

Attachment 1



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: August 7, 2012
To: Honorable Mayor & City Council
From: David Lightner, Deputy City Manager
Subject: Southeast Task Force: Final Report
Attachments: Southeast Area Map

INTRODUCTION

In August of 2011, the Southeast Task Force was established as the third of four Mayor's Task Forces convened that year to address specific City Council priorities. Vice Mayor Mirisch chaired the Southeast Task Force with the purpose of coordinating a citizen committee of residents and area stakeholders to discuss, evaluate and form recommendations on the revitalization of the southeast area of Beverly Hills.

DISCUSSION

In addition to Vice Mayor Mirisch, participants on the Task Force included: Chris Biehl, Don Creamer, Brian Goldberg, Howard Goldstein, Andrea Grossman, Isabel Hacker, Noah Margo, Susan Mishler, Dick Seff, and AJ Wilmer.

The first task of the group was to define the Southeast neighborhood geographically. The clear consensus was: southeast of Wilshire Boulevard and Reeves Drive (including both sides of those boundary streets) and all of the area east of Robertson Boulevard within the City boundaries. A Southeast Area Map is attached. The existing strengths of the area were identified as: the neighborhood's young family demographic, high quality public and private schools, walkability, classic theaters, LaCienega restaurants and LaCienega Park.

The area's primary challenges were identified as: lack of destination businesses other than LaCienega restaurants; too many vacancies; a lack of parking in older buildings; shallow lots on Robertson and Olympic and a high water table which make parking garages expensive to build; a lack of grocery stores; too many nail salons and a need to be more bicycle and pedestrian friendly. Related challenges include a sense of missed opportunity to provide a Larchmont Boulevard flavor; attracting the types of boutiques that move onto the Los Angeles stretch of North Robertson; attracting a Trader Joe's type grocery; and attracting teen-oriented businesses.

Meeting Date: August 7, 2012

Outreach

The outreach effort was targeted to build on the area's strengths and to address the primary challenge of parking constraints.

Dick Rosenzweig, who was then Vice-President of Playboy Enterprises, was consulted to explore the connections between the Southeast area and the entertainment industry. One of the fundamental assets of the area is the existence of the Saban Theater, the Fine Arts Theater, the Music Hall Theater, the headquarters of the Academy of Motion Picture Arts & Sciences, the Beverly Hills Playhouse, the Writers Guild Theater and the Horace Mann Auditorium (which pre-dates the school). The idea of creating an Arts District around this historic core is full of potential and was suggested as an identity for the whole area. The history of discussions about a Beverly Hills Film Festival was reviewed and that too could be a powerful tool to weave the area's assets together in an annual destination event, particularly when the private commercial screening rooms in the district are added to the theater resources. A strong partnership with the Annenberg Center was recommended even though that resource is outside the district.

In order to bring the business owners' perspective to the Task Force, the outreach effort included identifying two area businesses run by civic-minded owners who were happy to meet with the group to discuss business opportunities and challenges and to develop ideas. Jay Navas of Toppings Yogurt on Robertson and Lupe Prado Sanchez of Cocina Primavera on Olympic were both invaluable resources for the group as their recommendations were being formed. Toppings exemplifies the non-chain, family-friendly, destination business model that the Task Force recommends. The members of the Prado family behind Cocina Primavera are long-time restaurateurs on Larchmont Boulevard providing key perspectives on opportunities for small business success in Beverly Hills and they similarly provide a "local destination" as supported by the Task Force.

The outreach effort included a specific focus on parking, which emerged as one of the key challenges associated with revitalization of the area. The Task Force recommendations include pursuing several approaches to address the parking constraints simultaneously, including increasing on-street parking, expanding the in-lieu parking program, maximizing the usefulness of parking in existing buildings, working with developers to find creative parking solutions such as encroachments beneath the right-of-way and City development of parking garages in targeted locations. One of the key recommended goals is to leverage partnership opportunities as they arise.

Focusing on this goal and the unique opportunity presented by the School District's plan for major reconstruction at the Horace Mann campus on Robertson, an outreach effort with the District was initiated to see if there was potential to create subterranean public parking in a manner that would not interfere with school operations. This exploration included discussion with District design staff and consultants, with the Board of Education at a Board study session, and with Horace Mann parents at a very well attended Horace Mann PTA meeting. Ultimately it became clear that no design solution was going to address the concerns of the stakeholders and the focus was shifted to a search for other sites on Robertson for public parking.

Additional outreach to area real estate brokers was conducted so that the City can stay informed about opportunities to purchase appropriate public parking sites.

Meeting Date: August 7, 2012

Previous Studies

The Task Force reviewed prior studies related to the southeast including:

- Technical Assistance Panel (TAP) Report: "Energizing Wilshire Boulevard – Rexford to LaCienega" prepared by the Urban Land Institute
- Beverly Hills General Plan Topic Committee Reports
- Small Business Task Force Report of Findings

Task Force Recommendations

The Task Force, after meeting over a 9-month period, reviewing prior related studies and extensive discussion, proposed the following recommendations. The primary themes that developed include *parking* constraints, the need for *business attraction and retention* efforts, the need for *programming* of events and activities to enliven the area and the need to enhance *mobility*.

Parking

1. Designate investment funds for the revitalization of the Southeast, including the development of parking facilities.
2. Develop a Southeast In-Lieu Parking District.

Business Attraction and Retention

3. Target the remaining vacancies, including the former BMW, International House of Pancakes (IHOP), Blockbuster, Collateral Lender and other sites.
4. Coordinate with the Chamber of Commerce and the Conference & Visitors Bureau (CVB) to brand and market the area as an Arts and Entertainment District including theaters, galleries, museums and related businesses.
5. Convene property owners and brokers to share recommendations on types of businesses recommended by the Task Force.
6. Reinvigorate Restaurant Row with art galleries and a marketing program.
7. Attract a neighborhood "Trader Joe's type" market
8. Attract a destination indoor farmers market to one of the available sites on Olympic. This concept has been successful on a larger scale at the Ferry Building in San Francisco and Oxbow in Napa.
9. Attract local-serving, family-friendly, neighborhood restaurants.
10. Conduct business retention efforts both for strong existing businesses such as O'Gara Coach on Olympic and Restaurant Row and for unique neighborhood destinations such as Toppings and Cocina Primavera.

Meeting Date: August 7, 2012

Programming

11. Coordinate with the School District to incorporate school site events into the neighborhood.
12. Encourage outdoor dining and make sure all blocks have enough trash cans.
13. Introduce events such as a film festival, an art fair or food event for greater business exposure.
14. Introduce seasonal banners to identify the Southeast and its sub-districts.

Mobility

15. Create bike routes that connect the Southeast to other areas and install bike racks in strategic locations.
16. Introduce a trolley route between the City's hotels and the Southeast.
17. Designate Robertson tree type and expedite ficus replacement along with other initiatives to make the area more pedestrian friendly.
18. Study the potential for diagonal parking on the west side of Robertson, between Charleville and Olympic. The concept to be evaluated would provide for: parallel parking on the east side; one northbound travel lane; two southbound travel lanes; diagonal parking on the west side. The study should also evaluate "back-in" diagonal parking.

Additional Capital Improvements

19. Improve the LaCienega median at the park and consider a pedestrian bridge.
20. Acquire the Los Angeles property adjacent to LaCienega Park at the northeast corner of LaCienega and Olympic for additional park space and creation of a City gateway.
21. Create a minor league baseball field at LaCienega Park, with stands for 1,200-3,000 spectators, to attract a Dodger farm team.

FISCAL IMPACT

One of the positive results of the Task Force's work is that many of the recommendations are not dependent on additional funds. The commitment of staff time to work toward these goals, along with the City's partners at the Chamber of Commerce and the CVB, is the major resource needed to start addressing these recommendations.

Exceptions include: the development of parking and other area investment, such as LaCienega Park expansion and improvements, toward which \$4.675 million has been designated over the next 5 years; creation of a banner program and implementation of other marketing tools which will require funding as would a trolley program (typically not able to be self-sustaining with operating costs of \$38/hour). If supported in concept, staff will develop program proposals for these efforts and return to the City Council for

Meeting Date: August 7, 2012

prioritization and confirmation of funding sources. There is sufficient funding in the current LaCienega Park capital improvement budget to address the median refurbishment.

While the recommendation to study diagonal parking on Robertson could lead to a net increase in parking, the removal of one of the two existing northbound travel lanes could have mobility impacts for the region. If the City Council directs further study of diagonal parking on Robertson, the first step would be to initiate a traffic feasibility study at an estimated cost of \$30,000. This study would be funded from the Southeast Revitalization capital improvement budget created this year. Further environmental assessment costs would be likely if the concept proves feasible along with costs to reconfigure the street which are not yet known.

Further study would be required in order to know the proper scope of a feasibility study for a minor league baseball stadium at La Cienega Park and City Council direction to study this further would be needed in order to estimate the costs to pursue this idea.

RECOMMENDATION

It is recommended that the City Council direct staff to incorporate these proposed programs into the Work Plan effort designated as Implementation of Southeast Task Force Recommendations in this year's budget for Policy & Management, and to coordinate with Community Development, Community Services, Public Works, the CVB and Chamber of Commerce on the creation of related work plans. Specific City Council guidance is requested with respect to further study of diagonal parking on Robertson and exploration of developing a minor league baseball facility.

David Lightner

Approved by

ELIOT M. FINKEL

110 North Maple Drive, Beverly Hills, California 90210

Telephone: 310-271-8988

November 21, 2013

Beverly Hills Planning Commission
455 North Rexford Drive
Beverly Hills, California 90210

Re: 8767 Wilshire Boulevard.

Dear Chair Rosenstein and Planning Commissioners:

I strongly urge you to reject the proposal to permit 33,802 square feet of medical office space at 8767 Wilshire Boulevard. A shift of the project from commercial offices to medical offices will: negate your prior recommendations; harm adjacent traffic; reduce City revenues; encourage development which is detrimental to the City's financial interests; send the wrong message to developers; and encourage future lawsuits.

Traffic Issues:

Medical office use generates far more traffic than general office use. Very detailed and rigorous traffic studies were conducted when this building project was considered by the Planning Commission during the approval process. Substantial negative traffic impacts would clearly result and further erode the traffic flow and level of service at this already congested intersection and the entire surrounding area if the city now reverses its decisions denying medical use at this site.

On two prior occasions the Planning Commission has refused to permit medical offices at this site due to projected negative traffic impacts. The additional traffic would compete for the limited street parking currently available and adjacent retail establishments would suffer. The higher volume of vehicles with handicapped placards would impact nearby residential parking and reduce the City's parking meter revenue.

Reduced City Revenues:

The proposed amendment would result in a substantial loss of City revenues. Medical offices generate considerably less Business Tax than other businesses with similar gross revenues.

There will be negative second order effects as well. People visiting medical offices are less likely to dine and shop before and after their visits than visitors to commercial offices. The 15% premium paid for medical space will crowd out other uses wherever we allow it. The citywide impact on our restaurants, retail stores and Business Tax receipts could be huge.

The City Council has already approved a moratorium on additional medical space for these very reasons. Our future financial health requires greater emphasis on businesses which generate substantial tax revenues.

Sticking to Our Agreements:

We need to stand by our agreements with developers. If we do not, we invite more lawsuits while reducing control of our City's destiny. Developer's can build what they want, sign agreements they do not intend to honor and sue the City if results are not to their liking. The City has already won the lawsuit and is likely to prevail against the appeal. This is not the time or the instance for compromise.

Conclusion:

Allowing medical offices at 8767 Wilshire will: hurt City's revenues; damage our residents and businesses; and undermine the work of the Planning Commission. It runs counter to the City's moratorium on medical space and sends the wrong message to the development community.

As City Treasurer I am devoted to promoting Beverly Hill's long-term financial health. With this in mind, I strongly urge you to deny this request for medical space. Thank you.

Sincerely,

Eliot M. Finkel
Treasurer of Beverly Hills

Former Planning Commission Chair Kathy Reims helped me with this letter.

Please read—this WILL affect you!

BEVERLY HILLS RESIDENTS – NEIGHBORHOOD ALERT

Re: New Proposed Plan for 8767 Wilshire Blvd
(building at the NW corner of Wilshire and Robertson)

THE PROBLEM:

The developer at 8767 Wilshire is requesting the Beverly Hills Planning Commission reverse their prohibition on medical office space at that site and allow 45% of the building to be medical. The building was originally denied medical use by both the Planning Commission and City Council due to concerns over traffic issues.

HOW THIS AFFECTS YOU:

Medical use generates approximately three times more traffic than a normal office building. The building was originally permitted for 1,321 traffic trips per day without medical. With medical, a single doctor can see up to 30 patients per day. That's a LOT more cars on our neighborhood streets – approximately 700 additional car trips per day for the medical usage being requested! We can expect over 2,000 car trips per day between medical and regular office usage. Furthermore, it is impossible to access the new building going south on Robertson without driving through residential streets or by Horace Mann Elementary. This will bring constant traffic into the neighboring streets.

WHAT YOU CAN DO:

The City of Beverly Hills is holding a public hearing next Thursday on **November 21st, 2013 at 7:00pm** in the **Commission Meeting Room 280A in the City Hall Building** to discuss the matter. This is your opportunity to make your concerns heard before it's too late. This is your neighborhood and it is up to you. Please be there at the meeting to voice your concerns. If you cannot attend in person, you can send a letter to the Planning Commission. Information is listed below:

Call:

Ryan Gohlich, Senior Planner – Phone Number: **(310) 285-1194**

Send your Letter to:

Ryan Gohlich, Senior Planner, Beverly Hills Planning Commission
455 N. Rexford Drive
Beverly Hills, CA 90210

Or by Email to:

rgohlich@beverlyhills.org

City of Beverly Hills Planning Commission:

The undersigned are opposed to any medical office space at 8767 Wilshire Boulevard. The Planning Commission and City Council correctly rejected medical office at 8767 Wilshire because of traffic. The developer then sued the City of Beverly Hills. The Los Angeles Superior Court also rejected medical office. Nothing has changed. Therefore, I urge you to again reject any medical use at the northeast corner of Wilshire and Robertson, one of the busiest intersections in Beverly Hills. Medical offices create more unneeded traffic!

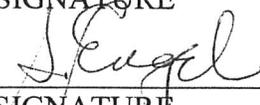
Chris Sohn	125 S. Swall Dr. B.H	Chris Sohn
NAME	ADDRESS	SIGNATURE
Rechelle Kraner	253 S. Swall B.H	Rechelle Kraner
NAME	ADDRESS	SIGNATURE
Emer Clancy	261 S. Swall Dr B.H	Emer Clancy
NAME	ADDRESS	SIGNATURE
Fay Shatzken	204 S Swall, BH	Fay Shatzken
NAME	ADDRESS	SIGNATURE
Soleimani	148 S. Swall DR B. H. CA	Soleimani
NAME	ADDRESS	SIGNATURE
Ruby	140 S Swall	Ruby
NAME	ADDRESS	SIGNATURE
Al Bell	146 S Swall	Al Bell
NAME	ADDRESS	SIGNATURE
Chantal	140 S Swall	Chantal
NAME	ADDRESS	SIGNATURE
J. Fair	132 S Swall	J. Fair
NAME	ADDRESS	SIGNATURE
Neda	128 S. Swall drive	Neda
NAME	ADDRESS	SIGNATURE
Sheldon Sacks	128 S. Hamel Dr.	Sheldon Sacks
NAME	ADDRESS	SIGNATURE
Oshrit Doron	200 S. Hamel	Oshrit Doron
NAME	ADDRESS	SIGNATURE

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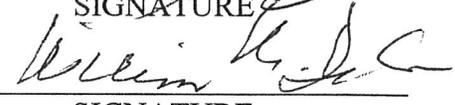
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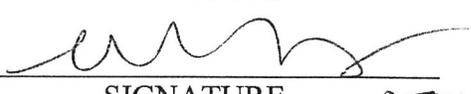
Tatiana Marti 256 S. Clark, Beverly Hills 90211 
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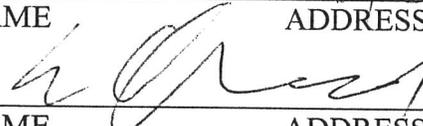
Brendon Karpel 256 S. Clark, Beverly Hills 90211 
NAME ADDRESS SIGNATURE

Sandy Engel 240 S. Clark BH 90211 
NAME ADDRESS SIGNATURE

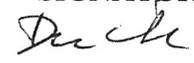
Janet Fuder 232 S. Clark Dr. B.H. 90211 
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Bill DeVore 228 S. Clark Dr. 
NAME ADDRESS SIGNATURE

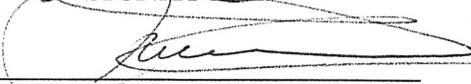
Elle Hwang 224 S. Clark drive BH, CA 90211 
NAME ADDRESS SIGNATURE

 204 S. Clark Dr. 
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Shirin Rafizadeh 129 S. Clark Dr.  310-999-5691
NAME ADDRESS SIGNATURE

Zuc Le 133 S. CLARK DR. 
NAME ADDRESS SIGNATURE

Jennifer Boissay 1413 S. Clark Dr. 
NAME ADDRESS SIGNATURE

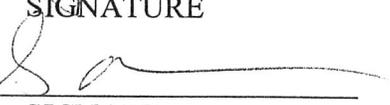
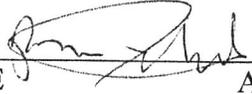
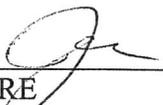
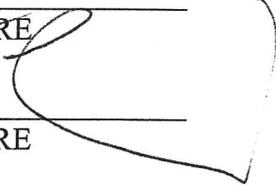
Hebe Bezoriz Lein 149 S. Clark Dr. 
NAME ADDRESS SIGNATURE

Jean Graham JEAN 
NAME ADDRESS SIGNATURE

2008 Clark Dr
GRAHAM

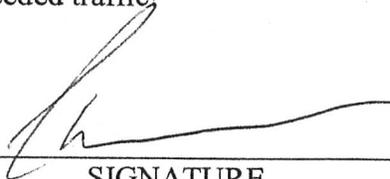
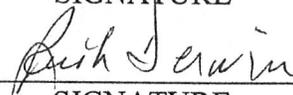
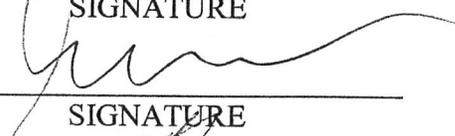
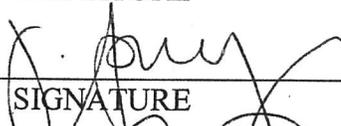
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James Lucanik	#143 N Arnaz	
NAME	ADDRESS	SIGNATURE
Shava Wuyew	150 N Arnaz	
NAME	ADDRESS	SIGNATURE
	160 N ARNAZ	Pouran ZAHABIAN
NAME	ADDRESS	SIGNATURE
R. I. Ohsall	162 N. Arnaz	BH 90211
NAME	ADDRESS	SIGNATURE
Ronna Ohsall	162 N. Arnaz Dr.	B. H. 90211
NAME	ADDRESS	SIGNATURE
Jack Amber	166 1/2 N. ARNAZ	B.H. 
NAME	ADDRESS	SIGNATURE
John Lam	168 N. Arnaz Dr	John Lam
NAME	ADDRESS	SIGNATURE
GEORGES SAYEGH	450 S. ARNAZ	Georges N. Sayegh.
NAME	ADDRESS	SIGNATURE
B. Novel	458 S. ARNAZ DR	
NAME	ADDRESS	SIGNATURE
Jacklin Novel	458 S. Arnaz Dr	
NAME	ADDRESS	SIGNATURE
Sanaz Novel	458 S. Arnaz Dr	
NAME	ADDRESS	SIGNATURE
Li Bul	423 ARNAZ DR. LA. 90	
NAME	ADDRESS	SIGNATURE

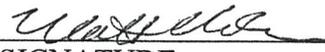
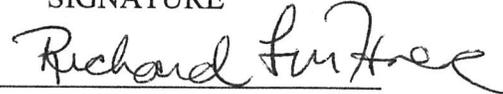
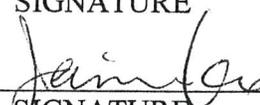
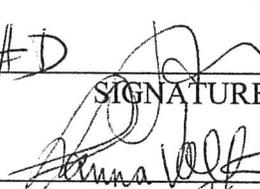
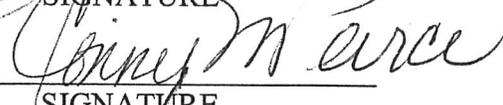
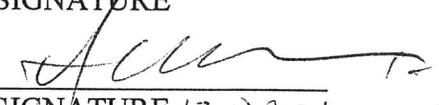
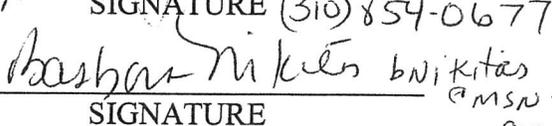
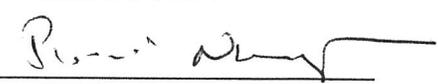
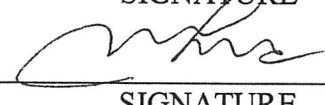
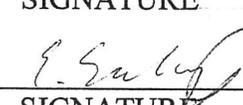
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Charek Ken	6075 ARNAZ DR #403	
NAME	ADDRESS	SIGNATURE
Serina Yamashita	467 Arnaz Dr. #408	
NAME	ADDRESS	SIGNATURE
Ruth Jerwin	467 ARNAZ DR. #410	
NAME	ADDRESS	SIGNATURE
V. STARKER	424 ARNAZ DR #301	
NAME	ADDRESS	SIGNATURE
N Corifulina	467 Arnaz dr 308	
NAME	ADDRESS	SIGNATURE
MICHELLE HERNANDEZ	467 ARNAZ DR. #318	
NAME	ADDRESS	SIGNATURE
Bob Olejar	467 Arnaz #326	
NAME	ADDRESS	SIGNATURE
JOSE SOROC	165 N. ARNAZ DR. BH	JOSE DAVIS
NAME	ADDRESS	SIGNATURE
CHAIM PELLEG	166 N. Arnaz BH	
NAME	ADDRESS	SIGNATURE
JULIE ASBURY	158 N. ARNAZ #C	
NAME	ADDRESS	SIGNATURE
BRITNEY HASTINGS	158 N. ARNAZ #B	
NAME	ADDRESS	SIGNATURE
JOHN ERICKSON	153 N. ARNAZ	
NAME	ADDRESS	SIGNATURE

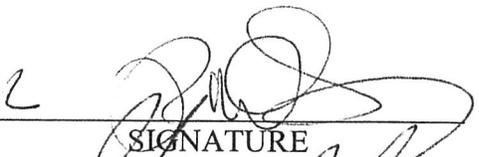
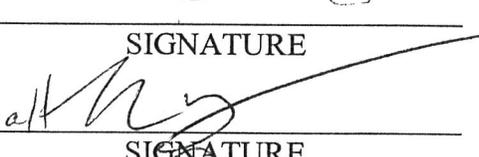
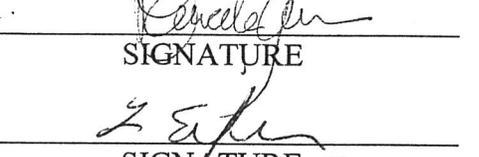
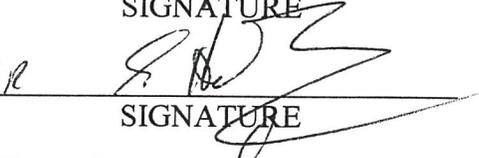
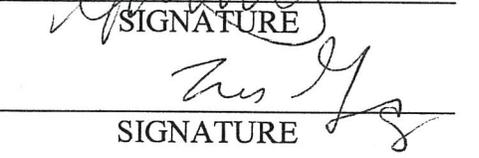
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THOR	8700 BURTON WAY	
NAME	ADDRESS	SIGNATURE
Richard Tenthoere	154 N. ARNAZ	
NAME	ADDRESS	SIGNATURE
Jamie Ko	154 N. ARNAZ	
NAME	ADDRESS	SIGNATURE
Jennifer Tannenbaum	220 S. Arnaz #D	 415.205.533
NAME	ADDRESS	SIGNATURE
Shanna Volk	214 S. Arnaz Dr.	
NAME	ADDRESS	SIGNATURE
Stan Reilly	214 S. Arnaz Dr.	
NAME	ADDRESS	SIGNATURE
Connie Weirce	212 S. Arnaz Dr #8	
NAME	ADDRESS	SIGNATURE
Steve Foy/HW	212 S. Arnaz Dr #3	 (310) 854-0677
NAME	ADDRESS	SIGNATURE
BARBARA NIKITAS	209 1/2 S. Arnaz Dr.	 bnikitas @msn.com
NAME	ADDRESS	SIGNATURE
PAUL NOVAK	217 S. ARNAZ DR.	
NAME	ADDRESS	SIGNATURE
HWA GORK	217 S. Arnaz Dr	
NAME	ADDRESS	SIGNATURE
G. Seelagh	217 S. Arnaz Dr #301	
NAME	ADDRESS	SIGNATURE

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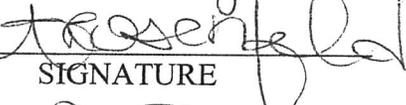
Ryann Scharik	217 S Clark	
NAME	ADDRESS	SIGNATURE
Gwynn Lewis	249 S. Clark Dr.	
NAME	ADDRESS	SIGNATURE
Joselyn Scharik	257 S Clark	
NAME	ADDRESS	SIGNATURE
Marilyn Drant	138 N Swall	
NAME	ADDRESS	SIGNATURE
Cheryl Wall	138 N Swall	
NAME	ADDRESS	SIGNATURE
Marcia Hershkowitz	132 S La Peer Dr.	
NAME	ADDRESS	SIGNATURE
LINDA EIFER	152 S. La Peer Dr	
NAME	ADDRESS	SIGNATURE
ELLI ABRAHAM	228 S. LAPEER DR	
NAME	ADDRESS	SIGNATURE
MIRIAM ABRAHAM	—	
NAME	ADDRESS	SIGNATURE
Ann ISP	264 S. LaPeer.	
NAME	ADDRESS	SIGNATURE
Lisa Glasberg	149 S La Peer	
NAME	ADDRESS	SIGNATURE
Mark Glasberg	149 S La Peer	
NAME	ADDRESS	SIGNATURE

City of Beverly Hills Planning Commission:

The undersigned are opposed to any medical office space at 8767 Wilshire Boulevard. The Planning Commission and City Council correctly rejected medical office at 8767 Wilshire because of traffic. The developer then sued the City of Beverly Hills. The Los Angeles Superior Court also rejected medical office. Nothing has changed. Therefore, I urge you to again reject any medical use at the northeast corner of Wilshire and Robertson, one of the busiest intersections in Beverly Hills. Medical offices create more unneeded traffic!

Maya Solaway 206 S. Hamel Dr 

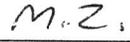
NAME	ADDRESS	SIGNATURE
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Andrea Rosenfeld 210 S. Hamel Dr. 

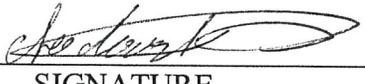
NAME	ADDRESS	SIGNATURE
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Doris Yaghaubtil 200 S. Hamel 

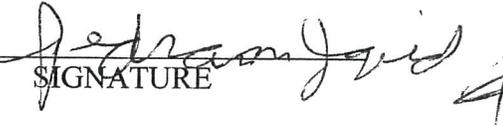
NAME	ADDRESS	SIGNATURE
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MAURICE ZORMIS 224 S. HAMMEL DR M.Z. 

NAME	ADDRESS	SIGNATURE
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Mali Javid 213 S. Hamel DR 

NAME	ADDRESS	SIGNATURE
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Pedram Javid 213 South Hamel 

NAME	ADDRESS	SIGNATURE
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KOBAR BUILDING - SEC Wilshire & Robertson

PROJECTED INCREASED CASH FLOW:

USE	SQUARE FOOTAGE	ADDITIONAL RENT PSF	ADDITIONAL ANNUAL GROSS RENT
Medical Offices & Pharmacy	33,802	\$ 18	\$ 608,436
		TOTAL INCREASED RENT	\$ 608,436

ADDITIONAL ANNUAL GROSS RENT	\$ 608,436
Less 2.5% Property Management	\$ 15,211
Less 2.035% Landlord License fees	\$ 14,298
Additional Net Operating Income	\$ 578,927

Capitalization Rate 4%

TOTAL WINDFALL TO DEVELOPER:

\$ 14,473,171

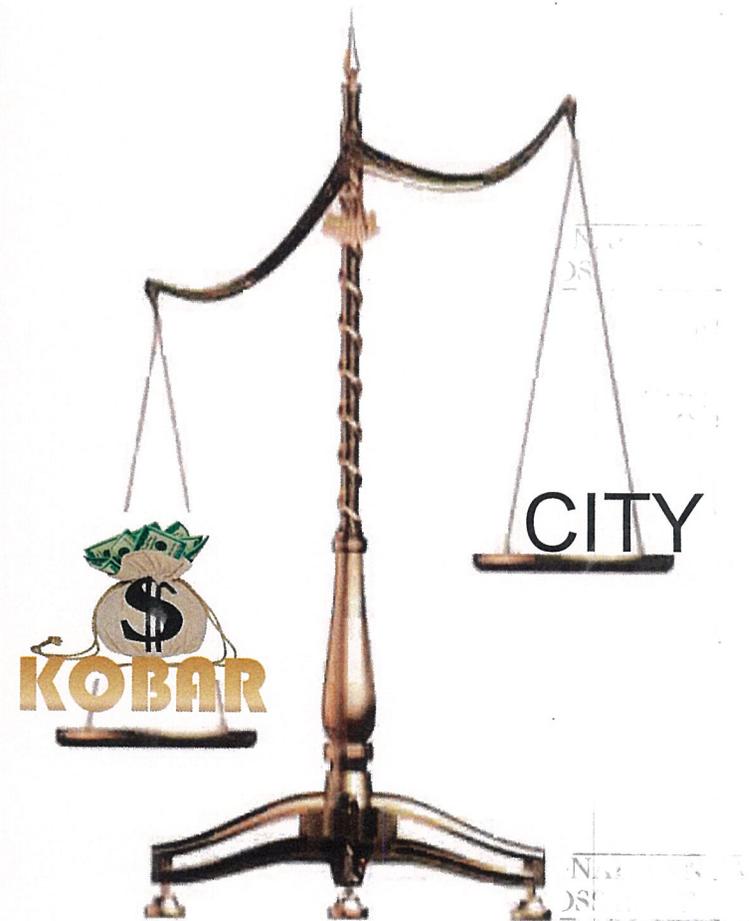
BALANCING OF EQUITIES

WINDFALL PROFITS TO DEVELOPER

\$ 14,473,171

BENEFIT TO CITY? **ANSWER:** NONE

DETRIMENT TO CITY? **ANSWER:** More Traffic & More Litigation



Karen Myron

From: Larry Larson <larry@larsonmgmt.com>
Sent: Wednesday, November 20, 2013 1:30 PM
To: Ryan Gohlich
Subject: 8767 Wilshire Blvd. Kobar
Attachments: 8767 Wilshire Blvd AGENDA 2.16.10.pdf

Ryan,

At a recent council meeting, a staff planner was criticized for not presenting arguments for both sides on the issue of the re-zoning of the T land. Frankly, I find your Staff Report on the above project lacking and biased.

Therefore, this is to request that you submit the February 16, 2010 Agenda Report to the entire Planning Commission, along with the Council findings in Section 7, so that PC understands the thinking of the Council in 2010 when they rejected Kobar's original request to convert to medical office.

Please confirm that you are distributing this 2010 Agenda Report as requested since I intend to address the former Council findings tomorrow night.

Larry Larson
323 782 1144



AGENDA REPORT

Meeting Date: February 16, 2010
Item Number: F-4
To: Honorable Mayor & City Council
From: City Attorney
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DENYING AN APPLICATION FOR AMENDMENT OF A DEVELOPMENT PLAN REVIEW PERMIT FOR THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD

Attachment: Resolution

RECOMMENDATION

It is recommended that the City Council adopt the resolution.

INTRODUCTION

The attached resolution denies a request for an Amendment of a Development Plan Review Permit for property located at 8767 Wilshire Boulevard, and sets forth the Council's findings in support of that decision.

DISCUSSION

At its meeting of February 2, 2010, the City Council directed the City Attorney's Office to draft a resolution of findings denying the request filed by the Kobor Family Trust.

FISCAL IMPACT

There is no significant fiscal impact.

Handwritten signature of Laurence S. Wiener.

Approved By Laurence S. Wiener
City Attorney

RESOLUTION NO. 10-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS DENYING AN APPLICATION FOR
AMENDMENT OF A DEVELOPMENT PLAN REVIEW
PERMIT FOR THE PROPERTY LOCATED AT 8767
WILSHIRE BOULEVARD

The City Council of the City of Beverly Hills does resolve as follows:

Section 1. The Kobor Family Trust, (the "Applicant") has submitted an application for an amendment to a Development Plan Review Permit, which was conditionally approved by City Council Resolution No. 07-R-12273, permitting the construction of a commercial building with retail, restaurant, and commercial office uses at the property located at 8767 Wilshire Boulevard (referred to as the "Project" and "Project Site," respectively). The application requests amendment of the Permit's conditions of approval to (1) eliminate the condition to provide 51 parking spaces for use by the general public (Condition No. 31 of Resolution No. 07-R-12273) and (2) to remove the prohibition on medical and other intense uses of the building currently under construction at the Project Site (Condition Nos. 17 and 18 of Resolution No. 07-R-12273) (collectively referred to as the "Amendment").

The Project Site is located on the northeast corner of Wilshire Boulevard and Robertson Boulevard and is an L-shaped site consisting of six lots that were previously occupied by the BMW automobile dealership storage facility and a small commercial building (located in the southeastern portion of the site) which has been demolished as part of the construction of the Project. Adjacent to the property to the north are a variety of commercial developments including retail stores and medical and general commercial offices. Across Wilshire Boulevard to the south along Robertson Boulevard is a three-story office/medical building and Horace

Mann elementary school. Across Robertson Boulevard to the west is a two-story commercial building. Adjacent to the property to the east is a two story commercial building, and two and three story multi-family residential properties facing North Arnaz Drive. There are no alleys separating the Project Site from the adjacent properties to the east or north.

The Amendment requests revision to the previously approved Development Plan Review Permit that allows the construction of a 75,116 square-foot, four-story, 68-foot high commercial building at the Project Site. As approved, allowable uses of the building include retail, restaurant (maximum 3,000 square feet – with up to 1,500 square feet dining and bar area), vehicle storage for nearby vehicle dealerships and general commercial offices. As noted above, the use and operation of the building is restricted by the existing conditions of approval.

The Amendment would allow the following building use and square footage allocation: 54,900 square feet of medical uses, 4,696 square feet of general office uses, 2,000 square feet of restaurant/sundry shop uses, 1,116 square feet of pharmacy uses, and 12,404 square feet of retail uses. The Amendment would eliminate conditions on the Project that the Applicant accepted in connection with the initial approval of the Project by the City Council.

Section 2. Pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”)), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), a project that is denied or rejected is exempt from the requirements of CEQA.

Section 3. On September 24, 2009, the Planning Commission conducted a site visit and considered application for the Amendment at a duly noticed public hearing. Evidence, both written and oral, was presented at said hearing. At the conclusion of its

deliberations, the Planning Commission directed staff to prepare a resolution denying the application for the Amendment.

Section 4. The Planning Commission considered the draft Resolution at its October 22, 2009 meeting and, based on objections from the Applicant and a request for additional information from the Applicant's attorneys, continued the matter to the November 19, 2009 meeting, at which time the Commission adopted the Resolution No. 1561 denying the Amendment application.

Section 5. On November 20, 2009 the Applicant filed a timely appeal of the Planning Commission's decision. The City Council considered the appeal at its February 2, 2010 meeting, at which the City Council conducted a duly notice public hearing and considered de novo the evidence, both written and oral, that was presented at the hearing.

Section 6. Section 10-3-3104 of the Beverly Hills Municipal Code provides that the City Council shall approve a development plan review application only if it makes each of the following findings:

A. The proposed plan is consistent with the general plan and any specific plans adopted for the area;

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

C. 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;

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

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

Section 7. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the findings set forth in Section 6 above:

As proposed in the Amendment, the development plan would allow medical uses, pharmacy uses and restaurant or sundry shop uses. In addition, the Amendment would eliminate the condition to provide 51 parking spaces for use by the general public. In granting the original approval, which permitted construction of the Project, both the Planning Commission and the City Council concluded that medical uses have the potential to result in negative impacts on the adjacent commercial and residential uses, and thus imposed conditions of approval to prohibit medical uses and other similarly intense uses. At the time of the initial approval, the Applicant agreed to the conditions of approval and subsequently recorded a covenant memorializing its acceptance of the conditions of approval. Further, if medical uses had been requested at the time of the initial approval, the building design, access and egress configurations, and other project design issues would have been viewed differently.

Traffic studies prepared to analyze the proposed Amendment indicate that the proposed change from general office to medical uses increases the number of daily vehicular trips by over 225% (from 604 daily trips to 1,984 daily trips for the medical component alone). Further, additional evidence in the record suggests that the increase in traffic may exceed the projections of the traffic study. Moreover, the Amendment proposes to eliminate the 51 public

parking spaces that the Applicant previously agreed to provide at the Project Site. The intensification of land use caused by a change from general office to medical office in conjunction with the loss of planned public parking amplifies the Project's potential interference with the use and enjoyment of residential and commercial properties in the vicinity of the Project Site because the dramatic increase in traffic levels would be combined with reduced parking opportunities, which increase the likelihood of incursions of commercial and office traffic and parking into nearby residential areas. Further, as discussed below, the additional impacts anticipated from the Amendment, with or without the loss of the 51 public parking spaces, would adversely affect existing and anticipated development in the vicinity and would not promote harmonious development of the area.

Although the City Council could make the finding set forth in Section 6.A above regarding general plan consistency, it cannot make the remainder of the required findings.

Section 7.1 The City Council hereby finds that the Amendment will adversely affect existing and anticipated residential and commercial development in the vicinity and will not promote harmonious development of the area. The Amendment will result in a loss of 51 parking spaces available to the general public, a substantial increase in traffic generated by the proposed intensification of land uses, increased handicapped placard parking in on-street parking spaces in the adjacent commercial areas and on residential streets, and increased traffic on commercial and residential streets related to vehicles circling in search of on-street parking, each of which would adversely effect existing and anticipated residential and commercial development in the vicinity. Approval of the medical use would change the character of the area and would not promote harmonious development of the area because it would not result in a synergy of uses that would lead to a vibrant commercial area, and instead would inhibit

development in the area of the Project due to the impact on street parking, the impact on traffic, and the over concentration of medical uses.

Section 7.2 The City Council hereby finds that the proposed nature, location, and manner of operation of the commercial development proposed by the Amendment will significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property due to the intensification of the use that would lead to an increase in traffic levels in the Project vicinity, the reduction in public parking that would otherwise be available for the area, an increase in handicapped placard parking in residential areas, and the traffic related to vehicles searching for on-street parking. Further, approval of the requested Amendment would result in an increase in traffic on local residential streets such as Clifton Way and Arnaz Drive because of the limitations on access and egress to the building that requires medical patrons driving to the Project from the north or leaving the site with the desire to travel in a southerly direction to utilize local streets rather than Robertson or Wilshire Boulevards. Additionally, those patrons unfamiliar with the building and traveling to the building from the north or west will often drive through residential areas on Hamel Drive and Charleville Boulevard in order to access the building. Increased use of this path of travel will significantly and adversely interfere with the use and enjoyment of residential properties.

Section 7.3 The City Council hereby finds that the proposed Amendment will create significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards due to the additional trips that would be generated by the amended Project. Additionally, these trips, in combination with the increased use of on-street parking by persons with handicapped placards, will result in an increase in vehicles circulating for access to and egress from the building, including circulation past the Horace Mann Elementary School

during the time that children are being dismissed from school, which coincides with the peak hours for traffic generated by medical uses. Finally, the reduction in public parking opportunities within the building will also lead to increased traffic circulation along Robertson Boulevard and in nearby residential neighborhoods.

Section 7.4 The City Council hereby finds that the proposed Amendment will be detrimental to the public health, safety or general welfare for any one of the reasons discussed in Sections 7.1, 7.2 or 7.3 above. Additionally, the replacement of Class A office space with medical uses will have an adverse impact on the general welfare of the City by reducing the space available to those uses which support the community's character and diversify its economic base.

Section 8. Based on the foregoing, the City Council hereby denies the application for the Amendment to the Development Plan Review Permit, and finds that this action is exempt from the provisions of the California Environmental Quality Act, pursuant to California Public Resources Code Section 21080(b)(5) and the State CEQA Guidelines.

Section 9. The City Clerk shall certify to the adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the City Council.

Adopted:

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

BRYON POPE
City Clerk

APPROVED AS TO FORM:

 *LSW*

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE, AICP
Director of Community Development

Karen Myron

From: Tina O'Brien <tinaobr@yahoo.com>
Sent: Wednesday, November 20, 2013 6:43 PM
To: Ryan Gohlich
Subject: 8767 Wilshire - Video Footage of Traffic on Robertson

Dear Mr. Gohlich,

I would like to submit the video link below to all members of the Planning Commission.

I was unable to find email addresses for any of the other members of the Planning Commission on the Beverly Hills City Website though I searched for some time. Please forward this link to the other members of the Planning Commission in reference to the Hearing tomorrow evening. It is imperative they have an opportunity to see this video before they make such an important decision.

This video was taken this past week at approximately 9:00am at the intersection of Wilshire and Robertson directly in front of the building at 8767 Wilshire Blvd. The property owner's requested amendment, if approved, would result in significant increases in traffic to this intersection.

Please watch this video and you will see for yourself the current traffic situation.

PLEASE CLICK THIS VIDEO LINK: <http://www.youtube.com/watch?v=c-objctSsyCs>

Thank you,

Tina O'Brien

November 19, 2013

Beverly Hills Planning Commission
City Hall
City of Beverly Hills
460 N. Rexford Drive
Beverly Hills, CA 90210

Re: No Medical Use
NEC Wilshire/Robertson

Dear Chairman Rosenstein and Commissioners:

I am opposed to the conversion of the office building at the NE corner of Wilshire and Crescent to any medical use. A prior Planning Commission and prior City Council correctly turned down medical use at the above location for good reason – we do not need more traffic at that very busy intersection.

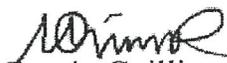
I live on the east side of Beverly Hills. We do not need more traffic on Wilshire or Robertson that will occur with more medical use in that area.

Because the developer did not get what they wanted, the developer next sued the City of Beverly Hills, but lost the case. Now, I understand that the developer filed a pending appeal. This developer has cost our City hundreds of thousands of dollars in legal fees defending a frivolous lawsuit. Settling with the developer in return for dismissing the pending litigation will only cause more costly litigation with other developers who will try the same tactics as the Kobar.

Developers need to understand that are rules in our city that must be respected, and that they can't simply do whatever they want. Our quality of life must take precedence over developers profits.

I urge you to vote “No” on the Kobar building at Wilshire & Robertson.

Thank you,



Cassia Geillim

A Beverly Hills Resident

Ryan Gohlich

From: Andrea Grossman <andragrossman@gmail.com>
Sent: Tuesday, November 19, 2013 2:44 PM
To: Ryan Gohlich
Cc: John Mirisch; willy.brien@cshc.org; Lili Bosse; Julian Gold
Subject: 8767 Wilshire Blvd.

To members of the Planning Commission:

I am speaking as an individual, not as a representative of the Southeast Task Force.

The issue of using the 8767 office building as medical offices has come up again and again. The City Council opposed this, based on multiple factors: traffic on Robertson, medical building traffic, construction needs unique to medical buildings, and so many others. The building was not zoned for a medical office building-- medical use brings much more automobile traffic in and out of the building, and requires ambulance/emergency vehicle space. At the first council hearing several years ago, Willy Brien, who is of course a physician, asked many brilliant and provocative questions about the construction of the building, and commented that air vents, emergency vehicle egress and access, water use, and extremely heavy medical office equipment make for complex construction and unique safety requirements. Additionally, Robertson is just not wide enough to accommodate more traffic, and the corner of Wilshire and Robertson is too congested, and too busy as it is. A medical building will exacerbate an already enormous problem at that intersection. Since medical use was already twice denied, these issues most likely have not been addressed.

The neighborhood, planning commission and city council rendered their verdicts not once but twice. The community stayed until 2:00 a.m. to air their opinions on the matter. Please do not allow this building to be transformed into medical use; the neighborhood cannot bear any more increased traffic problems, and the infrastructure cannot either. Structural requirements of a medical building would have to have been met at the beginning of construction, not retroactively. Please deny the effort to turn this building into medical use.

Thank you.

Best,
Andrea and Rick Grossman

--

Andrea Grossman
Writers Bloc- Celebrating 18 years of Great Conversation
353 South Swall Drive
Beverly Hills, CA 90211
310.855.0005 office
310.717.4452 cell
www.writersblocpresents.com

Ryan Gohlich

From: H. ROBERT GLUCK <hrg90064@yahoo.com>
Sent: Monday, November 18, 2013 2:53 PM
To: Ryan Gohlich

Please do not grant approval for medical use at 8767 Wilshire Blvd. Traffic on Robertson Blvd. is already strained.

Since medical use was turned down before, it should not be granted now.

Thank you,

H. Robert Gluck
269 S. La Peer Dr.

Helen Walder Rogaway
159 N. Arnaz Dr.
Beverly Hills, CA 90211-2114
hrogaway@gmail.com
November 16, 2013

Ryan Gohlich, Senior Planner
Beverly Hills Planning Commission
455 N. Rexford Dr.
Beverly Hills, Ca 90210

To the Planning Commission:

Here we go again. Same story, same characters, same plot, same setting, different time frame – some years later... Once again, the developer of the building at 8767 Wilshire wants to request permission to rent to medical offices. When the building was conceived and designed it was agreed that it could not be used for medical offices – that was written into the original plan.

We, the residents of Arnaz Dr. in Beverly Hills, and Los Angeles, are already choking on the traffic and congestion in our area. Two large, existing medical structures on Robertson fill the residential streets on a daily basis. Cars with red and blue handicapped placards abound - it seems as if everyone going to the doctor's office is already handicapped, and so are the employees (they have placards too.)

Our area of Beverly Hills is referred to as "Cedar-Sinai South." Enough already! The giant octopus, with eight sucker-bearing arms, is constantly reaching out for more space. Robertson Blvd. and Wilshire Blvd. are often gridlocked; consequently forcing vehicles on to Clifton Way and Arnaz Drive – new alternative boulevards.

We cannot tolerate an avalanche of increased cars in this area. There are times when it is difficult to cross the street in front of our own homes or even pull out of the driveway. If we are to survive as a residential community there must be a stop to the overdevelopment of our area. Builders must abide by the rules originally agreed to in the planning stages. We cannot make constant compromises – we are already choking.

Sincerely,

Helen Rogaway
Helen Walder Rogaway

P.S.

11-17-2013

Just in case you did not know:

Robertson & La Cienega are the only two streets to the 10 Freeway.

Emergency cars must get through. Helen Rogaway