



AGENDA REPORT

Meeting Date: December 18, 2012

Item Number: D-2

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, City Planner

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING A ZONING AMENDMENT THAT WOULD APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE TO THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD.

Attachments:

1. Ordinance
2. Planning Commission Resolutions
3. November 19, 2012 Planning Commission Staff Report
4. Architectural Plans

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "An ordinance of the City of Beverly hills authorizing a Zoning Amendment that would apply the City's Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard" be introduced and read by title only.

INTRODUCTION

The City Council is asked to consider an ordinance authorizing a Zoning Amendment to the City's Zoning Map that would apply the City's Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard, thus allowing the subject property to be used as a surface parking lot. The subject property is currently zoned for railroad uses only, and current code provisions allow properties zoned for railroad uses to be used for surface parking only when the Transportation Overlay Zone has been applied to the property.

The proposed ordinance to apply the Transportation Overlay Zone to the subject property was initiated by the property owner in conjunction with a Development Plan Review application. The Overlay Zone allows for the use of surface parking to occur, whereas the Development Plan Review allows for the actual construction of a parking lot. As proposed, and shown in the diagram below, the entire parcel would receive the Transportation Overlay Zone; however, only approximately 50% of the parcel would be developed with surface parking, and the remaining 50% would be kept vacant and landscaped as explained later in this report.



PLANNING COMMISSION REVIEW

At its November 19, 2012 meeting, the Planning Commission discussed the proposed Zoning Amendment and associated Development Plan Review. The Commission discussed the need for additional parking along Santa Monica Boulevard, and considered whether the parking lot would create any barriers to future redevelopment of the site under the Gateway Overlay Zone that is currently under review by the City Council. No public comments were received in opposition to the project, and upon the conclusion of deliberations, the Planning Commission found that the additional parking would be beneficial to the City and would not hinder future redevelopment of the site. The Commission unanimously adopted a resolution recommending adoption of the Zoning Amendment to allow application of the Transportation Overlay Zone to the subject property, as well as a resolution conditionally approving the Development Plan Review to allow the construction of a surface parking lot. However, the construction of the parking lot is contingent upon approval of the Zoning Amendment by the City Council.

ZONING AMENDMENT

The subject property is currently zoned T-1 (Transportation Zone). Pursuant to BHMC §10-3-2302¹, properties subject to the T-1 zoning designation may only be used for railroad uses.

¹ BHMC §10-3-2302 *Uses Permitted: No building, structure, improvement, or premises shall be used, and no building, structure, or improvement shall be erected, constructed, altered, enlarged, or maintained on any lot or parcel of land in zone T-1 or zone T-2 except for the following purposes:*

Railway transportation, and stations, depots, or other structures necessary or convenient for railway passengers, freight, or other strictly railroad or railway business in conjunction with railroad service conducted in such zones.

However, BHMC §10-3-2355² sets forth additional uses that may be established in the T-1 Zone when the Transportation Overlay Zone (T-O Zone) is applied. The additional permitted uses allowed under the Transportation Overlay Zone include surface parking, which is the subject of this request.

Pursuant to the above Code sections, the applicant requests that the Transportation Overlay Zone be applied to the subject property so that surface parking uses may be established.

ANALYSIS

The subject property is located in the western portion of the city, outside the Business Triangle. Available parking in this area of the city has historically been somewhat limited, as there are no nearby public parking structures, and the majority of the commercial buildings predate current parking requirements. Therefore, parking is primarily provided by on-street meters and a limited number of surface parking lots (the surface lots, including the as-built project site, generally contain substandard parking spaces and aisle widths, which can make access difficult).

The City Council, through the General Plan³, has established a goal of expanding the parking supply in underserved commercial districts so that commercial business can continue to operate in a sustainable manner and contribute to the City's commercial base. The expansion of parking along Santa Monica Boulevard is consistent with this goal since the commercial areas west of Santa Monica Boulevard are currently underserved with regard to parking. The proposed project involves expansion of an existing, 23-space parking lot⁴, into a 37-space parking lot along North Santa Monica Boulevard.

Although the proposed project would not provide additional parking to all businesses in the area, it would help to improve upon existing conditions and support the vitality of the area. Furthermore, the proposed parking spaces would be accessed from an existing driveway location, and would therefore not result in any changes to existing traffic patterns or turning movements. With regard to traffic generation, the proposed parking lot is not anticipated to generate additional vehicle trips because vehicle trips are associated with the surrounding land uses, such as retail and office space, and are not directly attributable to parking spaces. In fact, the proposal may actually reduce congestion by making parking more readily available, which cuts down on vehicles slowing and queuing in search of parking.

² BHMC §10-3-2355 *Uses Permitted*: All uses permitted and conditionally permitted in the T zone shall be permitted and conditionally permitted, respectively, in the T-O zone pursuant to the provisions set forth in article 23 of this chapter. In addition, the following uses shall be permitted in the T-O zone:

A. *Surface parking, subject to the restrictions set forth in section 10-3-2356 of this article. Any site area, as defined by this chapter, developed with surface parking pursuant to this provision may also include within the T-O zone a building, or portion of a building, with a gross area of two hundred seventy five (275) square feet, provided such building is used primarily to support the surface parking use.*

³ 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.

⁴ The existing parking lot is striped with 23 parking spaces; however, the current configuration does not provide sufficient parking stall depth or backup space to satisfy current code requirements. The applicant has provided a code-compliant parking plan for the existing lot, which would allow for the striping of 15 parking spaces, rather than the current 23.

North Santa Monica Boulevard is bordered by properties designated for railroad uses, which has caused the majority of the properties to remain vacant over the years. The properties are maintained as vacant lots and surrounded by temporary fencing, which does not contribute to the streetscape, pedestrian experience, nor image and branding of the City. Applying the Transportation Overlay Zone to the subject property and allowing it to be used for parking purposes will allow for a portion of the property bordering North Santa Monica Boulevard to be repaved and landscaped, which will help to enhance the streetscape. As conditioned by the Planning Commission, the applicant would be required to provide landscaping around the entire parcel, subject to review and approval by the Architectural Commission. Furthermore, minimum landscaping standards are required by BHMC §10-3-2730.2 A. and B.⁵, which will need to be satisfied prior to obtaining Architectural Commission approval. Therefore, the presence of a landscaped parking lot in this area of the city is anticipated to be a positive improvement for the streetscape, surrounding neighborhood, and nearby businesses.

ENVIRONMENTAL DETERMINATION

The Amendment has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15305, minor alterations in land use limitations, the Zoning Amendment qualifies for a Class 5 Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 5 exemption is applicable because the proposed project consists of minor alterations in land use for the purpose of establishing a surface parking lot.

FISCAL IMPACT

The project will result in the loss of one parking meter as a result of widening the existing driveway that serves the proposed parking area.

⁵ BHMC §10-3-2730.2 A. *Setbacks and Landscaping: Each such area shall maintain a setback of ten feet (10') from Wilshire Boulevard or five feet (5') from any other street. The area between the setback line and the public sidewalk or curb and a minimum of two percent (2%) of the internal area shall be developed in landscaping, including a water sprinkling system, as approved by the architectural commission.*

BHMC §10-3-2730.2 B. *Protective Devices: Each such area shall have erected and maintained between the setback and use areas an opaque wall or opaque hedge not less than four feet (4') nor more than six feet (6') in height, except that for areas where motor vehicles are displayed for sales purposes only, such wall or hedge need not exceed three feet (3') in height. Notwithstanding the above requirement, where such area is located on or adjacent to a residential zone, the wall height and material requirements of section 10-3-1953 of this chapter shall apply, however, such wall shall be three feet (3') high where located within the required front setback in any residential zone. When no hedge or wall is required along a property line of an area, an approved device shall be installed and maintained as a safeguard to abutting property and public rights of way. No wall or hedge required to be erected and maintained by the provisions of this subsection shall be constructed on either side of a driveway entrance opening onto a street or alley, which wall or hedge would impair a clear and unobstructed cross view of pedestrians on the sidewalk, alley, or lot by motorists about to leave or enter the lot.*

PUBLIC NOTICE

A public hearing notice was mailed on December 7, 2012 to all property owners and residential occupants within a 300-foot radius of the subject property. Additionally, notice was published in the Beverly Hills Courier and the Beverly Hills Weekly, two newspapers of local circulation. As of the writing of this report, no comments have been received in regard to the project.

RECOMMENDED ACTION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "An ordinance of the City of Beverly hills authorizing a Zoning Amendment that would apply the City's Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard" be introduced and read by title only.

Susan Healy Keene, AICP
Director of Community Development


Approved By _____

ATTACHMENT 1

ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AUTHORIZING A ZONING AMENDMENT THAT WOULD
APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE
TO THE PROPERTY LOCATED AT 9848 SANTA MONICA
BOULEVARD.

WHEREAS, on November 19, 2012 the Planning Commission conducted a duly noticed public hearing to consider a proposed Zoning Amendment to apply the City's Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard and recommended that the City Council approve the proposed amendment.

WHEREAS, on December 18, 2012, the City Council conducted a duly noticed public hearing to consider proposed Zoning Amendment and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is applicable because the ordinance would involve limited changes to land use limitations by allowing surface parking as a use on the Project site.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS
DOES ORDAIN AS FOLLOWS:

Section 1. The City's Transportation Overlay Zone, as set forth in Article 23.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, is hereby applied to the property located at 9848 Santa Monica Boulevard, and more specifically described in Exhibit A of this Ordinance.

Section 2. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City."

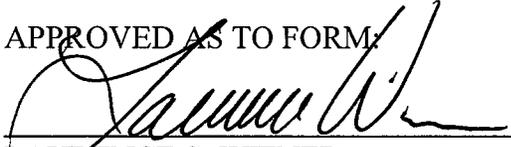
Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

WILLIAM W. BRIEN, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

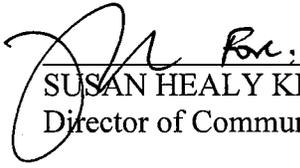
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2

PLANNING COMMISSION RESOLUTIONS

RESOLUTION NO. 1662

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING A ZONING AMENDMENT TO APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE TO THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD.

WHEREAS, the Planning Commission has considered the proposed Zoning Amendment to apply the City's Transportation Overlay Zone to the property located at 9848 Santa Monica Boulevard (the "Project site"); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 19, 2012, at which times it received oral and documentary evidence relative to the proposed Amendment; and

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public interest, convenience, and general welfare, and that such Amendment is consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is applicable because the ordinance would involve limited changes to land use limitations by allowing surface parking as a use on the Project site.

Section 2. The Planning Commission does hereby find that the application of the Transportation Overlay Zone to the Project site is intended to provide additional parking spaces to existing commercial businesses located along the western portion of the Santa Monica Boulevard commercial corridor. The existing commercial corridor is currently underserved by parking, which limits the viability of commercial businesses in this area of the city. The additional parking supply will help commercial businesses continue to operate in a sustainable manner and contribute to the City's commercial base, which results in an overall benefit to the public interest, convenience, and general welfare.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving application of the Transportation Overlay Zone to the Project site for the purpose of establishing a surface parking lot.

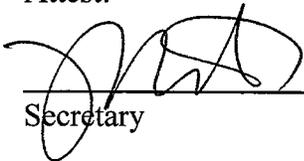
Section 4. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: November 19, 2012



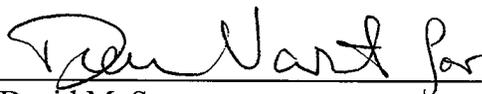
Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



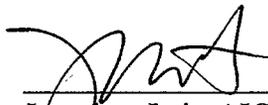
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

RESOLUTION NO. 1663

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW FOR THE ESTABLISHMENT OF A SURFACE PARKING LOT IN THE TRANSPORTATION OVERLAY ZONE ON THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD.

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

Section 1. Wilco LLC, Applicant and Owner for the Project site (collectively the “Applicant”), has submitted an application to allow the establishment of an approximately 37-space surface parking lot on the property located at 9848 Santa Monica Boulevard (the “Project”). The establishment of a surface parking lot on the Project site requires application of the City’s Transportation Overlay Zone to the Project site, as well as approval of a Development Plan Review.

Section 2. The subject property is located along the North Santa Monica Boulevard, adjacent to commercial uses and across the street from the Beverly Hilton Hotel. Properties with the T-1 zoning designation (including the Project site) stretch along Santa Monica Boulevard and are primarily vacant or used for limited parking purposes. The portion of the North Santa Monica Boulevard adjacent to the Project site does not contain any structures or retail uses, and therefore offers very little pedestrian engagement.

The Project involves expansion of an existing, 23-space parking lot, into an approximately 37-space parking lot along North Santa Monica Boulevard. The existing parking lot is accessed via a single, two-way driveway located on South Santa Monica Boulevard. The expanded parking lot would continue to be accessed by this existing driveway, although the driveway would be widened to a minimum of 22 feet in order to satisfy current code requirements for two-way traffic. The proposal would apply the Transportation Overlay Zone to the subject property, which spans from Wilshire Boulevard to Charleville Boulevard, allowing the property to be used for surface parking. However, the proposal would cause approximately half of the parcel to be occupied by parking, while the remaining half would continue to be maintained as a vacant lot. In conjunction with the request for a Development Plan Review to establish the surface parking lot, the Applicant has requested a Zoning Amendment to allow the Transportation Overlay Zone to be applied to the Project site. The request for a Zoning Amendment is separately addressed by Planning Commission Resolution No. 1662.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and Class 4 and 5 Categorical Exemptions have been issued in accordance with the requirements of Sections 15304 and 15305 of the Guidelines for the Project. The Class 4 exemption is applicable because the Project consists of minor alterations in land use to allow surface parking, and the Class 5 exemption is applicable because the Project results in minor alterations to the land to establish

improvements in the form of a surface parking lot. Therefore, the Project is exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was published in two newspapers of local circulation on November 9, 2012 and November 15, 2012, and on November 9, 2012 a mailed notice was sent to all property owners and residential tenants within a 300-foot radius of the property. On November 19, 2012 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a Development Plan Review to allow the establishment of a parking lot in the Transportation Overlay Zone, the Planning Commission was required to find as follows:

1. That the site is adequate in size and shape to accommodate the surface parking use.
2. That the site is adequate in size and shape to provide adequate circulation for both pedestrian and vehicular traffic both on and off site;
3. The surface parking use is consistent with the elements of the city's general plan and purpose and intent of this article;
4. The surface parking use and all accessory structures, if any, maintain appropriate setbacks; and
5. The surface parking use and all accessory structures, if any, comply with all applicable provisions of this code.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with regard to the Development Plan Review:

1. The proposed parking lot would occupy approximately 15,000 square feet and is generally rectangular in shape. This size and shape is capable of accommodating approximately 37 code-compliant parking spaces, and improves upon the existing size and configuration of the existing parking lot. Therefore, the site is adequate in size and shape to accommodate the surface parking use.

2. The proposed parking lot would occupy approximately 15,000 square feet and is generally rectangular in shape. This size and shape is capable of accommodating approximately 37 code-compliant parking spaces, and improves upon the existing size and configuration of the existing parking lot. The proposed layout provides adequate circulation for both pedestrian and vehicle traffic by widening existing drive aisles, widening the access driveway, and providing larger, code-compliant parking spaces.

3. The surface parking lot is consistent with the City's Land Use Element, and specifically promotes Policy LU 11.6, which states:

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 western portion of the Santa Monica Boulevard commercial corridor is currently underserved by parking, and would benefit from the additional parking spaces proposed under the Project. The additional parking supply will help commercial

business continue to operate in a sustainable manner and contribute to the City's commercial base.

4. The surface parking use does not contain any accessory structures, and the parking areas, as conditioned, will meet or exceed all applicable setback requirements. Furthermore, the parking areas are conditioned to be landscaped in accordance with a landscape plan approved by the Architectural Commission.

5. The surface parking use does not contain any accessory structures, and the parking areas, as conditioned, will comply with all applicable code provisions.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Development Plan Review, subject to the following conditions:

1. This approval shall not become effective unless and until the Transportation Overlay Zone has been applied to the Project site by the City Council and has taken effect.

2. Prior to obtaining building permits, the Applicant shall submit a complete landscape plan to the Architectural Commission for review and approval. At a minimum, the landscape plan shall meet all applicable code requirements, including but not limited to setbacks, paving buffers, and minimum landscaping coverage. Additionally, the entire perimeter of the parcel fronting on Santa Monica and Wilshire Boulevards shall be landscaped, subject to review and approval by the Architectural Commission, regardless of whether all portions of the parcel are used for surface parking.

3. In the event that any parking meters are removed as a result of the Project, the full cost of removal shall be calculated by the Director of Public Works and paid for by the Applicant. The Applicant shall not be responsible for future revenue losses resulting from parking meters removed to accommodate the Project.

4. Future modifications to the size or configuration of the parking lot shall be submitted to the Director of Community Development for review. If, in the opinion of the Director, the modifications merit review by the Planning Commission, the Director shall forward such request to the Planning Commission for consideration. Otherwise, the Director shall serve as the reviewing authority for future modifications to the parking lot's size or configuration.

5. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

6. RECORDATION. The resolution approving the Development Plan Review for the establishment of a parking lot shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all

fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void and of no further effect**. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

7. EXPIRATION. Development Plan Review: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

9. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

10. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

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

12. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

13. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

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

15. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

16. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

17. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

18. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the

curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

19. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

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

21. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.

22. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

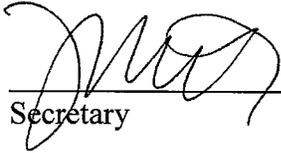
Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: November 19, 2012



Craig Corman
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

ATTACHMENT 3

NOVEMBER 19, 2012 PLANNING COMMISSION

STAFF REPORT



Planning Commission Report

Meeting Date: November 19, 2012

Subject: **9848 Santa Monica Boulevard**
Surface Parking Lot

Request for a Zoning Amendment to allow the City's Transportation Overlay Zone to be applied to the subject property and a Development Plan Review to allow the establishment of a surface parking lot.

PROJECT APPLICANT: Wilco LLC

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt resolutions recommending that the City Council approve a Zoning Amendment and conditionally approving a Development Plan Review.

REPORT SUMMARY

The proposed project involves the establishment of a new surface parking lot to provide additional parking supply to the existing commercial uses located along South Santa Monica Boulevard. The proposed parking lot requires application of the Transportation Overlay Zone to the subject property and approval of a Development Plan Review. This report analyzes the project's configuration, and the project's consistency with surrounding land uses, the City's General Plan, and the City's Zoning Code. Staff's analysis concludes that there are multiple benefits to establishing additional parking at the project site. Therefore, this report recommends that the proposed project be conditionally approved, and that a recommendation be made to the City Council that the Transportation Overlay Zone be applied to the subject property.

Attachment(s):

- A. Draft Findings
- B. Zoning Amendment Resolution
- C. Development Plan Review Resolution
- D. Architectural Plans

Report Author and Contact Information:

Ryan Gohlich, Senior Planner
(310) 285-1194
rgohlich@beverlyhills.org

BACKGROUND

File Date	10/1/2012
Application Complete	10/29/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	12/29/2012 without extension request from applicant

Applicant(s)	Wilco LLC
Owner(s)	Wilco LLC
Representative(s)	N/A

Prior PC Action The Planning Commission has previously reviewed the Gateway Project, which includes this parcel. However, this request is not a part of the Gateway Project proposal.

Prior Council Action The City Council is in the process of reviewing the Gateway Project, which includes this parcel. However, this request is not a part of the Gateway Project proposal.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9848 Santa Monica Boulevard
Legal Description	Parcel Map 316-63-65 LOT 2
Zoning District	T-1 Transportation Zone
General Plan	Railroad
Existing Land Use(s)	Vacant and Parking
Lot Dimensions & Area	Irregularly Shaped – 35,877 square feet
Year Built	The existing site does not contain any structures
Historic Resource	N/A
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North (directly across Olympic Blvd)	Beverly Hilton Specific Plan
South	C-3 – General commercial
East	C-3 – General commercial
West	T-1 – Railroad

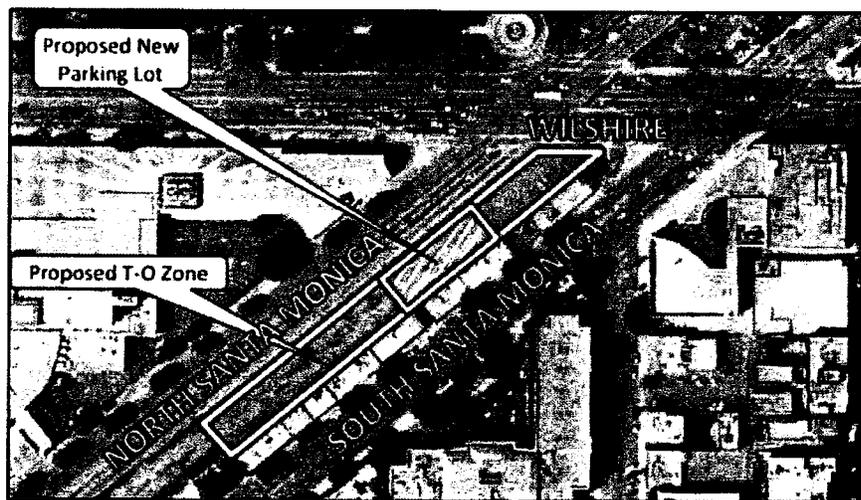
Circulation and Parking

Adjacent Street(s)	North Santa Monica Boulevard and Wilshire Boulevard
Adjacent Alleys	None
Parkways & Sidewalks	North Santa Monica Boulevard sidewalk/parkway – 2' from face of curb to property line, Wilshire Boulevard sidewalk/parkway – 15' from face of curb to property line
Parking Restrictions	No street parking allowed
Nearest Intersection	North Santa Monica Boulevard and Wilshire Boulevard

Circulation Element Santa Monica Boulevard and Wilshire Boulevard are both arterial streets

Neighborhood Character

The subject property is located along North Santa Monica Boulevard, adjacent to commercial uses and across the street from the Beverly Hilton Hotel. Properties with the T-1 zoning designation (including the project site) stretch along Santa Monica Boulevard and are primarily vacant or used for limited parking purposes. The portion of North Santa Monica Boulevard adjacent to the project site does not contain any structures or retail uses, and therefore offers very little pedestrian engagement. The following image provides an aerial of the neighborhood and illustrates the surrounding development and land uses.



PROJECT DESCRIPTION

The proposed project involves expansion of an existing, 23-space parking lot¹, into a 37-space parking lot along North Santa Monica Boulevard. The existing parking lot is accessed via a single, two-way driveway located on South Santa Monica Boulevard. The expanded parking lot would continue to be accessed by this existing driveway, although the driveway would need to be widened to a minimum of 22 feet in order to satisfy current code requirements for two-way traffic. The proposal would apply the Transportation Overlay Zone to the subject property, which spans from Wilshire Boulevard to Charleville Boulevard, allowing the property to be used for surface parking. However, the proposal would cause approximately half of the parcel to be occupied by parking, while the remaining half would continue to be maintained as a vacant lot.

¹ It should be noted that the current parking lot is striped with 23 parking spaces; however, the current configuration does not provide sufficient parking stall depth or backup space to satisfy current code requirements. The applicant has provided a code-compliant parking plan for the existing lot, which would allow for the striping of 15 parking spaces, rather than the current 23.

ZONING CODE² COMPLIANCE

A detailed review of the proposed project's compliance with applicable zoning standards has been performed. The proposed project, as conditioned, complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

Agency Review³

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

- **TRANSPORTATION DIVISION**

The Transportation Division has reviewed the proposal to expand the existing parking lot and provide code-compliant access and circulation. Although the proposal to widen the driveway would result in the loss of one metered parking space, the Transportation Division is supportive of the proposed project because it will provide a net increase in available parking in what is currently an under-parked area of the city. Furthermore, the proposed project corrects existing, substandard parking spaces and is therefore considered to improve upon existing conditions.

Typically, the Transportation Division would seek payment for revenue losses resulting from elimination of parking meters. In this case, the Transportation Division is not seeking payment for lost meter revenues that may result from the project because the project will improve the parking situation along Santa Monica Boulevard and benefit the surrounding area.

GENERAL PLAN⁴ POLICIES

The General Plan includes the following goals and policies relevant to the Planning Commission's review of the project:

- **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 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.
- **Policy LU 15.3 Revitalization of Vacant and Underutilized Buildings.** Promote the revitalization of distressed, underutilized, and vacant buildings to sustain economic viability, activity, and provide income for City services.

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

³ Recommended conditions of approval by other departments are provided in the Analysis section of this report.

⁴ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	11/16/2012	3 Days
Newspaper Notice	10 Days	11/9/2012	11/9/2012	10 Days
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	11/9/2012	11/9/2012	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	11/16/2012	3 Days

Public Comment

As of the writing of this report, staff has not received any comments regarding the project.

ENVIRONMENTAL ASSESSMENT AND PROJECT 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 Guidelines, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Sections 15304 (Class) and 15305 (Class 5) of the Guidelines. Specifically, the proposed project consists of minor alterations in land use and minor alterations to the land for the purpose of establishing a surface parking lot.

ANALYSIS⁵

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

Parking Availability. The subject property is located in the western portion of the city, outside the Business Triangle. Available parking in this area of the city has historically been somewhat limited, as there are no nearby public parking structures, and the majority of the commercial buildings predate current parking requirements, which causes them to be under-parked. Therefore, parking is primarily provided by on-street meters and a limited number of surface parking lots (the surface lots, including the project site, generally contain substandard parking spaces and aisle widths, which can make access difficult). The City Council, through the General Plan, has established a goal of expanding the parking supply in underserved commercial districts so that commercial business can continue to operate in a sustainable manner and contribute to the City's commercial base. The expansion of parking along Santa Monica Boulevard is consistent with this goal since the commercial areas west of Santa Monica Boulevard are

⁵ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

currently underserved with regard to parking. Although the proposed project would not provide additional parking to all businesses in the area, it would help to improve upon existing conditions and maintain the vitality of the area, thereby helping existing and future business in the area to be successful. Furthermore, the proposed parking spaces would be accessed from an existing driveway location, and would therefore not result in any changes to existing traffic patterns or turning movements.

Streetscape. North Santa Monica Boulevard is bordered by properties designated for railroad uses, which has caused the majority of the properties to remain vacant over the years. The properties are maintained as vacant lots and surrounded by temporary fencing, which does not contribute to the streetscape, pedestrian experience, nor image and branding of the City. Applying the Transportation Overlay Zone to the subject property and allowing it to be used for parking purposes will allow for a portion of the property bordering North Santa Monica Boulevard to be repaved and landscaped, which will help to enhance the streetscape. The applicant proposes to install landscaping and fencing around the proposed parking lot, although a detailed landscape plan has not yet been provided. Pursuant to BHMC §10-3-2356 C.⁶, the establishment of the new parking area requires that the applicant submit a landscape plan to the Architectural Commission for review and approval. Furthermore, minimum landscaping standards are required by BHMC §10-3-2730.2 A. and B.⁷, which will need to be satisfied prior to obtaining Architectural Commission approval. Although satisfying the minimum landscaping standards may result in minor changes to the configuration of the proposed parking lot, the presence of a landscaped parking lot in this area of the city is anticipated to be a positive improvement for the streetscape.

⁶ BHMC §10-3-2356 C. *No surface parking use shall be established, maintained, used, or occupied pursuant to subsection 10-3-2355A of this article unless the operator of the surface parking use and/or the owner of the lot or parcel on which the use is located or is to be located obtains approval from the architectural commission of a landscaping plan in accordance with the procedures set forth in article 30 of this chapter.*

⁷ BHMC §10-3-2730.2 A. *Setbacks And Landscaping: Each such area shall maintain a setback of ten feet (10') from Wilshire Boulevard or five feet (5') from any other street. The area between the setback line and the public sidewalk or curb and a minimum of two percent (2%) of the internal area shall be developed in landscaping, including a water sprinkling system, as approved by the architectural commission.*

BHMC §10-3-2730.2 B. *Protective Devices: Each such area shall have erected and maintained between the setback and use areas an opaque wall or opaque hedge not less than four feet (4') nor more than six feet (6') in height, except that for areas where motor vehicles are displayed for sales purposes only, such wall or hedge need not exceed three feet (3') in height. Notwithstanding the above requirement, where such area is located on or adjacent to a residential zone, the wall height and material requirements of section 10-3-1953 of this chapter shall apply, however, such wall shall be three feet (3') high where located within the required front setback in any residential zone. When no hedge or wall is required along a property line of an area, an approved device shall be installed and maintained as a safeguard to abutting property and public rights of way. No wall or hedge required to be erected and maintained by the provisions of this subsection shall be constructed on either side of a driveway entrance opening onto a street or alley, which wall or hedge would impair a clear and unobstructed cross view of pedestrians on the sidewalk, alley, or lot by motorists about to leave or enter the lot.*

Future Use of the Project Site. The Planning Commission and City Council have been in the process of establishing a separate overlay zone for certain Transportation-zoned properties and adjacent C-3-zoned properties located along Santa Monica Boulevard to allow commercial uses on the Transportation Zones. The proposed parking lot is situated on one of the parcels that is expected to be a part of the Gateway Overlay Zone. The goal of the Gateway Overlay Zone is to revitalize the commercial corridor along the western portion of Santa Monica Boulevard by providing incentives for commercial development that do not currently exist under the Transportation Zone development standards and allowed uses. Although staff believes that the proposed parking lot will help businesses and be a beneficial addition to the existing commercial corridor, staff does have concerns that the establishment of additional parking spaces and improved viability of existing commercial spaces may delay future development of the project site in accordance with the Gateway Overlay Zone. Parking spaces are a desired addition along the Santa Monica Boulevard commercial corridor; however, a well-planned, pedestrian-oriented development that engages the street is the preferred long-term use of the project site. Therefore, staff recommends that the Commission discuss whether it may be appropriate to place a time limit on any approvals granted for the establishment of a parking lot in the Transportation Zone.

Future Modifications to Parking Lot. The currently proposed project, if approved, would cause approximately half of the Project site to become a parking lot, while the remaining half of the Project site would remain vacant. Although not currently proposed, the Applicant may, at a later date, determine that additional parking spaces are needed to accommodate the existing commercial businesses. Because additional parking would further benefit the surrounding businesses, and because a landscaped parking lot is preferable to a vacant lot with fencing, staff recommends that the Planning Commission authorize the Director of Community Development to review future modifications to the parking lot's size and configuration, or forward such request to the Planning Commission if the Director determines that a public hearing before the Commission is necessary. A condition authorizing such a process has been included in the draft conditions of approval for consideration by the Planning Commission.

Special Conditions of Approval

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

- *"This approval shall not become effective unless and until the Transportation Overlay Zone has been applied to the Project site by the City Council and has taken effect."* (Special Condition 1)

The purpose of the above condition is to clarify that any approvals granted by the Planning Commission are dependent on the City Council's review and approval of the Transportation Overlay Zone.

- *"Prior to obtaining building permits, the Applicant shall submit a complete landscape plan to the Architectural Commission for review and approval. At a minimum, the landscape plan shall meet all applicable code requirements, including but not limited to setbacks, paving buffers, and minimum landscaping coverage."* (Special Condition 2)

The purpose of the above condition is to ensure that the final site plan reviewed by the Architectural Commission complies with all applicable code requirements.

- *"In the event that any parking meters are removed as a result of the Project, the full cost of removal shall be calculated by the Director of Public Works and paid for by the Applicant. The Applicant shall not be responsible for future revenue losses resulting from parking meters removed to accommodate the Project."* (Special Condition 3)

The purpose of the above condition is to clarify the Applicant's financial responsibility as it relates to the removal of parking meters.

- *"Future modifications to the size or configuration of the parking lot shall be submitted to the Director of Community Development for review. If, in the opinion of the Director, the modifications merit review by the Planning Commission, the Director shall forward such request to the Planning Commission for consideration. Otherwise, the Director shall serve as the reviewing authority for future modifications to the parking lot's size or configuration."* (Special Condition 4)

The purpose of the above condition is to provide flexibility in the future use of the Project site, and to ensure that surrounding businesses are supported should the need for additional parking arise.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the requested Development Plan Review and Recommending that the City Council apply the Transportation Overlay Zone to the Project site.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



Jonathan Lait, AICP, City Planner

ATTACHMENT 4
ARCHITECTURAL PLANS
(PROVIDED SEPARATELY)