAR (unchanged by overlay zone)
 - b. T-1 Zoned properties: 0.5:1 FAR
 - c. Combined development of C-3 and T-1 Zones: 1.5:1 to a maximum of 1.75:1 FAR for T-1 Zoned properties that are immediately adjacent to a C-3 Zone property and possibility of transferring the 0.5:1 FAR allowed on T-1 Zone property to a combined development.

- **Required Setbacks**
 - a. Santa Monica Boulevard North Roadway: Average 15' with a minimum of 10' measured from the curb.
 - b. Wilshire Boulevard Parcel 2: A minimum of 20' but may be required to provide 30' in exchange for a higher building (See "Height " above).
 - c. Wilshire Boulevard Parcel 3: A minimum of 20' but may be required to provide 30' with additional green space in exchange for lower parking requirements for a combined development (See "Required Parking " below).

- **Green Space**

Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone.

- **Modulation**

The proposed development shall include modulation as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone.

- **Dedication**

Dedication required for roadway improvements shall be provided as identified in a Planned Development Permit, consistent with the objectives contained in the Overlay Zone.

- **Required Parking**

Parcel 1 & Parcel 2:

- a. C-3 zoned properties: One space per 350 square feet of floor area
- b. T-1 zoned properties development: One space per 200 sq.ft. of floor area
- c. Combined C-3 zoned properties and T-1 Zone development: One space per 250 sq.ft. floor area with the provision for additional parking to make up for parking deficiency in the area and in order to remove the on-street parking along South Santa Monica Boulevard and to widen the sidewalk to promote pedestrian activity in the area.

Parcel 3:

- a. C-3 Properties: One space per 350 square feet of floor area
- b. T-1 Zoned property development: One space per 200 square feet of floor area
- c. Combined development: One space per 350 square feet of floor area with the provision of additional green space (greater setback on Wilshire Boulevard).

It should be noted that hotels and restaurants have different parking requirements than 1:350 per square feet in the Beverly Hills Municipal Code.

- **Loading Facilities**

Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone.

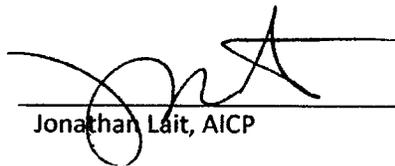
Discussion

Staff is requesting that the Planning Commission provide comments and confirm approaches for the overlay zone at the March 8, 2012 meeting. After receiving this direction, staff will return with a draft ordinance on March 22, 2012 and proceed with updating the FEIR. It is anticipated that an ordinance and Final EIR will be presented to the Planning Commission in May 2012.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, conduct a site visit, receive public testimony, discuss and provide direction on development standards in the proposed overlay zone and continue the matter to March 22, 2012.

Report Reviewed By:



Jonathan Lait, AICP

Planning Commission Staff Report (w/o attachments)

Dated February 9, 2012



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: February 9, 2012

Subject: 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard- Gateway Project: Review of the Draft Gateway Overlay Zone Objectives and Development Standards

Continued from January 26, 2012

PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission to take the following actions:

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the City Council recommending adoption of an Overlay Zone and General Plan Amendment

REPORT SUMMARY

This report is to memorialize the Planning Commission discussion on the proposed overlay zone objectives and development standards on January 26, 2012.

BACKGROUND

At meeting of January 26, 2012, the Planning Commission conducted a site visit, reviewed the proposed overlay zone and continued the matter to February 9, 2012. The staff report dated January 26, 2012 is attached for reference.

PROPOSED OVERLAY ZONE

The following were discussed at the January meeting:

Objectives

The following concepts were added to overlay objectives:

- Active transportation
- Pedestrian connectivity
- Increase green space

Attachment(s):

- A. Staff Report dated January 26, 2012

Report Author and Contact Information:

Rita Naziri
(310) 285-1136
rnaziri@beverlyhills.org

Development Standards

- Permitted Uses: Museum and boutique hotels to be studied by the EIR consultant for any anticipated impacts.
- T-1 zone Development: 0.5 FAR One-story, 18' high with a 30' setback along North Santa Monica Boulevard,
- Combined Development:
 - FAR: 1.5 overall FAR (2.0 for C-3 zone properties). The FAR will be informed by sensitivity study.
 - Height for combined development: 3-stories, 45' high, measured from highest point of grade,
 - Setback for combined development: 17' average setback along North Santa Monica Boulevard (accepted by majority of the Commission).

Discussion items

- Review of the development standards that were previously provided. Staff requests guidance on:
 - Wilshire Boulevard setback,
 - parking,
 - Green space,
 - Modulation,
 - Loading,
 - Consideration for additional height for Parcel 2 by providing additional setback along North Santa Monica Boulevard.

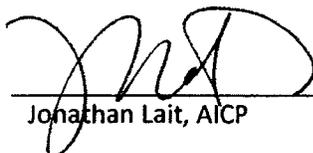
The draft sensitivity study will be available at the meeting for the Commission consideration.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the city Council recommending adoption of an Overlay Zone and General Plan Amendment

Report Reviewed By:



Jonathan Lait, AICP

Attachment A



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: January 26, 2012

Subject: 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard- Gateway Project: Review of the Draft Gateway Overlay Zone Objectives and Development Standards

PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission to take the following actions:

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the City Council recommending adoption of an Overlay Zone and General Plan Amendment

REPORT SUMMARY

This report transmits draft overlay zone objectives and development standards for the subject properties for further discussion and recommendation to the City Council.

BACKGROUND

At its meeting of November 22, 2011, the Planning Commission reviewed the proposed overlay zone objectives and standards and made recommendation on the proposed overlay zone.

On December 19, 2011, the Planning Commission held a public hearing to consider a resolution denying the Development Plan Review application for the proposed project on Parcel 2 located at 9848 Wilshire Boulevard. However, after discussion, the Planning Commission continued a formal action on the proposed project until the conclusion of the overlay zone discussion.

In addition, at the request of Mr. Jeff Wilson and Mr. Maynard Brittan, the discussion about a zone change to apply the Transportation Overlay (T-O) zoning designation to the properties located at 9848 Wilshire Boulevard and 9900 Santa Monica Boulevard to allow surface parking use for the Parcel 1 and Parcel 2 properties was postponed to a future meeting. This item will return to the Commission as a noticed public hearing at a later date.

PROPOSED OVERLAY ZONE

The following objectives were previously reviewed and modified by the Planning Commission.

Attachment(s):

- A. Applicant letter
- B. Staff Report dated November 22, 2011

Report Author and Contact Information:

Rita Naziri
(310) 285-1136
rnaziri@beverlyhills.org

Overlay Objectives

1. Development within the Overlay Zone is consistent with the elements of the City's General Plan;
2. The scale and massing of the development within the Overlay Zone is compatible with the character of Santa Monica Boulevard South Road Way and Santa Monica North Roadway through appropriate height limits, floor area ratios, modulation, and setbacks;
3. Development within the Overlay Zone will contribute to and enhance the character of the neighborhood and foster an appropriate mix of uses including a pedestrian friendly environment in the vicinity of the development;
4. Development within the Overlay Zone provides an appropriate amount of parking in consideration of the existing parking shortage in the vicinity of the development and the proposed uses;
5. Development within the Overlay Zone promotes the garden quality of the City through appropriate green space and pedestrian amenities including walkways and paths;
6. Development within the Overlay Zone does not result in detrimental impacts to existing or anticipated development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
7. Development within the Overlay Zone incorporates adequate land dedications that may be needed for possible future transportation improvements;
8. Development within the Overlay Zone incorporates iconic architecture to enhance this gateway to the City; and
9. Development within the Overlay Zone includes public benefits.

Development Standards

The following development standards were reviewed by the Commission and require further discussion.

1. Permitted Uses:

Any permitted uses in the C-3 Zone including:

- Office
- Retail & restaurants
- Galleries
- Museums
- Boutique Hotels
- Residential uses above ground floor (rental)

2. Prohibited Uses

- All uses prohibited in C-3 Zone including medical office and night clubs

3. Height/Story Restriction

- a. T-1 zone Properties: one-story, 18 feet in height.
- b. A combined development of T-1 zoned and C-3 zoned properties, the maximum height discussed was three-stories and 38' to 45' depending on whether height is measured from the highest or lowest grade elevation.

4. Floor Area Ratio

- a. C-3 Zoned properties: 2.0:1 maximum allowable density (unchanged by overlay zone)
- b. T-1 Zoned properties: the maximum floor area ratio considered ranged from 0.5:1, 1.0:1 or 1.5:1,
- c. Combined development of C-3 and T-1 Zones: the maximum floor area ratio considered ranged from 1.5:1 to 1.75:1.

5. Required Setbacks

- a. Setback on North Santa Monica Boulevard: Average 25' with a minimum of 15-feet as measured from the curb,
- b. Setback on Wilshire Boulevard: 20' with green space

6. Green space

Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone.

7. Dedication

Dedication required for roadway improvements shall be provided as identified in a Planned Development Permit, consistent with the objectives contained in the Overlay Zone.

8. Required Parking

- a. T-1 zoned properties development only: One space per 200 sq.ft. of floor area
- b. C-3 zoned properties and T-1 Zone combined development: the required parking ratio ranged from one space per 250 sq.ft. floor area and one space per 350 sq.ft. with requirement for additional parking to make up for the parking deficiency in the area and in order to remove the on-street parking along South Santa Monica Boulevard to widen the sidewalk and to promote pedestrian activity in the area.

9. Loading Facilities

Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone.

DISCUSSION

Overlay Zone

The Planning Commission discussed the proposed standards for the future development on the subject properties and suggested variable options as development standards. Staff requesting guidance on the following issues:

1. Use: The EIR prepared for the project did not consider some of the suggested uses such as museum or hotel developments on the project sites. If these are the uses the Planning Commission wants allowed on these parcels, additional environmental analysis is required.
2. Height: the recommended heights are varied from 38' to 45' with different datum points for height measurements. Staff seeks clarification on proposed height and recommends following a methodology used elsewhere in the City, which is measured from highest grade.
3. Floor area: Staff seeks clarification on the FAR calculation for a development that includes a T-1 Zone property and two or more adjacent C-3 properties. Specifically, would the increased floor area extend to the entire T-1 lot or only those portions immediately adjacent to the C-3 zoned properties that are part of the proposed development.
4. Setback on North Santa Monica Boulevard;
The applicant team has expressed concerns with the Planning Commission required setback from North Santa Monica Boulevard. It is anticipated that the applicant will make a presentation regarding the effect of the Planning Commission recommended setback on development of the project site. The North Santa Monica setback discussion will also be informed by the required building separation requirement, set forth in the Building Code, which is described below.
5. Parking ratio and percentage of additional parking: Staff seeks guidance on the parking ratio required for the development of the project site.

Building Code Requirements

The subject T-1 Zone properties are adjacent to existing commercially zoned properties that are developed by one to three story commercial buildings along South Santa Monica Boulevard. All or most of the existing buildings are built on property lines with zero setbacks, and have existing exterior openings on property line. To construct a new building on any of T-1 zoned properties, a minimum 5' setback from the southerly property line of said lots will be required in order to maintain the existing access and the openings on the existing buildings.

Exterior openings on the south elevation of the proposed buildings are subject to provisions of the 2010 California Building Code table 705.8, which stipulates the percentage of the exterior openings that a newly constructed building can have due to the proximity to the property lines. For example at 5' from property line, the exterior unprotected openings for a fully sprinklered building are limited to 25% of the area of the exterior wall. At 10' from property line, the percentage is increased to 45%.

Therefore, any development on the T-1 zoned properties which are adjacent to the existing commercial buildings on South Santa Monica Boulevard are required to adhere to the Building Code distance separation requirement. Staff recommends Planning Commission consider this matter when

contemplating the setback on North Santa Monica Boulevard to allow a viable development on the T-1 zoned properties.

Environmental analysis

The FEIR prepared for the proposal is adequate for a General Plan Amendment and the establishment of an overlay zone; however, at its meeting of November 22, 2011, the Planning Commission requested additional studies to be conducted associated with the proposed overlay zone, including:

1. A sensitivity study regarding the reduced FAR from 2.0:1 to 1.5:1 to confirm the need for Mitigation Measure T-1 (b). Mitigation Measure T-1 (b)d calls for restriping of Spalding Drive to provide a southbound right-turn lane combined with through left-turn lanes and removal of a limited amount of on-street parking.
2. Recommending museum and hotel uses as part of the proposed overlay zone.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the city Council recommending adoption of an Overlay Zone and General Plan Amendment

Report Reviewed By:

Jonathan Lait,

Planning Commission Staff Report (w/o attachments)

Dated January 26, 2012



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: January 26, 2012

Subject: 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard- Gateway Project: Review of the Draft Gateway Overlay Zone Objectives and Development Standards

PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission to take the following actions:

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the City Council recommending adoption of an Overlay Zone and General Plan Amendment

REPORT SUMMARY

This report transmits draft overlay zone objectives and development standards for the subject properties for further discussion and recommendation to the City Council.

BACKGROUND

At its meeting of November 22, 2011, the Planning Commission reviewed the proposed overlay zone objectives and standards and made recommendation on the proposed overlay zone.

On December 19, 2011, the Planning Commission held a public hearing to consider a resolution denying the Development Plan Review application for the proposed project on Parcel 2 located at 9848 Wilshire Boulevard. However, after discussion, the Planning Commission continued a formal action on the proposed project until the conclusion of the overlay zone discussion.

In addition, at the request of Mr. Jeff Wilson and Mr. Maynard Brittan, the discussion about a zone change to apply the Transportation Overlay (T-O) zoning designation to the properties located at 9848 Wilshire Boulevard and 9900 Santa Monica Boulevard to allow surface parking use for the Parcel 1 and Parcel 2 properties was postponed to a future meeting. This item will return to the Commission as a noticed public hearing at a later date.

PROPOSED OVERLAY ZONE

The following objectives were previously reviewed and modified by the Planning Commission.

Attachment(s):

- A. Applicant letter
- B. Staff Report dated November 22, 2011

Report Author and Contact Information:

Rita Naziri
(310) 285-1136
rnaziri@beverlyhills.org

Overlay Objectives

1. Development within the Overlay Zone is consistent with the elements of the City's General Plan;
2. The scale and massing of the development within the Overlay Zone is compatible with the character of Santa Monica Boulevard South Road Way and Santa Monica North Roadway through appropriate height limits, floor area ratios, modulation, and setbacks;
3. Development within the Overlay Zone will contribute to and enhance the character of the neighborhood and foster an appropriate mix of uses including a pedestrian friendly environment in the vicinity of the development;
4. Development within the Overlay Zone provides an appropriate amount of parking in consideration of the existing parking shortage in the vicinity of the development and the proposed uses;
5. Development within the Overlay Zone promotes the garden quality of the City through appropriate green space and pedestrian amenities including walkways and paths;
6. Development within the Overlay Zone does not result in detrimental impacts to existing or anticipated development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
7. Development within the Overlay Zone incorporates adequate land dedications that may be needed for possible future transportation improvements;
8. Development within the Overlay Zone incorporates iconic architecture to enhance this gateway to the City; and
9. Development within the Overlay Zone includes public benefits.

Development Standards

The following development standards were reviewed by the Commission and require further discussion.

1. Permitted Uses:

Any permitted uses in the C-3 Zone including:

- Office
- Retail & restaurants
- Galleries
- Museums
- Boutique Hotels
- Residential uses above ground floor (rental)

2. Prohibited Uses

- All uses prohibited in C-3 Zone including medical office and night clubs

3. Height/Story Restriction

- a. T-1 zone Properties: one-story, 18 feet in height.
- b. A combined development of T-1 zoned and C-3 zoned properties, the maximum height discussed was three-stories and 38' to 45' depending on whether height is measured from the highest or lowest grade elevation.

4. Floor Area Ratio

- a. C-3 Zoned properties: 2.0:1 maximum allowable density (unchanged by overlay zone)
- b. T-1 Zoned properties: the maximum floor area ratio considered ranged from 0.5:1, 1.0:1 or 1.5:1,
- c. Combined development of C-3 and T-1 Zones: the maximum floor area ratio considered ranged from 1.5:1 to 1.75:1.

5. Required Setbacks

- a. Setback on North Santa Monica Boulevard: Average 25' with a minimum of 15-feet as measured from the curb,
- b. Setback on Wilshire Boulevard: 20' with green space

6. Green space

Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone.

7. Dedication

Dedication required for roadway improvements shall be provided as identified in a Planned Development Permit, consistent with the objectives contained in the Overlay Zone.

8. Required Parking

- a. T-1 zoned properties development only: One space per 200 sq.ft. of floor area
- b. C-3 zoned properties and T-1 Zone combined development: the required parking ratio ranged from one space per 250 sq.ft. floor area and one space per 350 sq.ft. with requirement for additional parking to make up for the parking deficiency in the area and in order to remove the on-street parking along South Santa Monica Boulevard to widen the sidewalk and to promote pedestrian activity in the area.

9. Loading Facilities

Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone.

DISCUSSION

Overlay Zone

The Planning Commission discussed the proposed standards for the future development on the subject properties and suggested variable options as development standards. Staff requesting guidance on the following issues:

1. **Use:** The EIR prepared for the project did not consider some of suggested uses such as museum or hotel developments on the project sites. If these are uses the Planning Commission wants allowed on these parcels, additional environmental analysis is required.
2. **Height:** the recommended heights are varied from 38' to 45' with different datum points for height measurements. Staff seeks clarification on proposed height and recommends following a methodology used elsewhere in the City, which is measured from highest grade.
3. **Floor area:** Staff seeks clarification on the FAR calculation for a development that includes a T-1 Zone property and two or more adjacent C-3 properties. Specifically, would the increased floor area extend to the entire T-1 lot or only those portions immediately adjacent to the C-3 zoned properties that are part of the proposed development.
4. **Setback on North Santa Monica Boulevard;**
The applicant team has expressed concerns with the Planning Commission required setback from North Santa Monica Boulevard. It is anticipated that the applicant will make a presentation regarding the effect of the Planning Commission recommended setback on development of the project site. The North Santa Monica setback discussion will also be informed by the required building separation requirement, set forth in the Building Code, which is described below.
5. **Parking ratio and percentage of additional parking:** Staff seeks guidance on the parking ratio required for the development of the project site.

Building Code Requirements

The subject T-1 Zone properties are adjacent to existing commercially zoned properties that are developed by one to three story commercial buildings along South Santa Monica Boulevard. All or most of the existing buildings are built on property lines with zero setbacks, and have existing exterior openings on property line. To construct a new building on any of T-1 zoned properties, a minimum 5' setback from the southerly property line of said lots will be required in order to maintain the existing access and the openings on the existing buildings.

Exterior openings on the south elevation of the proposed buildings are subject to provisions of the 2010 California Building Code table 705.8, which stipulates the percentage of the exterior openings that a newly constructed building can have due to the proximity to the property lines. For example at 5' from property line, the exterior unprotected openings for a fully sprinklered building are limited to 25% of the area of the exterior wall. At 10' from property line, the percentage is increased to 45%.

Therefore, any development on the T-1 zoned properties which are adjacent to the existing commercial buildings on South Santa Monica Boulevard are required to adhere to the Building Code distance separation requirement. Staff recommends Planning Commission consider this matter when

contemplating the setback on North Santa Monica Boulevard to allow a viable development on the T-1 zoned properties.

Environmental analysis

The FEIR prepared for the proposal is adequate for a General Plan Amendment and the establishment of an overlay zone; however, at its meeting of November 22, 2011, the Planning Commission requested additional studies to be conducted associated with the proposed overlay zone, including:

1. A sensitivity study regarding the reduced FAR from 2.0:1 to 1.5:1 to confirm the need for Mitigation Measure T-1 (b). Mitigation Measure T-1 (b)d calls for restriping of Spalding Drive to provide a southbound right-turn lane combined with through left-turn lanes and removal of a limited amount of on-street parking.
2. Recommending museum and hotel uses as part of the proposed overlay zone.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the city Council recommending adoption of an Overlay Zone and General Plan Amendment

Report Reviewed By:



Jonathan Lait,

Planning Commission Staff Report

Dated December 19, 2011



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: December 19, 2011

Subject: **GATEWAY PROJECT (9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard):** Resolution to Deny the Development Plan Review Application for 9848 Wilshire Boulevard and Review of the Draft Overlay Zone Objectives and Development Standards

PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission to take the following actions:

1. Adopt the resolution denying a Development Plan Review for the 9848 Wilshire Boulevard property;
2. Review and provide direction on the proposed overlay zone objectives and Development Standards;
3. Continue the public hearing to a future date.

REPORT SUMMARY

This report transmits a resolution denying the Development Plan Review for the 9848 Wilshire Boulevard property and a draft outlines of overlay zone objectives and development standards for the subject properties. The project applicants, Maynard Brittan and Jeff Mirkin, have submitted a request for a continuance to a future Planning Commission meeting in 2012. The e-mails requesting a continuance is attached for the Planning Commission consideration.

BACKGROUND

On November 22, 2011, the Planning Commission held a public hearing to discuss the proposed overlay zone objectives and development standards. The Planning Commission also reviewed the proposed project on Parcel 2 located at 9848 Wilshire Boulevard. After receiving public testimony, presentation from the project applicants, reviewing the proposed overlay zone and proposed project on Parcel 2, directed staff:

1. To prepare a resolution denying the Development Plan Review for the 9848 Wilshire Boulevard Project (parcel 2), and;
2. To refine the proposed overlay zone objectives and development standards; and,
3. Continued the discussion of the overlay objectives and development standards to December 19, 2011.

In addition, the Commission discussed a zone change to apply the Transportation Overlay (T-O) zoning designation to the properties located at 9848 Wilshire Boulevard and 9900 Santa Monica Boulevard to

Attachment(s):

- A. Continuance requests
- B. Staff Report dated November 22, 2011

Report Author and Contact Information:

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allow surface parking use for the Parcel 1 and Parcel 2 properties. This item will return to the Commission as a noticed public hearing at a later date.

The resolution denying the Development Plan Review is attached for the Planning Commission consideration.

PROPOSED OVERLAY ZONE

The Planning Commission reviewed the proposed overlay zone objectives and standards and made the following recommendation:

Overlay Objectives

At its meeting of November 22, 2011, the Planning Commission reviewed staff's suggested overlay objectives and recommended the following changes identified below:

1. Development within the Overlay Zone is consistent with the elements of the City's General Plan;
2. The scale and massing of the development within the Overlay Zone is compatible with the character of Santa Monica Boulevard South Road Way and Santa Monica North Roadway through appropriate height limits, floor area ratios, modulation, and setbacks;
3. Development within the Overlay Zone will contribute to and enhance the character of the neighborhood and foster an appropriate mix of uses including a pedestrian friendly environment in the vicinity of the development;
4. Development within the Overlay Zone provides an appropriate amount of parking in consideration of the existing parking shortage in the vicinity of the development and the proposed uses;
5. Development within the Overlay Zone promotes the garden quality of the City through appropriate green space and pedestrian amenities including walkways and paths;
6. Development within the Overlay Zone does not result in detrimental impacts to existing or anticipated development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
7. Development within the Overlay Zone incorporates adequate land dedications that may be needed for possible future transportation improvements;
8. Development within the Overlay Zone incorporates iconic architecture to enhance this gateway to the City; and
9. Development within the Overlay Zone includes public benefits.

Development Standards

In addition to the draft objectives identified above, draft development standards were presented to the Commission for its review and discussion at the meeting of November 22, 2011. The Planning Commission discussed the following development standards at the meeting and continued the matter for additional discussion to the December 19 meeting. The following are suggested development standards by the Commission for further discussion and recommendation to the City Council.

1. Permitted Uses:

Any permitted uses in the C-3 Zone including:

- Office
- Retail & restaurants
- Galleries
- Museums
- Boutiques Hotels
- Residential uses above ground floor (rental)

2. Prohibited Uses

- All uses prohibited in C-3 Zone including medical office and night clubs

3. Height/Story Restriction

The Planning Commission discussed the proposed height restriction for the future development on the subject properties. After lengthy discussion, the following options were suggested by the Commission for further discussion at this meeting:

- a. Maximum height for the proposed development within the Gateway Overlay Zone shall not exceed 3-stories, 38' in height, measured from the highest point of grade.
- b. Maximum height for T-1 Zone properties shall be one-story, 18' in height. A Joint development of T-1 zoned and C-3 zoned properties, the maximum height shall be 45-feet, measured from the lowest point grade at South Santa Monica.
- c. Maximum height for the proposed development within the Gateway Overlay zone shall be 3-stories, 45-feet high, measured from highest point of grade.

4. Floor Area Ratio

The Planning Commission discussed the floor area restriction for the proposed Gateway Overlay Zone at the meeting and suggested the following options:

- a. The maximum allowable density shall be 2.0:1 for C-3 zoned properties, and 1.5:1 for T-1 zoned properties, with a maximum of 1.75:1 FAR for the combined C-3 and T-1 zoned properties;
- b. The maximum allowable density for C-3 zoned properties shall be 2.0:1 and 1.0:1 for T-1 zoned properties, with a maximum of 1.5:1 FAR for the combined C-3 and T-1 zoned properties.

- c. The maximum allowable density for C-3 zoned properties shall be 2.0:1 and 0.5:1 for T-1 zoned properties, with a maximum of 1.5:1 for the combined C-3 and t-1 Zoned properties.

5. Required Setbacks

The Planning Commission suggested the following setbacks for the development within the Gateway Overlay Zone:

- a. Setback on North Santa Monica Boulevard: Average 25' with a minimum of 15-feet as measured from the curb,
- b. Setback on Wilshire Boulevard: 20' with green space

6. Green space

Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone.

7. Dedication

Dedication required for roadway improvements shall be provided as identified in a Planned Development Permit, consistent with the objectives contained in the Overlay Zone.

8. Required Parking

The Planning Commission suggested the following parking standards:

- a. Development of T-1 zoned properties only: One space per 200 sq.ft. of floor area
- b. C-3 zoned properties and T-1 Zone combined development: One space per 250 sq.ft. floor area
- c. One space per 350 sq.ft. with requirement for additional parking to make up for the parking deficiency in the area and in order to remove the on-street parking along South Santa Monica Boulevard to widen the sidewalk and to promote pedestrian activity in the area.

9. Loading Facilities

Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone.

Process

Under the simplified scenario discussed here, entitlement processing would be multi-phased and separated into two steps, the first to create an overlay zone and the second to apply the overlay to a specific parcel and development project. Each step is discussed below.

Step 1: Creation of Overlay Zone

Under a multi-phased approach, the first steps would be:

General Plan Amendment to change the existing Railroad land use designation.

Creation of a Gateway Overlay Zone:

- Specific Objectives; and
- Development Standards
- Require Planned Development

Step 1 could be accomplished within the construct of the existing zone change applications and the EIR pending before the Planning Commission.

Step 2: Application of the Overlay to Specific Parcels

Subsequent to the creation of an appropriate Overlay Zone by the Planning Commission and City Council, individual property owners would be required to submit applications:

- To apply the Overlay Zone to their specific parcel;
- For a Planned Development Permit to ensure that proposed development is consistent with the standards and objectives of the Overlay Zone; and
- For environmental analysis to evaluate and document potential environmental effects that might result from a specific development proposal, consistent with the requirements of CEQA.

Under this approach, Step 2 would occur sometime in the future, when a property owner proposes a project consistent with the objectives and standards identified in the Overlay Zone.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

1. Adopt the resolution denying a Development Plan Review for 9848 Wilshire Boulevard property (Parcel 2);
2. Review and provide direction on the proposed overlay zone objectives and development standards;
3. Continue the public hearing to a future date or;
4. Continue the entire matter to a future date.

Report Reviewed By:

David Reyes, Principal Planner

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS DENYING A REQUEST FOR A DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF A NEW FOUR-STORY, COMMERCIAL BUILDING CONTAINING 90,000 SQUARE FEET FLOOR AREA AND 307 PARKING SPACES AT 9848 WILSHIRE BOULEVARD

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

Section 1. Wilco, LLC, (Jeffery Wilson) property owner (hereinafter referred to as the "Applicant"), has submitted application requesting approval for a Development Plan Review to allow construction of a four-story, sixty six foot, eight inch tall height commercial building containing approximately 90,000 square feet of floor area and 307 parking spaces to be located at 9848 Wilshire Boulevard (the "Project").

Section 2. The 1.15-acre property (also referred to as Parcel 2 of the Gateway parcels) consists of four assessor's parcels and is located just south of Wilshire Boulevard. The largest of the parcels of the subject property is zoned T-1 (Transportation) and fronts on North Santa Monica, and the smaller parcels are zoned C-3 (commercial), two of which are front on South Santa Monica Boulevard and one fronts on both South Santa Boulevard and Wilshire Boulevard. The T-1 zone property is vacant and undeveloped, although the northeastern portion is currently used for surface parking. The C-3 zoned properties are developed with three one-story commercial buildings totaling approximately 9,633 square feet. Primary access to the existing commercial uses is currently taken from South Santa Monica Boulevard. The property has approximately 590 feet of frontage on

North Santa Monica Boulevard, 95 feet of frontage on Wilshire Boulevard and 283 feet of frontage on South Santa Monica Boulevard.

Section 3. The Applicant's proposal includes three levels of subterranean garage accessed from South Santa Monica Boulevard and Charleville Boulevard. As proposed, the project would be setback 6-feet from Wilshire Boulevard and 116-feet from the westerly edge of the project.

Section 4. By separate application, the Applicant and two other separate property owners of T-1 Zoned properties requests a General Plan Amendment and application of the C-3 zoning to all three "T" zoned properties to allow commercial development, including development of retail, office and parking uses. The applications required the preparation of an EIR pursuant to the California Environmental Quality Act. The Project cannot be approved without the requested amendments to the zoning and general plan. After numerous public hearings and subcommittee meetings, the Planning Commission determined not to support the application of C-3 Zone Standards to the subject properties, including the project site. Rather than the C-3 standards, the Planning Commission is in process of considering an Overlay Zone with specific objectives and standards to guide the future development of the subject properties.

Section 5. The Planning Commission held duly noticed public hearings to consider the Project and the EIR on March 24, 2011 and November 21, 2011. Evidence, both written and oral, was presented at said hearings.

Section 6. 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. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the “EIR”) for the Project to analyze the Project’s potential impacts on the environment. However, pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15061(b)(4), a project that is denied or rejected by the City is exempt from the requirements of CEQA. Accordingly, the Planning Commission finds that the denial of the requested Development Plan Review is exempt from the requirements of CEQA.

Section 7. In considering the application for Development Plan Review, the Planning Commission evaluated the following criteria pursuant to Municipal Code Section 10-3.3104:

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area.
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

3. The nature, configuration, location, density, height, and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

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

5. The proposed plan will not be detrimental to the public health, safety or general welfare.

Section 8. Based upon the evidence presented, including the staff report and oral testimony, the Planning Commission hereby finds that the proposed plan is not consistent with the General Plan land use designation or the applicable zoning on the subject property including Transportation and Commercial zones. The subject property is located at the gateway to the City and across from the City's Beverly Gardens Park and the Beverly Hilton Hotel Revitalization Project which would include a substantial setback and greenery. Pursuant to the recommendations by the City Council/Planning Commission Liaison meetings, any development within the project site shall provide additional parking for the area, appropriate setbacks with green belt, opportunities for transportation improvements, an iconic architecture and building modulation. The proposed project provide a green space and additional parking to serve the neighborhood; however, as proposed, the Project does not provide an appropriate setbacks along North Santa Monica Boulevard and Wilshire Boulevard to provide substantial greenery and opportunities to transportation improvements. As proposed, the Project would adversely affect existing and anticipated development in the

vicinity, will not promote harmonious development of the area because of the bulk and mass of the proposed structure, inappropriate for the project site and is not in the best interests of the public or the general welfare.

Section 9. Based upon the forgoing, the Planning Commission hereby denies the application for a Development Plan Review for the project.

Section 10. 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:

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

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jonathan Lait, AICP
City Planner

Planning Commission Staff Report (w/o attachments)

Dated November 22, 2011



Planning Commission Report

Meeting Date: November 22, 2011

Subject: **GATEWAY PROJECT (9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard):** Final Environmental Impact Report for a General Plan Amendment and Zone Change on three T-1 zoned properties and a Development Plan Review for the construction of a new three-story, 45-foot in height office building containing approximately 90,000 square feet of floor area and 274 parking spaces.
PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission direct staff to:

1. Review and provide direction on the proposed overlay objectives;
 2. Direct staff to prepare resolutions:
 - a) To certify the FEIR
 - b) Amend the General Plan to allow Commercial –Low Density General; and
 - c) Amend zoning code to allow implementation of the Gateway Overlay Zone;
 - d) Resolution to deny Wilson Project at 9848 Santa Monica Boulevard.
 3. Continue the public hearing to January 26, 2012.
-

REPORT SUMMARY

This report transmits the recommendation of the City Council/Planning Commission Liaison meetings regarding this project, provides information about revisions to the Wilson Project and outlines potential overlay objectives and development standards for the properties.

BACKGROUND and SUBCOMMITTEE REPORT

On March 24, 2011, the Planning Commission held a public hearing (Attachment A, Staff Report) to discuss the project and continued the matter to a date uncertain with direction to arrange a Beverly Hills City Council Council/Planning Commission Liaison Committee meeting. On April 19, and August 3, 2011, the Council liaisons (Vice Mayor Brien and Councilmember Bosse) met with Planning Commission Chair Yukelson and Vice Chair Corman and the project applicants to discuss the future development of the three subject parcels.

The Liaison Committee concluded that some development of the properties is appropriate, but the following points should be considered:

Attachment(s):

- A. PC Staff Report dated March 24, 2011
- B. Architectural Plans (under separate cover)
- C. FEIR

Report Author and Contact Information:

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- The C-3 regulations are not the right standards to apply to the future development of these properties;
- Developers of the project site should be encouraged to consolidate the C-3 lots fronting Santa Monica Boulevard South Road Way;
- The three properties may be evaluated independently;
- Development of the site should include ample green space;
- Development of the site should include a generous setback from North Santa Monica Boulevard;
- Development of the site should include adequate modulation, low height and density; however, higher height may be considered based on providing public benefit incentives such as additional parking;
- Development should encourage and promote pedestrian mobility and activity by incorporating uses other than just general office such as restaurant and retail;
- Development should include additional for the area parking;
- Development should consider removing metered parking spaces on Santa Monica South Road Way and placing public parking on the development site;
- Development should provide dedication along Santa Monica North Road Way to provide a bike path along the road;
- Development should incorporate iconic architecture befitting the Gateway location of the properties; and
- Applicants should meet individually with the Planning Commission Subcommittee for additional discussion.

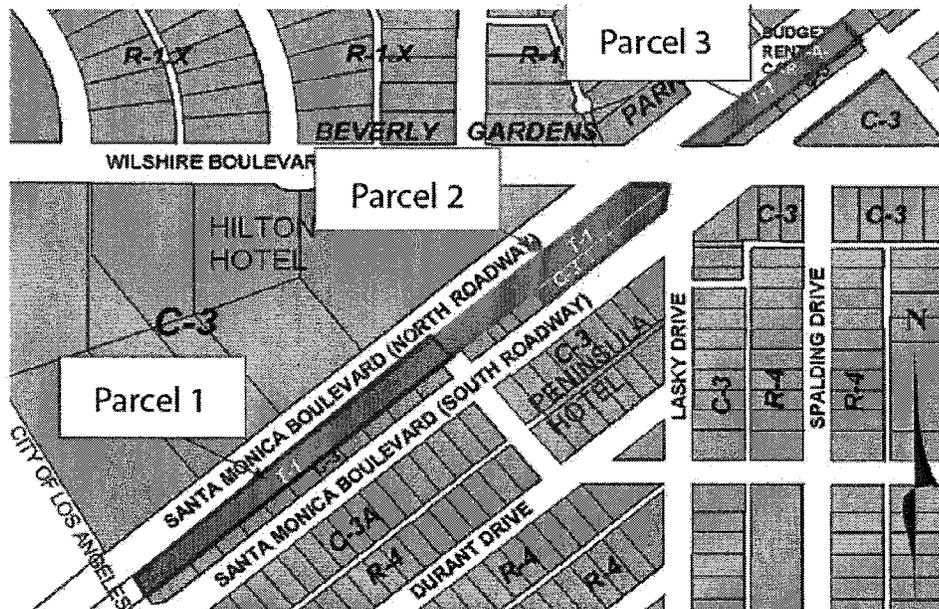
Pursuant to the Liaison committee's direction, the Planning Commission Subcommittee met with the project developers separately on September 14, 2011, September 19, 2011, October, 4, 2011 and October 10, 2011. Three themes emerged from the Planning Commission meetings with individual applicants: 1) some development of the properties may be appropriate; 2) a zone change to the C-3 does not appear provide the appropriate standards to guide development; and 3) draft zoning overlay objectives and standards should be prepared by staff for review by the full Commission.

For reference, the project analyzed in the Environmental Impact Report as well as the Wilson's revised project is described below.

PROJECT DESCRIPTION

The proposed project involves the rezoning of three parcels totaling approximately 3.0 acres from the T-1 (Transportation Zone) to the C-3 (Commercial Zone), a General Plan Amendment to designate all three properties as Commercial - Low Density General, and development of an approximately 90,000-square foot office building on one of the three parcels. Each parcel is separately owned.

Project Location Map



PROJECT ANALYZED IN ENVIRONMENTAL IMPACT REPORT

PARCEL 1 PROPOSED PROJECT: General Plan Amendment to designate the property for Low-Density General Commercial uses and a Rezone to the C-3 classification. Since no development project is proposed, for the purposes of EIR analysis the site was assumed to be developed with a 3-story, 45-foot in height commercial building with a 2:1 Floor Area Ratio containing 112,346 square feet of office floor area and 7,100 square feet of ground floor retail space providing 341 parking spaces.

In order to develop the site to the extent assumed in this analysis, two adjacent parcels that front on South Santa Monica Boulevard would need to be incorporated into the conceptual model project. These parcels would be necessary to give the project sufficient subterranean space to develop a viable parking garage, and to provide pedestrian access opportunities from Little Santa Monica. The subject property owner currently has ownership of two lots on Little Santa Monica, so this is a reasonable assumption.

PARCEL 2 PROJECT REVIEWED IN EIR: General Plan Amendment and Rezone similar to Parcel 1 for portion of property within the T-1 Zone. The project proposes a 3-story, 90,000 square foot office building with four levels of subterranean parking containing 274 parking spaces. As proposed, the project would be setback 6-feet from Wilshire Boulevard and 18-feet from the westerly portion of the project, at the intersection of Wilshire/North Santa Monica/South Santa Monica Boulevards.

PARCEL 3 PROPOSED PROJECT: Similar to Parcel 1, Parcel 3 contemplates a General Plan Amendment and Rezone only – no development project is proposed at this time. For the purposes of analyzing potential impacts of the full buildout of this property under C-3 standards, the EIR assumed incorporation of the adjacent C-3 zoned parcels fronting along Little Santa Monica, which are held under common ownership with Parcel 3. The assumed buildout evaluated in the EIR is a 3-story, 45-foot in

height commercial building with a 2:1 Floor Area Ratio containing 31,307 square feet of ground floor retail floor area and 41,920 square feet of office area located at the second and third floors. The analysis assumed 3-levels of subterranean parking containing 209 parking spaces.

REVISED PARCEL 2 PROJECT

Subsequent to subcommittee meetings with Wilson, a revised project for Parcel 2 has been submitted to staff. Although no formal changes to the applications for Parcels 1 and 3 have been submitted, each of these applicant teams have discussed the possibility of an overlay zone for their respective properties in lieu of the existing applications on file for a C-3 zoning classification.

A revised Parcel 2 Project was submitted to the City Council/Planning Commission liaisons and refined through the Planning Commission meetings with each applicant.

PARCEL 2 REVISED PROJECT: Approval of the revised project would require approval of a General Plan Amendment and zoning text amendment to establish development standards that exceed existing regulations as well as additional environmental review and re-circulation of the Environmental Impact Report. Although the proposed floor area, access locations and configuration of the revised project remain the similar to the original project, the table below identifies the differences, including a newly proposed fourth story:

| Category | Original Project | Revised Project |
|-----------------|--|---|
| Floor area | 90,000 sq.ft. of office use | 90,000 sq.ft. of office use and retail |
| Use | Office | Retail (15,523 sq.ft.) & Office |
| FAR | 2.0 | 2.0 |
| Parking | 271 parking spaces in four subterranean levels | 307 parking spaces including 39 compact parking spaces in a three subterranean levels. Garage would extend 9' beyond the property line, under public right-of-way(Santa Monica roadway south and North) |
| Loading | 3 loading within the subterranean garage | 3 loading spaces at grade |
| Height/stories | 42' high, 3-stories | 65', 4-stories |
| Setbacks | North(Side) 0' East(Front) 0' South (side) West(Rear) 18' | North(Side) 6' East(Front) 0' South (Side) 0' West (Rear) 116' |

Revised project plans are provided in Attachment B.

Environmental Assessment

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines¹, and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City prepared an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. As indicated above, the DEIR was previously circulated for public review on November 3, 2008 for the required 45-day public comment period. The Planning Commission's meeting of November 20, 2008 allowed for added public testimony regarding the DEIR. In addition, the Planning Commission provided comments on the adequacy of the document and requested additional analysis to be included in the FEIR (Attachment D).

The FEIR is adequate for the legislative portions of the project, i.e., for a General Plan Amendment and the establishment of an overlay zone, however additional analysis and documentation would be required prior to the approval of a development project. Additional information regarding the FEIR is provided in the March 24 Staff Report (Attachment A).

DISCUSSION

Applications have been submitted by three separate property owners of T-1 zoned land for a zone change to the C-3 Zone and have been in the processing stages for several years and the required EIR has been completed. After numerous public hearings and subcommittee meetings, if the Planning Commission is inclined to support the approval of any entitlements on the site, staff recommends following the procedure identified below. Alternatively, if the Commission is not inclined to support development of the site, staff would request that the Planning Commission direct staff to prepare resolutions denying the project.

ZONE CHANGE/GENERAL PLAN AMENDMENT

Applications for a zone change from the T-1 to the C-3 Zone have been submitted to the City along with corresponding General Plan Amendments. Based on the meetings of the City Council Liaison Committee and Planning Commission Subcommittee, staff does not believe that applying the C-3 Zoning standards to the subject properties would result in development appropriate to the size, location and configuration of these parcels.

Rather, than the C-3 standards, the creation of an Overlay Zone with specific objectives and standards would be a better solution to guide the future development of the subject properties. Moreover, because incorporation of abutting parcels on South Santa Monica Boulevard would be encouraged for any development of the existing T zoned lots, staff would suggest that the proposed Overlay Zone be applicable to all subject properties and all adjacent properties fronting Santa Monica Boulevard South Roadway.

¹ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

Under the simplified scenario discussed here, entitlement processing would be multi-phased and separated into two steps, the first to create an overlay zone and the second to apply the overlay to a specific parcel and development project. Each step is discussed below.

Step 1: Creation of Overlay Zone

Under a multi-phased approach, the first steps would be:

| | |
|--|--|
| <p><u>General Plan Amendment</u> to change the existing Railroad land use designation.</p> | <p><u>Creation of a Gateway Overlay Zone:</u></p> <ul style="list-style-type: none">• Specific Objectives; and• Development Standards• Require Planned Development |
|--|--|

Step 1 could be accomplished within the construct of the existing zone change applications and the EIR pending before the Planning Commission.

Step 2: Application of the Overlay to Specific Parcels

Subsequent to the creation of an appropriate Overlay Zone by the Planning Commission and City Council, individual property owners would be required to submit applications:

- To apply the Overlay Zone to their specific parcel;
- For a Planned Development Permit to ensure that proposed development is consistent with the standards and objectives of the Overlay Zone; and
- For environmental analysis to evaluate and document potential environmental effects that might result from a specific development proposal, consistent with the requirements of CEQA.

Under this approach, Step 2 would occur sometime in the future, when a property owner proposes a project consistent with the objectives and standards identified in the Overlay Zone.

OVERLAY OBJECTIVES AND STANDARDS

Overlay Objectives

To further advance a multi-phased approach, staff has identified the following objectives that could be included in a Gateway Overlay Zone:

- Development within the Overlay Zone is consistent with the elements of the City’s General Plan;
- The scale and massing of the development within the Overlay Zone is compatible with the character of Santa Monica Boulevard South Road Way and Santa Monica North Roadway through appropriate height limits, floor area ratios, modulation, and setbacks;

- Development within the Overlay Zone will contribute to and enhance the character of the neighborhood and foster an appropriate mix of uses including a pedestrian friendly environment in the vicinity of the development;
- Development within the Overlay Zone provides an appropriate amount of parking in consideration of the existing parking shortage in the vicinity of the development and the proposed uses;
- Development within the Overlay Zone promotes the garden quality of the City through appropriate green space;
- Development within the Overlay Zone does not result in detrimental impacts to existing or anticipated development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
- Development within the Overlay Zone incorporates adequate land dedications that may be needed for possible future road widening;
- Development within the Overlay Zone incorporates iconic architecture to enhance this gateway to the city; and
- Development within the Overlay Zone includes public benefits.

Development Standards

In addition to the draft objectives identified above, following are draft development standards that could be included within a Gateway Overlay Zone:

| | |
|--------------------------|---|
| Permitted Uses | Office, retail, restaurants, galleries and museums |
| Prohibited Uses | All uses prohibited in C-3 Zone including medical office |
| Height/Story Restriction | No building shall exceed three stories as defined in BHMC 10-3-100. Building height shall not exceed a maximum of 45 feet as defined in BHMC 10-3-100. |
| Floor Area Ratio | Development within the Gateway Overlay zone may have floor area ratio ranging from 0.5:1 to a maximum allowed density of 1.5:1. The actual permitted floor area of any development located within the Gateway Overlay Zone shall be as set forth in an approved Planned Development Permit. However, any project that is proposed solely on property located within the T-1 Zone shall not exceed a floor area ratio of 0.5:1, while a project that incorporates at least three immediately abutting parcels fronting along South Santa Monica Boulevard may be developed with a floor area ratio of up to 1.5:1. |

| | |
|--------------------|---|
| Setbacks | Setbacks shall be provided as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone. Building setbacks along North Santa Monica Boulevard shall be an average of 15-feet as measured before any required land dedication. The minimum setback shall 12-feet. |
| Green space | Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone. |
| Dedication | Dedication required for roadway improvements shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone. |
| Parking | Parking shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone. |
| Loading Facilities | Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone. |

ANALYSIS

The subject applications have been pending before the City for several years. Although there has been discussion of development of the T-1 parcels for a variety of public uses including parking, bus-only lane, bike path separated from traffic lanes, a green belt or other transportation use, the City Council has not acquired the land or stated any policies that would exercise any of these conceptual public uses.

Various studies have been prepared for the private development of these properties and funded by the property owners, including a Land Use Study and an Environmental Impact Report. There have been numerous public hearings regarding the proposed zone changes, including Ad Hoc and Subcommittee meetings.

While limited development of the property may be appropriate, the C-3 zoning designation is not appropriate because these standards would allow development with a floor area ratio of 2:1, a 3-story, 45-foot height limit and no setback requirements. Given the properties location at one of the City's main entrances adjacent to a major regional intersection and in consideration of the properties' size and configurations, the establishment of an overlay zone with objectives and standards that reflect the Commission's vision of the future development of these properties seems to be the appropriate course of action.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

- Direct staff to prepare a Gateway Overlay Zone and corresponding General Plan Amendment;
- Direct staff to prepare a resolution denying all three applications for a zone change to the C-3 Zone and the development project proposed on Parcel 2.

Report Reviewed By:



David Reyes, Principal Planner

Planning Commission Staff Report (w/o attachments)

Dated March 24, 2011



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: March 24, 2011

Subject: **GATEWAY PROJECT:** Final Environmental Impact Report for a Request for a General Plan Amendment and Zone Change on three T-1 zoned properties and a Development Plan Review for the construction of a new three-story, 45-foot in height office building containing approximately 90,000 square feet of floor area and 274 parking spaces.

PROJECT APPLICANTS: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony regarding the project;
 2. Provide direction to staff as appropriate.
-

REPORT SUMMARY

This report transmits the Final Environmental Impact Report ("FEIR") prepared in conjunction with entitlement applications submitted for three T-1 zoned parcels located at the City's western border located between North Santa Monica Boulevard and the C-3 zoned parcels fronting along South Santa Monica Boulevard ("Little Santa Monica"). (See map below, under project description). Each parcel is held under separate, private ownership. Two of the three property owners have submitted applications for a zone change from the existing T-1 to the C-3 zone; the third property owner has likewise proposed a zone change, but has also submitted applications for a development project. In addition to a discussion of the FEIR, this report sets forth a framework to discuss policy issues associated with the potential development of these three parcels.

BACKGROUND

LAND USE STUDY

On December 16, 2006, the City Council and Planning Commission held a joint Meeting to discuss the future development of the three subject parcels. (See Staff Report, Attachment B). This meeting represented the culmination of the "Gateway Land Use Study," which was directed to be prepared by the City Council in 2003 and available on the City's website¹. The Study was conducted in response to the proposed development of the middle T-1 zoned parcel. The City Council approved a contract for preparation of the Study in August of 2003. The cost of the study was borne by the three property owners. The study identified various development scenarios of the parcels as well as

¹ Website Address: <http://www.beverlyhills.org/files/GatewayFINALReport2011-22-2006.pdf>.

Attachments:

- A. Final EIR (under separate cover) Report
- B. Joint City Council/PC Report (12/19/16)
- C. Planning Commission Report (11/20/08)
- D. Executive Summary Table of Environmental Impacts
- E. Architectural Plans

Report Author and Contact Information:

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dreyes@beverlyhills.org

transportation/roadway improvements for the intersection of Wilshire/North Santa Monica/South Santa Monica Boulevard intersection.

The Staff Report recommended a rezone of the parcels to C-3 standards if the site area included all or most of the adjacent properties fronting along Little Santa Monica and a more limited C-3 (1.5:1 Floor Area Ratio) if adjacent properties were not included in a proposed development.

The Land Use Study did not result in any formal action or recommendation regarding proposed zoning or intersection improvements. However, the majority of the City Councilmembers at that time concluded that the three property owners should continue with the entitlement applications and processing including preparation of environmental documents and public hearings before the Planning Commission. Subsequent to the meeting, the owners of the other two T-1 zoned properties submitted applications for zone changes.

BROAD/MUSEUM CONCEPT

A Draft Environmental Impact Report was prepared to analyze the impacts associated with development of the properties and was circulated for public review as required by State Law. A Planning Commission meeting to discuss the DEIR was held on November 20, 2008. (Staff Report included as Attachment C). Prior to the hearing, the City received formal correspondence from representatives of Eli Broad advising that an additional alternative should be included in the DEIR analysis, one that included the development of a museum and foundation offices to be built by Broad. In addition, staff learned that there was agreement by Wilson, owner of "Parcel 2" (see Project Location Map, next page), to enter into a future lease with Broad to establish the museum on this property. Therefore, the museum concept was considered a viable project alternative and staff was obligated to include an analysis of its potential environmental impacts under State law.

Staff worked with Broad representatives to develop a basic understanding of project parameters towards a goal of amending the DEIR to adequately analyze potential impacts of the museum development. Ultimately, Broad ended discussions with staff and there is currently no plan for a museum development at this site. Due to the time taken to evaluate the Broad Museum concept, staff updated the DEIR to reflect current traffic counts, compliance with revisions to green house gas emission standards and other technical studies.

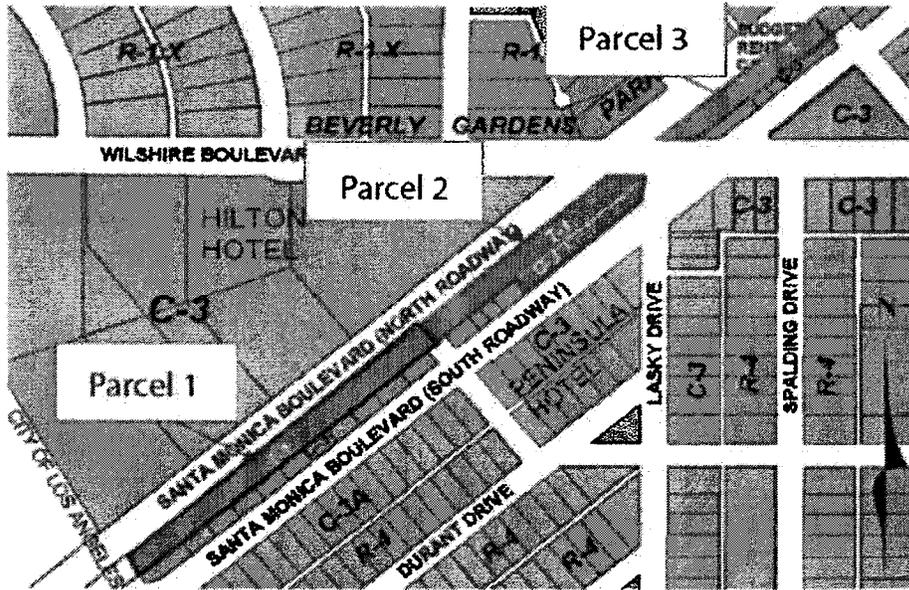
PROJECT DESCRIPTION

The proposed project involves the rezoning of three parcels totaling approximately 3.0 acres from the T-1 (Transportation Zone) to the C-3 (Commercial Zone), a General Plan Amendment to designate all three properties as Commercial - Low Density General, and development of an approximately 90,000-square foot office building on one of the three parcels. Each parcel is separately owned, as indicated below:

- PARCEL 1: Roxbury Managers, LTD, a California limited partnership
 9900 Santa Monica Boulevard
 Mr. Maynard Brittan, President
- PARCEL 2: Wilco LLC
 9848 Wilshire Boulevard
 Mr. Jeffrey Wilson

PARCEL 3: M2B2, LLC, a California limited liability company
 9817 Wilshire Boulevard
 Mr. Jeff Mirken

Project Location Map



A description of each of the parcels is provided in the table below:

| Address | Parcel Number(s) | Approximate Area |
|--|--|------------------------------------|
| 9900 Santa Monica Blvd ("Parcel 1") | 4328-001-023 | 55,757 sf (1.28 acres) |
| 9844 Wilshire Blvd ("Parcel 2") | 4328-001-001 4328-001-002 4328-001-003 4328-001-024 | 49,903 sf (1.15 acres) combined |
| 9817 Wilshire Blvd ("Parcel 3") | 4343-027-006 | 27,000 sf (0.62 acres) |

PARCEL 1

PARCEL 1 EXISTING CONDITIONS: The 1.28-acre Parcel 1 property is the westernmost of the three properties; its western edge is adjacent to the boundary between the cities of Beverly Hills and Los Angeles. The parcel is partially paved and is otherwise vacant and unused. The parcel has approximately 920 feet of frontage on Santa Monica Boulevard.

PARCEL 1 PROPOSED PROJECT: General Plan Amendment to designate the property for Low-Density General Commercial uses and a Rezone to the C-3 classification. Since no development project is proposed, for the purposes of EIR analysis the site was assumed to be developed with a 3-story, 45-foot

in height commercial building with a 2:1 Floor Area Ratio containing 112,346 square feet of office floor area and 7,100 square feet of ground floor retail space providing 341 parking spaces.

In order to develop the site to the extent assumed in this analysis, two adjacent parcels that front on South Santa Monica Boulevard would need to be incorporated into the conceptual model project. These parcels would be necessary to give the project sufficient subterranean space to develop a viable parking garage, and to provide pedestrian access opportunities from Little Santa Monica (pedestrian access from North Santa Monica Boulevard is not practical or desirable from a safety, circulation or urban design perspective). The subject property owner currently has ownership of two lots on Little Santa Monica, so this is a reasonable assumption.

PARCEL 2

PARCEL 2 EXISTING CONDITIONS: The 1.15-acre Parcel 2 property comprises four assessor's parcels and is located just south of Wilshire Boulevard, between the two other properties that make up the project site. The largest of the parcels, which is aligned in a linear fashion with the other two properties, is zoned T-1, and the smaller parcels, which front on South Santa Monica Boulevard as well as Wilshire Boulevard, are zoned C-3. The T-1 area is vacant and undeveloped, although the northeastern portion is currently used for surface parking. The C-3 area is developed with three one-story commercial buildings totaling approximately 9,633 square feet. Primary access to the existing commercial uses is currently taken from South Santa Monica Boulevard. The property has approximately 590 feet of frontage on Santa Monica Boulevard, 95 feet of frontage on Wilshire Boulevard and roughly 283 feet of frontage on South Santa Monica Boulevard.

PARCEL 2 PROPOSED PROJECT: General Plan Amendment and Rezone similar to Parcel 1 for portion of property within the T-1 Zone. The project proposes a 3-story, 90,000 square foot office building with four levels of subterranean parking containing 274 parking spaces. As proposed, the project would be setback 6-feet from Wilshire Boulevard and 18-feet from the westerly portion of the project, at the intersection of Wilshire/North Santa Monica/South Santa Monica Boulevards.

PARCEL 3

PARCEL 3 EXISTING CONDITIONS: The 0.62-acre Parcel 3 property is entirely paved and is currently used for surface parking and rental car storage associated with the adjacent car rental operation. The parcel is the easternmost of the three properties, and has approximately 487 feet of frontage on Santa Monica Boulevard, 94 feet of frontage on Wilshire Boulevard and 50 feet of frontage on Linden Drive.

PARCEL 3 PROPOSED PROJECT: Similar to Parcel 1, Parcel 3 contemplates a General Plan Amendment and Rezone only – no development project is proposed at this time. For the purposes of analyzing potential impacts of the full buildout of this property under C-3 standards, the EIR assumed incorporation of the adjacent C-3 zoned parcels fronting along Little Santa Monica, which are held under common ownership with Parcel 3. The assumed buildout evaluated in the EIR is a 3-story, 45-foot in height commercial building with a 2:1 Floor Area Ratio containing 31,307 square feet of ground floor retail floor area and 41,920 square feet of office area located at the second and third floors. The analysis assumed 3-levels of subterranean parking containing 209 parking spaces.

Project Setting

The project site as a whole is bordered to the south and east by areas designated and used for commercial development. Directly adjacent to the south between the project site and South Santa Monica Boulevard are one- to three-story commercial structures with interspersed surface parking areas. The Peninsula Hotel and several office buildings lie to the south of the site across South Santa Monica Boulevard.

Areas to the north of Parcels 1 and 2 are also designated and used for commercial development, including restaurant and hotel (the Beverly Hilton) uses. To the north of Parcel 3 lies the linear Beverly Gardens Park; beyond the park are areas designated and used for single-family residences.

Directly east of the project site is a City parking structure on land also zoned T-1. The project site is bordered on the west by the boundary line between the cities of Beverly Hills and Los Angeles, and vacant land between north and south Santa Monica Boulevard beyond. Current conditions on the site and surrounding areas are illustrated in figures 2-3 and 2-4 above.

ENVIRONMENTAL REVIEW

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines², and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. As indicated above, the DEIR was previously circulated for public review on November 3, 2008 for the required 45-day public comment period. The Planning Commission's meeting of November 20, 2008 allowed for added public testimony regarding the DEIR. In addition, the Planning Commission provided comments on the adequacy of the document and requested additional analysis to be included in the FEIR.

While each of the properties is individually owned and the City is processing each application independently, the EIR considers the development of all three parcels together as a single project. Since no development is proposed on Parcels 1 and 3, in order provide a reasonably conservative estimate of potential development that would be allowed under the requested C-3 zoning, models were developed to represent the maximum building size, allowed uses, site access, parking requirements and other basic elements of conceptual buildout. These models are the basis for this EIR's analysis of the potential environmental impacts of the development of these properties under the proposed new zoning.

The FEIR includes responses to all public comments as well as revisions to the document in response to Commission Comments. These are identified in Section 8 of the FEIR. Finally, the FEIR includes updated methodology and technical studies to ensure the data and conclusions of the report reflect appropriate information. Importantly, the study has been updated to reflect the current circulation pattern the intersection of North Santa Monica/Moreno/South Santa Monica. Parcel 1 property owner, Mr. Brittan, undertook the costs of improving this intersection in joint cooperation with the City of Los Angeles and

² The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

our City's Transportation Division. Improvements allow for an east bound right turn onto North Santa Monica from South Santa Monica Boulevard that did not previously exist. Neither the response to comments or additional analysis resulted in the identification of any significant new impacts compared to those identified in the Draft EIR.

IMPACTS

The executive summary of the FEIR provides an overview of all environmental impacts that could result from project approval, including mitigation measures proposed to reduce these impacts. These impacts discussed below and a table summary of all impacts and mitigations is included as Attachment D to this report.

Significant and Unavoidable Impacts

Impact AQ-1 Temporary air pollutant emissions generated by construction activities associated with the concurrent buildout of all three parcels would be Class I, significant and unavoidable. This impact is both a project level impact and a cumulative impact that results when the project is considered in combination with other known proposed or approved development projects.

Impact T-1/T2 Traffic generated from development of Parcels 1, 2 and 3, when added to existing traffic conditions, would result in significant impacts at two of the 11 study area intersections based on the City of Beverly Hills significance criteria. Mitigation is available to reduce impacts at one of these intersections (Olympic/Spalding) to less than significant levels; however, mitigation is not feasible at one intersection (South Santa Monica Boulevard/Wilshire Boulevard). Therefore, the impact at that location would be Class I, significant and unavoidable. This impact is both a project level impact plus a cumulative impact that results when the project is considered in combination with other known proposed or approved development projects.

Noise In the event that the 9900 Wilshire and Beverly Hilton Revitalization Plan projects also undertake construction activity at the same time as the proposed project, the cumulative temporary construction noise impact from multiple construction sites adjacent to one another would result in a cumulatively significant impact.

Impacts Less than Significant

The FEIR concludes that impacts to the following environmental factors would be less than significant either with or without mitigation: Aesthetics, Cultural Resources; Hazardous Materials; Land Use and Planning; Noise; Public Services and Utilities.

PROJECT ALTERNATIVES

The California Environmental Quality Act requires Environmental Impact Reports to evaluate alternatives to the project being assessed by the report. The primary goal of evaluating alternatives is to explore whether there is another way to achieve the objectives of the project which might be better for the environment. The FEIR includes an evaluation of the following four alternatives:

- Alternative 1: No Project (no change to existing land uses);
- Alternative 2: Reduced Project (60% reduction in square footage)
- Alternative 3: Mixed-Use Project (Commercial/Residential)
- Alternative 4: Surface Parking with kiosk

The no project alternative would involve no change to the environment and is therefore considered environmentally superior overall. However, this alternative would not achieve any of the stated project objectives.

Among the alternatives, the Reduced Project is considered environmentally superior, as it would reduce impacts in most issue areas and would eliminate the unavoidably significant traffic and air quality impacts of the proposed project. The alternative would meet some of the project objectives, but would result in much less commercial space compared to the proposed project.

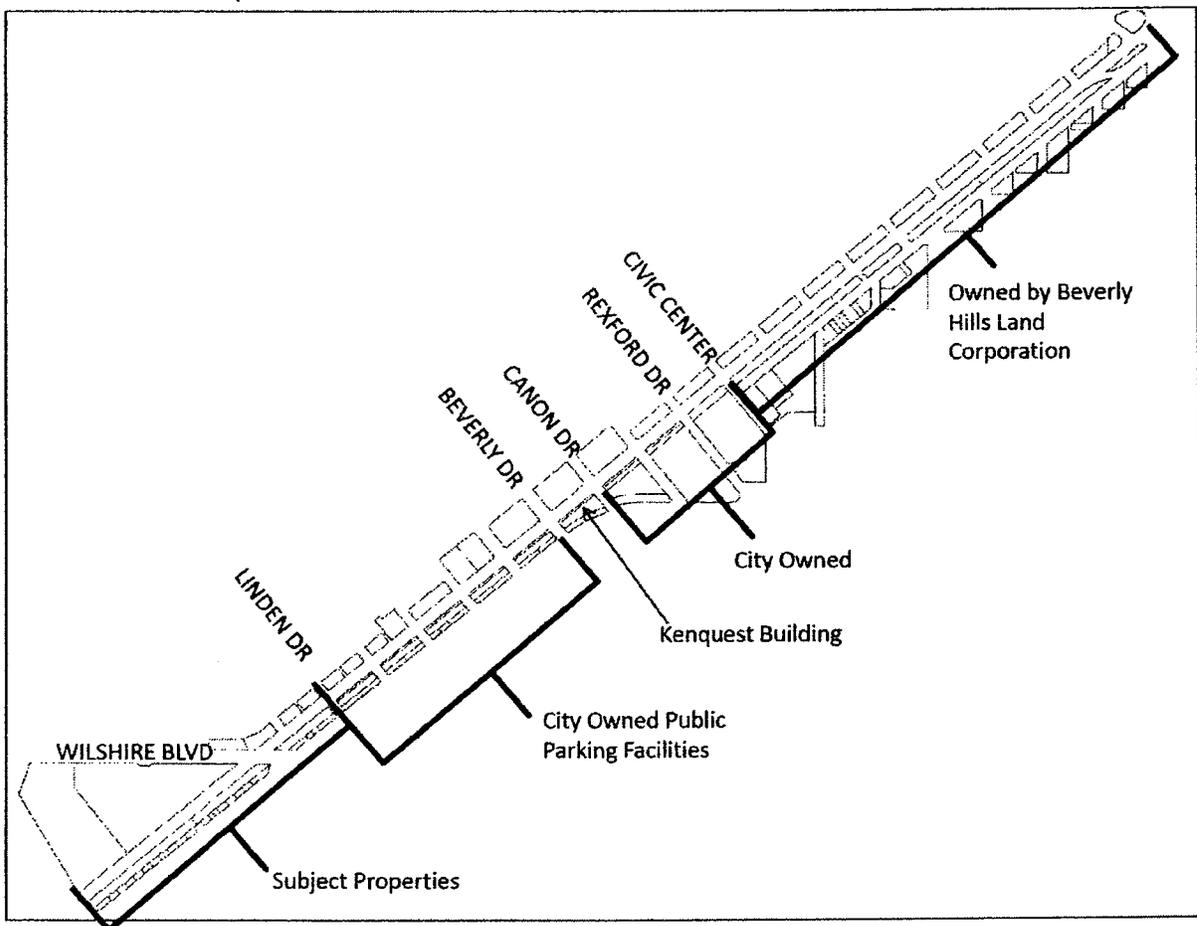
STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA regulations, when a public agency decides to approve a project that will cause one or more significant environmental effects, the agency shall prepare a statement of overriding considerations (SOC) which reflects the ultimate balancing of competing public objectives. Specifically, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

POLICY DISCUSSION

Future Use of T-1 Zoned Properties

T-1 zoned properties span the length of the City along the South Side North Santa Monica Boulevard as indicated on the map below:



The map identifies whether the parcels are owned by the City or a private entity. As identified by the map, with the exception of a portion of the property bounded by Beverly Drive and Canon Drive (the Kenquest Building), due to zoning regulations, no permanent structures have been developed on these parcels. City owned properties between Linden Drive and Beverly Drive are improved with 'temporary' parking facilities.

Those T-1 zoned parcels located east of Civic Center Drive are all owned by the Beverly Hills Land Corporation. In 2002, the property owner discussed the potential of developing these properties with 67 condominium units within two (one 2-story and one 3-story) buildings with the Planning Commission as a "Project Preview." No development applications for the proposal were ever submitted.

Although there has been discussion of development of the T-1 parcels for a variety of uses including parking, bus-only lane, bike path separated from traffic lanes, a green belt or other transportation use, the City Council has not acquired the land or stated any policies that would exercise any of these considerations. Any development of the subject parcels with structures would severely limit future City acquisition and use of the parcels. Absent a plan or policy direction (since 2002 when Wilson submitted his original application for a zone change on Parcel 2) it is difficult to assume the City is interested in acquiring these properties now or in the future.

Gateway Site

The properties are located near the City's western boundary and have been identified as a Gateway to the City in various studies, staff reports and public meetings. Parcel 1 is the first property within the City of Beverly Hills along the South side of North Santa Monica Boulevard. Whether or not the subject properties are considered "Gateway" or not, they are located at one of the City's main entrances adjacent to a regional intersection and are among the first seen properties by those coming into the City from the West.

As such, the Commission may wish to consider whether development of the site should be representative of a major entrance to the City. Planning Commission policy considerations for site development may include:

- Iconic architecture;
- Mass and scale (C-3 standards or other);
- Proposed use;
- Relationship to Little Santa Monica; and
- Relationship to adjacent land uses across North Santa Monica Boulevard.

South Santa Monica Boulevard

Any development of the subject T-1 zoned properties will likely influence the future development/redevelopment/renovation of those properties fronting along the north side of South Santa Monica Boulevard. While the buildings in this area are generally older, one story structures, they comprise an eclectic mix of retail, restaurant and commercial uses that lack available parking or a unified feel.

There is an opportunity to increase pedestrian activity through appropriate design and uses that could be catalyzed through the development of the subject T-1 properties. The redevelopment of Little Santa Monica as a pedestrian area/extension of the City's core retail and dining area may be furthered

through the development of the subject T-1 parcels. Typical considerations of pedestrian orientation focus on:

- Use (retail/dining/limited commercial)
- Pedestrian Access (appropriate sidewalk widths/entrance to buildings)
- Outward Development Design
 - Building setbacks - ground and other stories
 - Landscaping
 - Open Space
- Adequate Parking (located within a reasonable distance to the properties within the designated area)

Opportunities

If development of the site is to occur there are opportunities that could be included in a project to ensure that development is appropriate for the site and compatible with surrounding uses. The Planning Commission, by way of example, may wish to consider the following:

- Landscape Buffer/Green Space Setback – Development of the subject sites may include a setback along North Santa Monica Boulevard to be improved with a landscaped garden area.
- Additional Parking – Generally, properties fronting along Little Santa Monica Boulevard in the vicinity of the project site (and especially west of Wilshire Boulevard) provide less parking than current codes require. An opportunity exists for new development to provide parking beyond code requirements that could be utilized by surrounding residents and businesses.
- Dedication of Land – Although major alteration of the Santa Monica/Wilshire Boulevard intersections is not proposed, minimal transportation improvements have been identified by the City's Engineering Department, including improvements adjacent to the easternmost portion of Parcel 2, at the North Santa Monica/Wilshire/South Santa Monica Boulevard intersection. While plans have not been completely engineered, between 6 to 8-feet of dedication would allow for the desired improvement in this area. Additionally, 6-feet of dedication along the North Santa Monica Boulevard frontage could be desired to allow for the future construction of a sidewalk and parkway, which would allow for the planting of trees and the addition of street lights.
- Pedestrian/Bicycle Path along North Santa Monica Boulevard – While no formal plan currently exists that identifies dedication of portions of these properties for a bike lane or pedestrian path, development of the T-1 zones may consider whether either of these uses is appropriate.
- Pedestrian Connectivity to uses fronting along North Santa Monica Boulevard – Existing entitlements for the 9900 Wilshire property and Hilton call for dedicated open public space. Additional public/park space is located along the north side of North Santa Monica Boulevard, east of the Wilshire Boulevard intersection. Development of the T-1 zone may include improved pedestrian connectivity between the uses fronting along Little Santa Monica and North Santa Monica Boulevards.
- New Bus Shelter – Development of Parcel 2 could include the construction of a new bus shelter, exhibiting an architectural design compatible with any building constructed on the site.

- Open Space – Development should consider the inclusion of open space within the project. It may be appropriate for the Development of Parcel 2 to include an open space design element at the North Santa Monica/Wilshire/South Santa Monica Boulevard intersection.
- Pedestrian Orientation – Opportunities exist through design and use of development of these properties to increase the pedestrian oriented nature of South Santa Monica Boulevard.

Process

All three property owners have requested zone changes from the T-1 to the C-3 zone along with a commercial designation of the property within the City's Land Use Element of the General Plan. The C-3 Zoning District allows for: a floor area ratio of 2:1; a 3-story, 45-foot height limit; most commercial uses; and no setback requirements. Since these are legislative actions, any approval would be in the form of a resolution and recommendation to the City Council.

When evaluating the subject applications, the Planning Commission may first wish to consider the appropriateness of the requested General Plan Amendment and Zone Change at the subject location. If a majority of the Commission does not support the amendments, it would be appropriate to articulate those reasons and direct staff to prepare resolutions denying the applications.

If the Commission believes that changes to the existing land use designation and development standards applicable to the subject parcels are warranted, the next question would be to what extent is development appropriate and what standards should apply.

Recently, the City established an Overlay Zone in conjunction with changes to the City's regulations regarding medical uses. This model could be applied to the subject applications and the properties could be designated as "Gateway" parcels within the City's Land Use element. This General Plan Amendment could set forth a range of allowable height and density permitted, with a maximum height 3-stories and 45-feet and maximum allowable floor area of 2 times the size of the site (2:1 Floor Area Ratio).

A corresponding Zoning Overlay could be established for the subject properties that incorporate specific goals, objectives and development standards, similar to other overlay zones within the City. A property owner within this designation could then submit applications to take advantage of these regulations.

NEXT STEPS

It is recommended that the Planning Commission open the public testimony, provide direction to staff and continue the item to a date certain.

Alternatively, the Planning Commission may consider the following actions with respect to the application for Parcels 2, Wilson property:

- Direct staff to prepare a resolution recommending certification of the FEIR and approval of the project and associated Zone Change and General Plan Amendment to the City Council based on articulated findings; or
- Direct staff to prepare a resolution denying the project and associated Zone Change and General Plan Amendment based on articulated findings, with or without certification of the FEIR

As an alternative to the recommended action, with respect to Parcels 1 and 3, the Planning Commission may consider the following:

- Direct staff to prepare a resolution recommending certification of the FEIR and approval of the Zone Change and General Plan Amendment to the City Council based on articulated findings; or
- Direct staff to prepare a resolution denying the Zone Change and General Plan Amendment based on articulated findings, with or without certification of the FEIR

Report Reviewed By:

Jonathan Lait, AICP, City Planner

Planning Commission Staff Report (w/o attachments)

Dated November 20, 2008

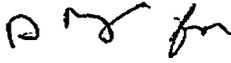


STAFF REPORT
CITY OF BEVERLY HILLS

**For the Planning Commission
Meeting of November 20, 2008**

TO: The Planning Commission

FROM: David Reyes, Principal Planner
Joyce Parker-Bozylinski, AICP, Consulting Planner

THROUGH: Jonathan Lait, AICP 
City Planner

SUBJECT: Draft Environmental Impact Report for a proposed rezone, general plan amendment and commercial project known as the **"Gateway Project"**
Located at 9817 Wilshire Boulevard, 9844 Wilshire Boulevard and 9900 Santa Monica Boulevard

EXECUTIVE SUMMARY

The purpose of this meeting is to receive testimony on the adequacy of the Draft Environmental Impact Report (DEIR) prepared for the Gateway project. The proposed Gateway project involves the rezoning of three parcels totaling approximately 3.0 acres from T-1 (Transportation Zone) to C-3 (Commercial Zone), a General Plan Amendment to designate all three properties as Commercial - Low Density General, and a request for Development Plan Review Permit to allow the construction of an approximately 90,000-square foot office building on one of the three parcels.

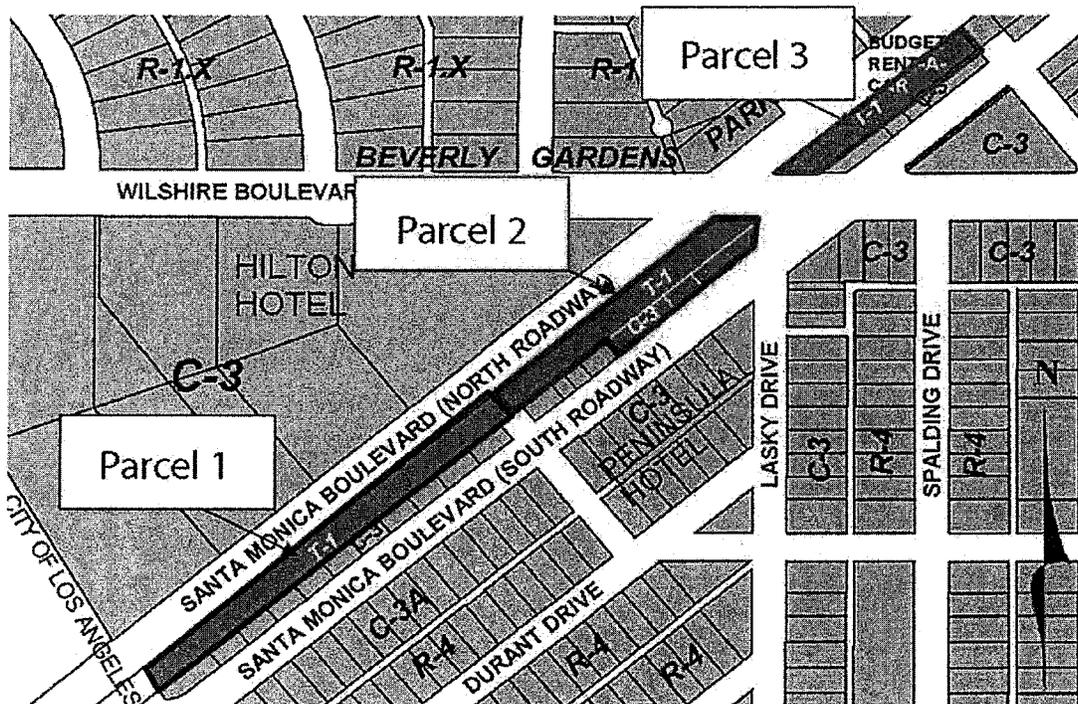
The purpose of the DEIR is to inform the City Council, Planning Commission and public of the implications of the project on its environment and provide guidance on how the project's impacts can be addressed. As such, the feedback sought of the Commission is whether the Draft EIR satisfies that function or how the Draft EIR might better achieve that function. To be effective, comments should point out errors, inconsistencies, omissions of data or analyses, conclusions not based on evidence, or failures to provide discussion required by the California Environmental Quality Act ("CEQA"). The DEIR provides the Planning Commission and the public with specific information regarding the environmental effects associated with the approval of the Gateway project, identifies ways to minimize the significant effects, and provides alternatives to the project. Mitigation measures are included in the DEIR in order to reduce the significance of impacts resulting from the project.

The Draft Environmental Impact Report (DEIR) was released for public review on November 3, 2008. The period for public comment on the DEIR will run for a minimum of 45 days (at least

until December 18, 2008). At the November 20th meeting, staff will provide an overview of the project; and the City's environmental consultant for the project, Rincon Consultants, will present the EIR and then an opportunity will be provided for questions and public comment on the DEIR. At the conclusion of the EIR discussion, staff will request direction as to additional information needed by the Commission to facilitate a more detailed discussion about the Gateway project.

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

The proposed project involves three independently-owned properties, and as such, is being processed by the City as three distinct applications. The three properties are identified in this report as Parcel 1, Parcel 2 and Parcel 3. As identified below, the three properties are located at the western end of the City and generally consist of three former railroad rights-of-way.



Parcels 1 and 3 each consist of a single lot classified within the T-1 zoning district that front along Santa Monica Boulevard North Roadway (Big Santa Monica), while Parcel 2 is comprised of four lots, one that is classified in the T-1 zoning district that fronts along Big Santa Monica and three that are classified within the C-3 zoning district that front along Santa Monica Boulevard South Roadway (Little Santa Monica). The owners of Parcels 1 and 3 each request a Zone Change from T-1 to C-3 and a General Plan Amendment from Railroad to Commercial – Low Density General. No specific development proposal has been submitted for either of these two properties at this time. If the requested General Plan Amendment and

Staff Report
 Gateway Project
 For the Planning Commission Meeting of November 20, 2008

Zone Change applications are approved, the owners of Parcels 1 and 3 would have the opportunity to submit entitlement applications for specific development proposals consistent with the C-3 zone. Environmental review as required by CEQA would be prepared concurrent with the review of any specific development applications for these properties.

The owner of Parcel 2 has submitted applications for: 1) a Development Plan Review for an approximate 90,000 square foot commercial building that involves all four lots and 2) a request for a rezone from T-1 to C-3 and a General Plan Amendment from Railroad to Commercial – Low Density General for the former railroad right-of-way parcel.

| GENERAL INFORMATION | | | | | |
|--|------------------------------|--|---------------------------------------|--|--|
| ADDRESS | APPLICANT/ PROPERTY OWNER | PARCEL NUMBERS | LAND AREA | REQUEST | |
| 9900 Santa Monica Blvd ("Parcel 1") | Roxbury Managers, LTD | 4328-001-023 | 55,757 sf* (1.28 acres) | Rezone from T-1 to C-3 | No development project proposed at this time |
| 9844 Wilshire Blvd ("Parcel 2") | Wilco LLC | 4328-001-001 4328-001-002 4328-001-003 4328-001-024 | 49,903 sf (1.15 acres) combined | General Plan Amendment from Railroad to Commercial – Low Density General | 90,000 sf office bldg. |
| 9817 Wilshire Blvd ("Parcel 3") | M2B2, LLC | 4343-027-006 | 27,000 sf (0.62 acres) | | No development project proposed at this time |

* sf = Square Feet

For purposes of the DEIR, the City developed models representing the conceptual buildout that would be allowed under the requested C-3 zoning on Parcels 1 and 3. The conceptual and proposed buildout of each of the three parcels is provided below. In reviewing this information, it is important to keep in mind that the projects shown on Parcels 1 and 3 are conceptual in nature and are not planned at this time – only Zone Changes and General Plan Amendments for these parcels are proposed.

Staff Report
Gateway Project
For the Planning Commission Meeting of November 20, 2008

Parcel 1. The Parcel 1 component of the project includes a General Plan amendment and rezoning of the site from Railroad/T-1 to Commercial – Low Density General/C-3. The conceptual maximum buildout and uses as modeled by the City consists of a three-story building with retail and parking on the ground floor and offices on the second and third floors. Potential buildout of Parcel 1 could accommodate approximately 7,100 square feet of ground floor retail space and 112,346 square feet of office space in a 45 foot tall building with up to 341 parking spaces provided in two- to three subterranean levels.

Parcel 2. The property owner has submitted a project that includes the demolition of three existing structures totaling approximately 9,633 square feet, and a request for a General Plan amendment and rezoning of the largest assessor's parcel from T-1 to C-3 to match the remaining assessor's parcels already zoned C-3. The proposal calls for an approximate 90,000 square-foot office building with four levels of subterranean parking. The proposed building would be approximately 42 feet in height and provide 274 parking spaces, including 242 standard spaces, nine ADA accessible spaces, and three loading spaces. The majority of the building's exterior would be surfaced with a light-colored limestone and reflective glass. The proposed new office building would observe a six-foot north side setback, 18-foot rear setback, and zero front (east) and south side setbacks. The new structure would be separated by approximately five feet from the existing adjacent commercial buildings south of the site and fronting on South Santa Monica Boulevard. Three planters approximately 80 feet long and two feet deep are proposed along North Santa Monica Boulevard. The existing ficus street trees along South Santa Monica Boulevard would remain. Two vehicular 24-foot wide ramps to the proposed parking garage would be provided, accessed from South Santa Monica Boulevard via Charleville Boulevard and from South Santa Monica Boulevard, respectively. (Charleville Boulevard ends at the southern Parcel 2 boundary just past its intersection with South Santa Monica Boulevard.) Primary pedestrian access would be taken directly from the north side of South Santa Monica Boulevard. Approximately 62,000 cubic yards of material would be excavated to prepare the site for construction of the commercial building and subterranean parking garage. Assuming a 30% expansion ratio of the soils, total export from the site would be approximately 80,600 cubic yards of material. Maximum depth of excavation would be approximately 50 feet. Construction is projected to last approximately 20 months.

Parcel 3. The Parcel 3 component of the project includes a General Plan amendment and rezoning of the site from Railroad/T-1 to Commercial – Low Density General/C-3. The City's conceptual model of the maximum buildout and uses consists of a three-story building with retail on the ground floor and offices on the second floor. Potential buildout of Parcel 3 could accommodate 31,307 square feet of ground floor retail space and 41,920 square feet of office space in a building with a maximum height of 45 feet providing 209 parking spaces in three below grade parking levels.

Surrounding Land Uses

The project site as a whole is bordered to the south and east by areas designated and used for commercial development. Directly adjacent to the south between the project site and South Santa Monica Boulevard are one- to three-story commercial structures with interspersed surface parking areas. The Peninsula Hotel and several office buildings lie to the south of the site across South Santa Monica Boulevard.

Areas to the north of Parcels 1 and 2 are also designated and used for commercial development, including restaurant and hotel (the Beverly Hilton) uses. To the north of Parcel 3 lies the linear Beverly Gardens Park; beyond the park are areas designated and used for single-family residences.

Directly east of the project site is a City parking structure on land also zoned T-1. The project site is bordered on the west by the boundary line between the cities of Beverly Hills and Los Angeles, and vacant land between north and south Santa Monica Boulevard beyond.

ENVIRONMENTAL ANALYSIS

The potential environmental effects of the proposed Gateway project are analyzed for the following environmental issue areas:

- Aesthetics
- Air Quality
- Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Transportation and Circulation
- Public Services and Utilities

In addition to the potential environmental effects listed above, the EIR evaluates potential cumulative effects of the proposed Gateway project as well as alternatives to the proposed project.

Mitigation measures are included in the DEIR in order to reduce the significance of impacts resulting from the project. These mitigation measures are included in Attachment A.

Significant Unavoidable Impacts

The Draft EIR concludes that project implementation would result in significant and unavoidable environmental impacts with respect to the following:

Air Quality

- Temporary air pollutants emissions generated by construction activities associated with concurrent buildout of parcels 1, 2, and 3 would exceed South Coast Air Quality Management District thresholds for NOx, PM10 and PM 2.5. While the incorporation of mitigation measures would reduce PM10 and PM2.5 emissions below thresholds, NOx emissions would continue to exceed thresholds. Therefore, temporary impacts associated with concurrent buildout of all three parcels would be Class I, significant and unavoidable.
- Because construction of the proposed project, if all three subject parcels are built out at the same time, would generate emissions that exceed the SCAQMD's thresholds for construction emissions, the project would make a cumulatively considerable contribution with regard to criteria pollutants. Therefore, the project's contribution to temporary cumulative regional air quality impacts would be cumulatively considerable.

Noise

- In the event that the 9900 Wilshire and Beverly Hilton Revitalization Plan projects also undertake construction activity at the same time as the proposed project, the cumulative temporary construction noise impact from multiple construction sites adjacent to one another would result in a cumulatively significant impact.

Transportation and Circulation

- Development of Parcels 1, 2 and 3, in combination with cumulative traffic growth, would result in significant impacts at 3 of the 10 study area intersections based on the City of Beverly Hills significance criteria. Mitigation is available to reduce impacts at two of these intersections to less than significant levels; however, mitigation is not feasible at one intersection (South Santa Monica Boulevard/Wilshire Boulevard). Therefore, the impact at that location would be Class I, significant and unavoidable. However, it should be noted that staff is currently studying the feasibility of adding a right turn lane on south bound Little Santa Monica at Wilshire Boulevard that might mitigate the impact to that intersection (South Santa Monica Boulevard/Wilshire Boulevard).

Global Climate Change

- The project's contribution to a cumulative impact associated with greenhouse gas emissions would be considerable.

Environmental Impacts Less than Significant

The Draft EIR found that the following areas were less than significant either with or without mitigation. A summary discussion of each of these areas can be found in Attachment A.

Staff Report
Gateway Project
For the Planning Commission Meeting of November 20, 2008

- Aesthetics
- Cultural Resources
- Hazardous and Hazardous Materials
- Land Use and Planning
- Noise
- Public Services and Utilities

Project Alternatives

The California Environmental Quality Act requires Environmental Impact Reports to evaluate alternatives to the project being assessed by the report. The primary goal of evaluating alternatives is to explore whether there is another way to achieve the objectives of the project which might be better for the environment. The Draft EIR evaluated four alternatives:

Four alternatives to the proposed project were selected for consideration as follows:

- *Alternative 1: No Project (no change to existing land uses)*
- *Alternative 2: Reduced project*
- *Alternative 3: Mixed-Use Project*
- *Alternative 4: General Plan and Zoning Ordinance-Consistent Project (surface parking with kiosk)*

The no project alternative would involve no change to the environment and is therefore considered environmentally superior overall. However, this alternative would not preclude future development of the site with another project. Additionally, this alternative fails to achieve any of the stated project objectives.

Of the development options, the Reduced Project Alternative is considered environmentally superior overall, as it would reduce impacts in most issue areas and would eliminate the unavoidably significant traffic and air quality impacts of the proposed project. This alternative would generally meet the project objectives, although less commercial space would be constructed.

Potential New Project Alternative

After the completion of the DEIR, the City received a letter (Attachment B) from a representative of the Broad Foundation expressing interest in developing a public art museum and adjacent foundation offices on Parcel 2. The applicant for Parcel 2 has indicated that he has had discussions with the Broad Foundation but that they were only preliminary discussions. Staff has requested more detailed information including project plans from the Broad Foundation. If additional information is presented to staff during the public comment period and the museum alternative is a viable project alternative at this location, it would need to be analyzed in the DEIR and that portion of the DEIR would need to be recirculated for public review and comment.

FINAL EIR

At the end of the 45-day comment period, the City's EIR consultant, Rincon Consultants, will prepare a written response to substantive comments received on environmental issues. The written response, which must be a good faith and reasoned analysis, will describe the disposition of significant environmental issues raised. The Response to Comments along with the DEIR will then become the Draft Final EIR and will be brought back to the Planning Commission for further action (recommendation to City Council).

PUBLIC NOTICE

Notice of the proposed project and public hearing was mailed on November 3, 2008 to all property owners and residential tenants within a 300-foot radius of the property, and all owners of single-family zoned properties within 500 feet from the exterior boundaries of the property, if any including the interested residents. The notice of completion of the draft EIR and notice of this hearing was published in the *Beverly Hills Weekly* on November 6, 2008 and in the *Beverly Hills Courier* on November 7, 2008.

RECOMMENDATION

It is recommended that the public hearing be continued to allow time for the public to continue reviewing the Draft EIR, staff to prepare responses to questions and comments from the Commission and public, the EIR consultant to begin preparing responses to public comments, and to allow time for the applicant to consider any remarks and suggestions made at the hearing.

Attachments:

- Attachment A: Table ES-1 – Summary of Environmental Impacts, Mitigations Measures, and Residual Impacts
- Attachment B: Letter from Broad Foundation
- Attachment C: Draft EIR (previously distributed to the Planning Commission)

Attachment 6

Public Notice



City Clerk's Office

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Council of the City of Beverly Hills, at its meeting to be held on **Tuesday, June 19, 2012, at 7:00 p.m.**, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will hold a public hearing to consider:

An ordinance of the City of Beverly Hills creating the Commercial Planned Development Gateway Overlay Zone (C-PD-G) that could be applied to three parcels of former railroad right-of-way property located at 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard and 9817 Wilshire Boulevard currently zoned Transportation (T-1) and all immediately adjacent parcels currently zoned Commercial (C-3) and a General Plan amendment to allow commercial and mixed uses and revise allowable building heights for future developments of these parcels. Development under the proposed overlay zone would be consistent with the objectives and development standards established by the proposed overlay zone.

The properties, which together total approximately 4.6 acres in size, are located along Santa Monica Boulevard, between the north roadway of Santa Monica Boulevard and the parcels fronting onto the south roadway of Santa Monica Boulevard, on either side of the intersection of Santa Monica and Wilshire Boulevards.

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 and an Environmental Impact Report have been prepared. A Final Environmental Impact Report including the Draft Environmental Impact Report and Comments and Responses has been prepared for the Gateway project. Updated technical studies have also been prepared to document any changes in impacts associated with the proposed Overlay zone for the three parcels at 9900 Santa Monica Boulevard, 9844 Wilshire Boulevard and 9817 Wilshire Boulevard and the immediately adjacent commercially zoned properties.

The Planning Commission held several hearings on this project and has recommended certification of the Final EIR and adoption of a mitigation monitoring and reporting program, adoption of the General Plan Amendment; adoption of the proposed Overlay Zone; and

adoption of a statement of overriding considerations finding that the benefits of the project outweigh any adverse environmental impacts.

Copies of all relevant material, including the project specifications, the environmental initial study and all documents referenced in the EIR are available for review in the offices of the Community Development Department of the City of Beverly Hills.

At the public hearing, the City Council will hear and consider all comments, and may introduce the ordinance. All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Beverly Hills, CA 90210. The comments should be received prior to the hearing date.

Please note that if you challenge the Council's action in regards to this matter 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 Jonathan Lait, City Planner in the Community Development Department, Planning Division at 310.285.1118 or by email at jlait@beverlyhills.org. Copies of the applications and all environmental documents are on file in the Planning Division, and can be reviewed by any interested person at 455 N. Rexford Drive, Suite 100, Beverly Hills, CA. 90210.

A handwritten signature in black ink, appearing to read "Byron Pope". The signature is fluid and cursive, with a large initial "B" and "P".

BYRON POPE, CMC
City Clerk

Attachment 7
Recent Correspondence

Planning commission Meeting, June 25, 2012

Public Comment Re: "gateway project"

Fr: Joy and Milton Shefter, 40 year Beverly Hills Residents
(email:kimos5@yahoo.com)

There are numerous negative issues regarding the so-called "gateway" project:

Regarding the zone change from T1 to C3. What justification is there for the change? How does the community benefit vs. how do the developers benefit?

Currently, we lack adequate parking in this area of the city, so **these transportation parcels should be NOT be rezoned to C3?** They should remain T1 and developed T1 along with a green space. The pedestrian and traffic "mess" created during the construction phase will be unbearable.

Is there a need for more mixed use and office space in this area? The commercial area surrounding this "project" is littered with "for lease" signs. East on Wilshire from the intersection of Santa Monica and Wilshire there are 4 – 5 deserted/empty storefronts before you go one block to Linden. There are many beyond that street., and office buildings in this same area have numerous "for lease" signs. We need NO MORE mixed use or office space in this area now!!

The DEIR speaks of an "acceptable" increase in the residential traffic on the local streets in close proximity to the project, if it is below 12.5 %. For residents, families, and the high school near by no amount of increased traffic is "acceptable." The traffic in the area both on residential and commercial streets in this area is paralyzed during both the AM and PM commuting hours and only barely moving the rest of the day. **Our school children and other pedestrians are in jeopardy every day crossing the streets in this area now.**

If this type of rezoning and development is NOT needed or necessary, why should we allow this to impact our community environment either for the 20 months of construction or long term? Again, the residents have little to gain.

The developers bought the 3+ acres below market for BH because they are zoned T1. The change to C3 zoning or an overlay zone brings an increase in property value estimated to be at least 10X the original investment without one shovel of dirt moved.

If an over-lay zone is to be your compromise answer, then all setbacks and parking requirements MUST be met, and traffic problem solutions during construction time solved before they begin.

A "real" Gateway to the city here would include a green belt with benches, trees and a beautiful sculptures welcoming visitors to our city. **REZONING ..."NO."**
Give us a bucolic green space here for all to enjoy plus additional parking!!!

SOUTHWEST BEVERLY HILLS HOMEOWNERS ASSOCIATION

C/O 208 McCarty Drive
Beverly Hills, CA 90212

May 18, 2012

Beverly Hills City Council
455 N. Rexford Drive
Beverly Hills, CA 90210

RE: “Little Santa Monica” Proposed
“T-1” Rezoning

Dear Mayor Brien and Members of the Council:

The Southwest Beverly Hills Homeowners Association is concerned about the proposed Overlay Zone (C-PD-G) for the north side of “Little Santa Monica” from Moreno to Linden. We hope you will take the following concerns into account in making any decisions with respect to this proposal. Please also consider whether or not it makes good planning sense to change the zoning on these parcels NOW, before anyone knows what is going to happen re: the Wilshire/Santa Monica intersection, the subway and what parking/transportation needs in the area will be. For example, what if the preferred solution to the Wilshire/Santa Monica intersection involves a deceleration lane along Big Santa Monica or other land need that might be impossible to achieve after this property is re-zoned and/or developed?

1. Traffic: Obviously this “stretch” of Little Santa Monica is already incredibly packed with traffic, especially in the AM and PM peak hours. The AM peak traffic includes workers going eastbound to Century City, as well as students going to

the High School. The PM peak traffic is backed up for blocks with eastbound cars leaving Century City, Westwood, etc. No one who traverses these streets and intersections daily—like many of us do--could realistically come to a different conclusion.

a. The 37-story condo building apparently approved for the corner of Moreno and Little Santa Monica will simply exacerbate the existing problem, as will the already-approved 35+ story building at the corner of Avenue of the Stars and Santa Monica, the planned 35+ office tower at the corner of Avenue of the Stars and Constellation and the planned expansion of the Century Plaza land. It is “easy” to say that these developments in Los Angeles should not “prejudice” development in Beverly Hills; but to ignore those additional traffic and impacts would be to ignore the ability of both residents and shoppers to get around in our City.

b. Obviously expanding the buildable areas along Little Santa Monica is simply going to produce more traffic and put more stress on already over crowded streets. (*Please also see Paragraph 3 below.*)

2. “Big” Santa Monica: Clearly if there were an entrance to the future projects on the “T-1” [former railroad] site from “Big” Santa Monica, that would alleviate the principal concern that our HOA has. (*Please see Paragraph 3 below.*) We are told, however, that staff has not favored this because it would be an impediment to traffic along “Big” Santa Monica.

a. A “deceleration lane” leading into those future projects would likely not impede traffic on “Big” Santa Monica and could actually help by providing a right turn lane onto eastbound Wilshire.

b. But please understand the effect of a decision not to have an entrance from “Big” Santa Monica: That will simply place greater stress on “Little Santa Monica” bearing the entire brunt of ingress and egress to these future

projects and will, therefore, also place a much greater burden on the adjacent residential areas, such as ours. In other words, you would be forcing traffic from a major arterial onto both a much smaller roadway and, to a significant degree, onto our residential streets. That doesn't, in our view, make much sense.

(1) A potential solution, which our HOA strongly favors, would be to put a signal across “Big” Santa Monica for traffic to access the future projects, as well as accessing the Hilton and Wilshire.

3. Ingress and Egress to these Future Projects: The principal concern of the Southwest HOA is the manner of ingress and egress to the future projects. The plans we had previously seen all show a subterranean parking garage with its entrance/exit directly across from where Charleville dead ends. That will simply mean that—with all the traffic that will already be on Little Santa Monica at the morning and evening rush hours—a huge percentage of cars entering and exiting that garage will choose to take Charleville and then continue eastbound, take residential streets southbound, or take Charleville to ultimately go northbound. This is likely to further decrease the quality of residential life in the residential areas to the south and east of this area.

a. If you decide to grant a zoning change and additional development rights on the T-1 zoned parcels and along Little Santa Monica, you must protect the residential areas by requiring the entrance(s) and exit(s) from these future projects to restrict access to and from Charleville into their parking areas. And we ask that this be a part of any re-zoning and not simply left to “future consideration of a particular project.”

We note that there will be costs to any of these protective measures, but that the owners of the T-1 properties will presumably have their land holdings greatly increased by any such re-zoning as is contemplated.

We appreciate your consideration of our views and of our residential areas.

Very truly yours,

The Southwest Beverly Hills Homeowners Association

By: *Ken Goldman*

Kenneth Goldman, President

Cc: Board of Directors

Jeff Kolin

Jonathan Lait



March 22, 2012

BY HAND DELIVERY

Honorable Dan Yukelson, Planning Commission Chair
Honorable Members of the Planning Commission
City of Beverly Hills
455 North Rexford
Beverly Hills, CA 90210

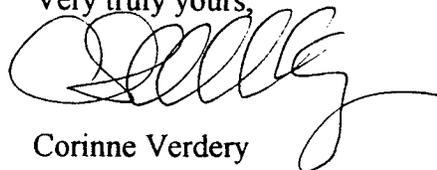
Re: Gateway Overlay Zone/T-1 Parcel Development Support

Dear Mr. Yukelson:

Oasis West Realty LLC would like to extend its support to the City's consideration of redevelopment of the T-1 zoned parcels, located directly adjacent to The Beverly Hilton on the southeast side of Santa Monica Boulevard. The Beverly Hilton is pleased with the direction that the City is taking to come to a creative solution that will eventually allow the development of these underutilized parcels. Given that the T-1 parcels are so unique, we support the implementation of an overlay zone that will allow flexibility for future development. The Beverly Hilton is especially pleased with the prospect that these parcels could contribute to a more pleasing aesthetic to the south and east of The Beverly Hilton.

We are hopeful that the redevelopment of the T-1 parcels will enhance the area for residents, visitors, and those who own the respective sites.

Very truly yours,



Corinne Verdery

cc: Mr. Jeff Kolin, City Manager
Ms. Susan Healy Keene, AICP, Director of Community Development
Mr. Jonathan Lait, AICP, Assistant Director of Community Development
Ms. Rita Naziri, Senior Planner
Mr. Maynard Brittan

From: omranihamid@aol.com [mailto:omranihamid@aol.com]
Sent: Thursday, May 17, 2012 7:43 PM
To: Michele McGrath
Cc: omranihamid@aol.com
Subject: Fwd: GATE WAY PROJECT

Date: 5/17/2012

From : Hamid Omrani

To : City of Beverly Hills

Department of Commiunity development

planning

planning commision

Regarding : Gate Way project

Proposed Poject :The raised pedestian promonade top of existing city parking structure and parcel

1 ,2 and 3 . from west end of the City to City Hall.

Proposed F.A.R. : Existing F.A.R. (0.5) +F.A.R. (2.0) under ground

Air Right to City of Beverly Hills top of proposed structure at 20' H.

For more information please visit our web site at : www.beverlyhills2000.com

Best regards

Hamid Omrani
E-Mail : omranihamid@aol.com
Tel : 310 - 560 6161

Attachment 8

Final Environmental Impact Report and Supplemental Reports

(previously provided under separate cover)