



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: April 1, 2014
To: Honorable Mayor & City Council
From: Jonathan Lait, AICP, Assistant Director of Community Development
Subject: Request by Councilmember Mirisch for City Council Review of the Planning Commission Decision Regarding a rooftop lunchroom on the property located at 151 El Camino Drive (Kennedy Wilson).
Attachments:

1. Municipal Code Excerpts BHMC Section 1-4-201, et seq.
2. Planning Commission Resolution No. 1709
3. Planning Commission Staff Report

BACKGROUND

Councilmember Mirisch has requested this item be placed on the City Council's agenda to determine if there is Council support to call up the subject Planning Commission decision for review. If the City Council orders the review, this matter would be scheduled for consideration at a future public hearing.

DISCUSSION

The Planning Commission conditionally approved a Development Plan Review application on March 13, 2014 to allow a lunchroom with outdoor seating and associated amenities on the rooftop of an existing commercial building on the property located at 151 El Camino Drive. As approved, the proposed open air lunchroom would be utilized by employees and guests of the building tenant, Kennedy Wilson. Use of the rooftop area is restricted to the following hours: 8:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 7:00 PM Saturday and Sunday. There are limited opportunities for work-related events to extend until 10:00 pm five (5) times per year.

The Planning Commission voted 4-1 to approve the project. The dissenting vote reflected concern about the layout, design and intended use of the proposed outdoor area, and proximity to residential properties. Copies of the staff report presented to the Planning Commission and the Resolution adopted by the Planning Commission are attached hereto to provide a more detailed explanation of the history of this project and the Commission's determination as to the Development Plan Review and specific conditions imposed on the project.

Pursuant to Beverly Hills Municipal Code Section 1-4-201, et seq., the City Council may order a review of any decision made by any commission, board, or official of the city.

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The process to initiate this review and set a hearing is specifically set forth in the municipal code, and those provisions are attached for reference.

The City Council must order any review within 30 days of the Planning Commission's approval, which was on March 13, 2014. If a review is ordered, the Planning Commission's action will be stayed until the Council review is final.

The decision to order a review at the April 1st City Council Meeting shall be limited to the question of whether to call the item up for hearing before the City Council at a future formal meeting and shall not include any evaluation or assessment of the merits or circumstances of the case or the Planning Commission's action. That discussion would take place at a noticed public hearing at an upcoming Council meeting.

FISCAL IMPACT

This report seeks Council direction regarding the requested call-up. A de novo public hearing before the City Council will result in cost to the City associated with staff time, which would be accommodated within existing resources.

RECOMMENDATION

It is recommended that the City Council make a determination as to whether or not the subject Planning Commission action will be ordered for review. In the event the Council votes to call up the matter for review, staff recommends setting the hearing date for May 6, 2014.

Susan Healy Keene, AICP

Approved By

A handwritten signature in cursive script that reads "Susan Healy Keene". The signature is written in black ink and is positioned below a horizontal line that spans the width of the signature area.

Attachment 1

Municipal Code Excerpts BHMC
Section 1-4-201, et seq.

Article 2. Council Ordered Review of Administrative Decisions

1-4-201: RIGHT TO REVIEW:

The council may order a review of any decision made by any commission, board, or official of the city, except as otherwise provided in this code. Such review may be ordered by motion of the council duly adopted within thirty (30) calendar days after the issuance of the decision. If the council orders a review of a decision, the effectiveness of such decision shall be stayed until council review is final. (1962 Code § 1-6.201; amd. Ord. 94-O-2211, eff. 9-2-1994)

1-4-202: SETTING HEARINGS:

Upon the adoption of an order for a review of a decision, the mayor shall fix a time and place for the hearing. At least ten (10) days prior to the hearing, written notice shall be mailed to the applicant and such other persons who appeared and addressed the board, commission, or official at the previous hearing on the matter, and such other notice as required by law for the previous hearing shall also be given. (1962 Code § 1-6.202)

1-4-203: HEARINGS BY THE COUNCIL:

Unless otherwise ordered and noticed, hearings shall be held as a part of the regular meetings of the council. The hearings shall be do novo in that an independent reexamination of the matter shall be made. The council may decide the matter upon the record or may take additional evidence. Any oral or documentary evidence may be received, but the mayor shall exclude irrelevant, immaterial, or unduly repetitious evidence. It shall not be a ground for objection that the evidence is hearsay or secondary, but the council's decision shall be made upon substantial evidence. (1962 Code § 1-6.203)

1-4-204: DECISIONS AND FINDINGS:

The provisions of sections 1-4-107 and 1-4-108 of this chapter shall be applicable to the decisions of the council. (1962 Code § 1-6.204)

Attachment 2

Planning Commission
Resolution No. 1709

RESOLUTION NO. 1709

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW TO ALLOW THE CONSTRUCTION OF A ROOFTOP LUNCHROOM ON AN EXISTING THREE-STORY COMMERCIAL BUILDING LOCATED AT 151 EL CAMINO DRIVE (KENNEDY WILSON).

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

Section 1. Damian Catalan, agent on behalf of the property owner (collectively the "Applicant"), has submitted an application for a Development Plan Review to allow the construction of a rooftop lunchroom on an existing three-story commercial building located at 151 El Camino Drive (the "Project").

Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-3107, a Development Plan Review is required to establish rooftop uses.

Section 2. The Project site is located along the 100 block of El Camino Drive at the northwest corner of El Camino Drive and Charleville Boulevard. Development in the vicinity of the project site consists of commercial offices, a hotel, multi-family residential buildings, and single-family residences. The surrounding development ranges from one to fourteen-stories in height. The project site is currently developed with a three-story office building with ten (10) on-grade parking spaces.

The proposed rooftop lunchroom will be located within the southeastern region of the existing rooftop. The lunch area will include the following elements:

- 3,960 square feet of lunch area containing outdoor seating;
- A kitchenette area which provides a sink, cabinets/shelves, counters, and seating;
- 15' tall trellis structure;
- Landscape planters around the perimeter of the lunch area;
- A fit pit;
- An elevator; and
- A new stairway.

Section 3. The Project has been environmentally reviewed pursuant to 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 environmental guidelines. A Class 1 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 for an addition of less than 2,500 square feet to an existing commercial structure.

Section 4. Notice of the Project and public hearing was mailed on March 3, 2014 to all single-family residential property owners within a 500-foot radius, and to property owners in other zones within a 300-foot radius of the project site. Due to a discrepancy in the original notice regarding the floor area of the project, a revised notice was mailed to all single-family residential property owners within 500-foot radius and to all property owners in other zones within a 300-foot radius of the project site on March 6, 2014. On March 13, 2014 the

Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Development Plan Review, the Planning Commission considered whether the following findings could be made in support of the Project:

1. Whether the proposed plan is consistent with the General Plan and any specific plans for the area;
2. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. Whether the nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property;
4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
5. Whether the proposed plan will be detrimental to the public health, safety, or general welfare.

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

1. The Project is consistent with the requirements and guidance of the General Plan for commercial uses. The subject site is surrounded by commercial and residential development and the rooftop lunch area has been designed with the neighboring uses in-mind, and therefore, the proposed Project will be a harmonious addition to the area. Additionally, the proposed Project is not located within any specific plans adopted for the area.

2. The Project is consistent with the development standards established in the City's Municipal Code and General Plan. The lunch area will be located on the roof of an existing three-story commercial building, and will be set back a minimum of 11'-5" from the building facade along El Camino Drive and a minimum of 13'-10" from the building facade along Charleville Boulevard. The proposed trellis structure over the lunch area will be a maximum of 15' in height above the adjacent roof deck and will be set back 18'-9" from the El Camino Drive building facade and 26'-11" from the Charleville Boulevard building facade. Since the lunch area and trellis will be set back from the building facades, the area will be minimally visible from the adjacent roadways. While some of the taller adjacent office buildings and hotel will have views of the rooftop, the lunch area and trellis will not be visible from the majority of the multi-family and single-family properties located to the south and southeast, as those structures are generally two stories or less in height. Furthermore, the rooftop lunch area will be utilized primarily by employees of the office building, who will occupy the space mostly during regular business hours. As conditioned, the rooftop may occasionally be used to entertain clients; however, this type of entertaining will be limited in frequency and will be required to conclude by 7:00 PM Sunday through Thursday and by 10:00 PM on Fridays and Saturdays. Since the rooftop lunch area will be constructed on an existing commercial building, has been designed to limit its visibility from the adjacent roadways and adjacent properties, and will be

utilized primarily by employees of the office building during regular business hours, the Project is not anticipated to adversely affect existing and anticipated development in the vicinity and will promote harmonious development in the area.

3. The lunch area will be located on the roof of an existing three-story commercial building, and will be set back 11'-5" from the building facade along El Camino Drive and 13'-10" from the building facade along Charleville Boulevard. The proposed trellis structure over the lunch area will be a maximum of 15' in height and will be set back 18'-9" from the El Camino Drive building facade and 26'-11" from the Charleville Boulevard building facade. Since the lunch area and trellis will be set back from the building facades, the area will be minimally visible from the majority of the multi-family and single-family properties located to south and southeast, as those structures are generally two stories or less in height. Additionally, the existing building parapet and the proposed planters around the lunch area will restrict the views from the rooftop into adjacent residential properties. Furthermore, the rooftop lunch area will be utilized primarily by employees of the office building, who will occupy the space mostly during regular business hours. As conditioned, the rooftop may occasionally be used to entertain clients; however, this type of entertaining may be limited in frequency and will be required to conclude by 7:00 PM Sunday through Thursday and by 10:00 PM on Fridays and Saturdays. Since the rooftop lunch area will be constructed on an existing commercial building, has been designed to limit its visibility from the adjacent residential properties, and will be utilized primarily by employees of the office building during regular business hours, the Project is not anticipated to adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. The rooftop lunch area will be primarily utilized by employees of the office building during regular business hours, and may occasionally be utilized to entertain clients/guests. As conditioned, any entertaining will be limited in frequency and will be required to conclude by 10:00 PM. The rooftop area will be prohibited from having food services other than vending machines. Consequently, the lunch area is not anticipated to generate additional trips to the Project site beyond those trips already generated by the general office use. Furthermore, the lunch area would not result in an increase in floor area on the Project site, as the lunch area is not fully enclosed. Since the lunch area is not anticipated to generate additional traffic trips to the site and additional parking is not required, the existing traffic and pedestrian-vehicle relationships on the site will remain unaltered. Therefore, the Project is not anticipated to create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. The lunch area will be located on the roof of an existing three-story commercial building, and will be set back 11'-5" from the building facade along El Camino Drive and 13'-10" from the building facade along Charleville Boulevard. The proposed trellis structure over the lunch area will be a maximum of 15' in height and will be set back 18'-9" from the El Camino Drive building facade and 26'-11" from the Charleville Boulevard building facade. Since the lunch area and trellis will be set back from the building facades, the area will be minimally visible from the adjacent roadways. While some of the taller adjacent office buildings and hotel will have views of the rooftop, the lunch area and trellis will not be visible from the majority of the multi-family and single-family properties located to south and southeast, as those structures are generally two stories or less in height. Furthermore, the rooftop lunch area will be utilized primarily by employees of the office building, who will occupy the space

mostly during regular business hours. Consequently, the lunch area is not anticipated to result in additional traffic trips to the property. As conditioned, the rooftop may occasionally be used to entertain clients; however, this type of entertaining will be limited in frequency and will be required to conclude by 10:00 PM. A condition has also been incorporated that will prohibit the lunch area from having food services other than vending machines. Since the rooftop lunch area will be constructed on an existing commercial building, has been designed to limit its visibility from the adjacent roadways and adjacent residential properties, and will be utilized primarily by employees of the office building during regular business hours, the Project is not anticipated to be detrimental to the public health, safety, or general welfare.

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

1. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on March 13, 2014.
2. No fees may be charged for use of or access to the rooftop facilities.
3. The rooftop lunch area shall be restricted to use by employees and guests of the commercial building between the hours of 8:00 AM and 7:00 PM Monday through Friday, and between the hours of 9:00 AM and 7:00 PM on Saturdays and Sundays. Notwithstanding the preceding restrictions, this condition shall not prohibit the Applicant from hosting up to a maximum of five (5) rooftop events within a 12-month period on the rooftop until as late as 10:00 PM, provided that the Applicant submits written notice to the Director of Community Development at least 48 hours in advance of

the event, notifying the Director of the date, time, and type of event to be conducted. In the event that the Director of Community Development determines that the type or frequency of events is resulting in unanticipated impacts, the Director shall have the authority to impose additional conditions on the use of the outdoor rooftop areas, and may, at his or her discretion, schedule a public hearing before the Planning Commission to assess the impacts and impose additional conditions.

4. During the regularly permitted rooftop hours outlined in Condition No. 3 of this resolution, the rooftop occupancy shall not exceed the occupancy limits permitted pursuant to the City-adopted California Building Code or 100 people, whichever is less. During the rooftop events outlined in Condition No. 3 of this resolution, the maximum occupancy shall not exceed the occupancy limits permitted pursuant to the City-adopted California Building Code.

5. Free self-parking and/or free valet parking shall be provided during the five (5) rooftop events allowed on the rooftop pursuant to this resolution.

6. The landscaping within the rooftop planters shall be maintained in a manner that is consistent with the plans approved by the Planning Commission on March 13, 2014. Furthermore, an irrigation system shall be provided within the rooftop planters. An irrigation plan shall be provided to the City and shall be subject to review and approval by the City's Urban Designer.

7. A rooftop bar shall be prohibited. Any kitchenette shall be subject to review by the Director of Community Development to ensure that the kitchenette is compatible with the lunchroom use.

8. Access to the rooftop lunch area shall be restricted to employees

and guests only. General public access to the rooftop lunch area shall be prohibited.

9. Amplified music shall be prohibited within the rooftop lunch area.

10. The Planning Commission expressly reserves jurisdiction relative to traffic, parking, and noise issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the proposed Project as they arise. In the event that the Project is found to result in any unanticipated impacts and a hearing is scheduled to review the Project, the full cost of the hearing and implementation of any additional conditions or mitigations measures shall be paid for by the Applicant.

11. The lunch area shall maintain a minimum 11'-5" setback from the building façade along El Camino Drive and a minimum 13'-10" setback from the building façade along Charleville Boulevard.

12. Light fixtures within the rooftop lunch area shall be installed so that light is directed into/onto the lunch area only. Light fixtures in the rooftop lunch area shall be prohibited from being installed in a manner that would result in light spilling over on the building façade and/or adjacent sidewalks, roadways, or properties.

13. The rooftop lunch area and associated structures are subject to Architectural Review. Permits for the rooftop area shall not be issued until the project has received an Architectural Review approval.

14. If at any time the rooftop structure is used for any purpose other than those outlined in this Resolution, or is used in any other manner that violates the conditions of this Resolution, the City, in its sole discretion, may require immediate removal of the rooftop use, and conversion of the rooftop structure to non-habitable

mechanical penthouse, upon giving written notice thereof, which notice shall be delivered through the United States mail, addressed to the Applicant or its successor at the latest address provided to the City by the Applicant or its successor and upon receipt of the notice, the Applicant or its successor shall promptly remove the rooftop use and convert the structure to non-habitable mechanical penthouse without cost to the City. If the rooftop use is not removed and the structure converted to a non-habitable penthouse within thirty (30) days after delivery of such notice by the City, the City may remove such use and convert the structure and all costs incurred by the City in connection with such removal and conversion shall be paid by the Applicant or its successor. The applicant and its successor in interest shall indemnify, protect, defend, and hold harmless the City, and each of its officers, agents, City Council members, and employees, from and against any and all liabilities, demands, claims, damages, losses, costs, and expenses of whatsoever kind or nature, including, but not limited to, any and all direct and indirect reasonable costs of defense, made against, or incurred or suffered by any such indemnitee resulting directly or indirectly from the City's removal and conversion of the rooftop structure.

15. 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.

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

17. 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 Building Code, Fire Code, Municipal Code, and General Plan Policies is required prior to the issuance of a building permit.

18. 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.

19. RECORDATION. The resolution approving the Development Plan Review and In-Lieu parking 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.

20. 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.

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

22. 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.

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

24. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations.

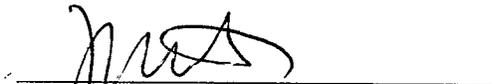
Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: March 13, 2014



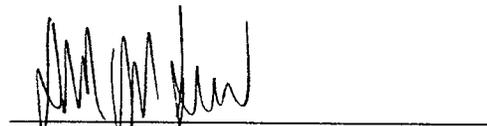
Brian Rosenstein
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



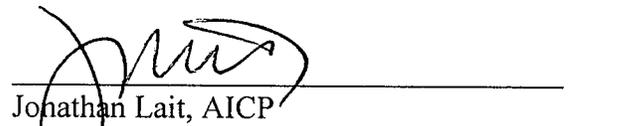
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
Assistant Director of Community Development


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1709 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on March 13, 2014, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Shooshani, Block, Vice Chair Fisher, Chair Rosenstein.

NOES: Commissioner Corman.

ABSTAIN: None.

ABSENT: None.



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California

Attachment 3

Planning Commission
Staff Report



Planning Commission Report

Meeting Date: March 13, 2014

Subject: **151 El Camino Drive**
Request for a Development Plan Review to allow a rooftop lunchroom with outdoor seating and associated amenities.
PROJECT APPLICANT: Kennedy Wilson

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the requested entitlements.

REPORT SUMMARY

The proposed project involves the construction of a rooftop lunch area on an existing three-story commercial building located at 151 El Camino Drive. The lunch area is primarily intended for use by employees; however, the applicant also desires to occasionally utilize the lunch area for entertaining clients. No food service is proposed in connection with the lunch area.

As proposed, the rooftop lunch area would occupy approximately 3,960 square feet of the existing rooftop area, and would be comprised primarily of outdoor seating space. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-3107, the Planning Commission may approve a Development Plan Review to allow a rooftop lunchroom and associated structures provided that the structures adhere to specific development standards (see Attachment A) and that required findings can be made (see Attachment B). Furthermore, the Planning Commission may also permit the rooftop area to be utilized by clients, in addition to employees of the building. The proposed rooftop lunch area complies with the required development standards; however, discretionary review is required for the Development Plan Review.

Key issues discussed in this report include the proposed rooftop use and configuration, and the potential impacts of the rooftop use on adjacent commercial and residential properties. Staff's analysis concludes that, as conditioned (see Attachment B), the proposed project will not result in adverse impacts on existing and anticipated development in the area, on the use and enjoyment of residential properties in the area, on traffic in the area, and will not be detrimental to the public health, safety, or general welfare. Therefore, the recommendation in this report is for approval of the requested Development Plan Review.

Attachment(s):

- A. Development Standards for Rooftop Lunchrooms
- B. Required Findings and Recommended Conditions of Approval
- C. Draft Resolution
- D. Public Notice
- E. Architectural Plans

Report Author and Contact Information:
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srojemann@beverlyhills.org

BACKGROUND

File Date	1/30/2014
Application Complete	2/28/2014
Subdivision Deadline	N/A
CEQA Determination	Class 1 Categorical Exemption (refer to the Draft Resolution is Attachment C for further explanation)
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	5/12/2014 without extension request from applicant
Applicant(s)	Kennedy Wilson
Owner(s)	Kennedy Wilson
Representative(s)	Damian Catalan – DC Expediting
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	151 El Camino Drive
Legal Description	TRACT #7710 EX OF ST LOT 74
Zoning District	C-3 Commercial Zone
General Plan	Low Density General
Existing Land Use(s)	Commercial Office
Lot Dimensions & Area	193.5' x 117.5' = 22,746 sq. ft. (.52 acres)
Historic Resource	The southern two-thirds of the existing office building was constructed in 1955 by Douglas Honnold, who is listed on the City's Master Architect List. In 1982, the building was remodeled and the northern one-third of the building was added. The addition and remodel was completed by Maxwell Starkman, who is also listed on the City's Master Architect List. Since Master Architects were involved in the original construction as well as a renovation/addition to the building in 1982, the City's Urban Designer, in conjunction with the applicant team, conducted a review to determine the historic value of the existing building. The analysis concluded that since the original building was greatly modified during the 1982 remodel/addition, and since the 1982 remodel/addition was not an exemplary example of Maxwell Starkman's work, the building has lost its historical integrity and therefore, is not considered to be a historic resource pursuant to the City's Historic Preservation Ordinance or CEQA.
Architectural Review	The requested rooftop lunch area is proposed in conjunction with an exterior and interior remodel of the property. The exterior modifications proposed for the building facade were previously reviewed and approved by the Architectural Commission at its meeting on January 15, 2014. If approved by the Planning Commission, the proposed rooftop lunch area will also require review by the Architectural Commission.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North C-3 Commercial Zone
 South (across Charleville Boulevard) R-4 Multiple Residential Zone
 East (across El Camino Drive) C-3 Commercial Zone
 West (across alley) C-3T-3 Commercial-Transition Zone

Circulation and Parking

Adjacent Street(s) El Camino Drive and Charleville Boulevard
 Adjacent Alleys A 17.5' two-way alley is located along the west side of the project site
 Parkways & Sidewalks 12.5' parkway along El Camino Drive, 12.5' parkway along Charleville Boulevard
 Parking Restrictions El Camino Drive - 1 hour metered parking from 8 AM to 6 PM; Charleville Boulevard – 1 hour metered parking 8 AM to 6 PM
 Nearest Intersection El Camino Drive and Charleville Boulevard
 Circulation Element Local Streets
 Existing Traffic Volume El Camino Drive carries approximately 4,090 daily trips; Charleville Boulevard carries approximately 6,560 daily trips.

Zoning Compliance Table

	45' to roof deck/ 60' to top of rooftop lunchroom (15' above roof deck ¹)	41'-9" to roof deck/45'-9" to top of parapet	41'-9" to roof deck/45'-9" to top of parapet/ 56'-9" to top of rooftop lunchroom (trellis)	The existing commercial building is three-stories in height.
	15' maximum height (above adjacent roof deck), maximum floor area is equal to or less than 50% of the total area of the story below (approximately 10,250 SF for the project site)	N/A	15' maximum height, 3,960 square feet of floor area (19.3% of the total area of the story below)	

¹ Pursuant to BHMC §10-3-100, the definition of 'Height in Commercial Zones', unoccupied architectural features (trellis) may extend up to a maximum height of 15', as measured from the building roof deck.

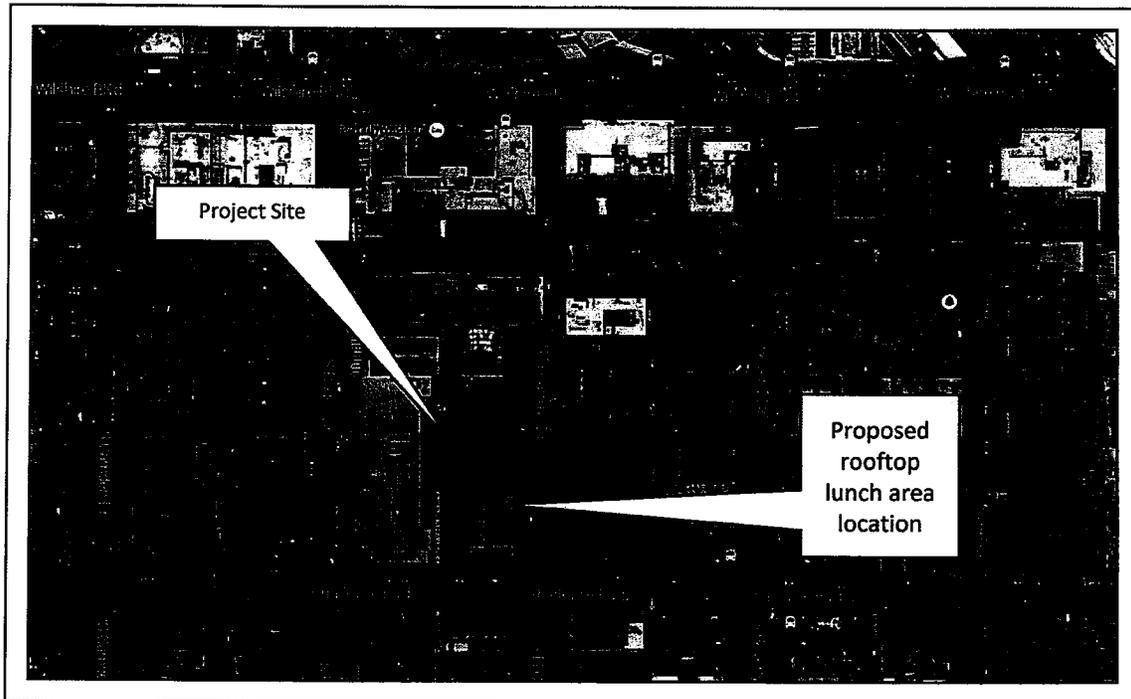
Zoning Compliance Table Continued

	Maximum height of 15' above the adjacent roof deck, may not cover more than 33% of the roof area, must comply with the required 45° height envelope ²	N/A	Trellis is 15' in height, the lunch area covers 9.7% of the rooftop area, the trellis complies with the 45° height envelop	New trellis complies with the requirements for unoccupied architectural features
	45,492 square feet	56,319 square feet	No change	Property is legally non-conforming with respect to floor area. No new floor area is proposed in conjunction with the proposed rooftop lunch area.
	No setback required	No setback existing	No change	
	No setback required	No setback existing	No change	
	No setback required	No setback existing	No change	
	No setback required	No setback existing	No change	
	161 spaces	10 spaces onsite/ 130 spaces provided offsite at 150 El Camino Drive through a parking covenant	No change	The property is legally nonconforming with respect to parking. No new parking spaces are required for the proposed rooftop lunch area.

² BHMC §10-3-100, Height of Buildings in Nonresidential Zones (7): Unoccupied architectural features are exempt from height provided that such features to not exceed 15' in height as measured from the adjacent roof deck, do not cover more than 33% of the roof area upon which they are located, and the features do not exceed or intersect with a line project from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.

Neighborhood Character

The subject property is located along the 100 block of El Camino Drive at the northwest corner of El Camino Drive and Charleville Boulevard, outside of the City's Business Triangle. Development in the vicinity of the project site consists of commercial offices and a hotel along the west, north, and east sides of the property, and multi-family and single-family residences along the south side of the property. The surrounding development ranges from one to fourteen-stories in height. The project site is currently developed with a three-story office building with ten (10) on-grade parking spaces. The proposed lunch area would be located within the southeastern portion of the existing rooftop (highlighted in yellow on the aerial image provided below).

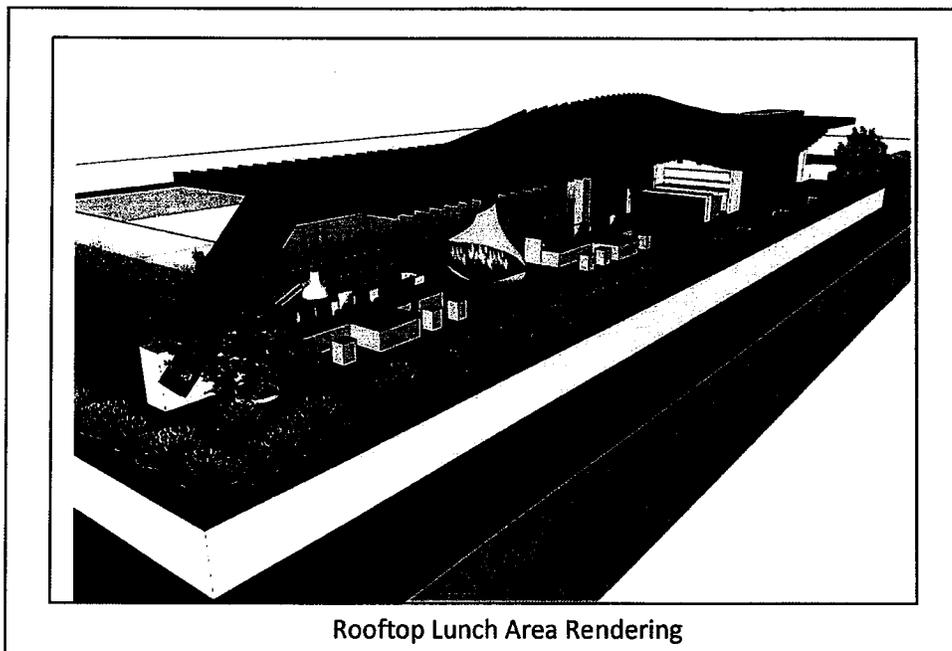
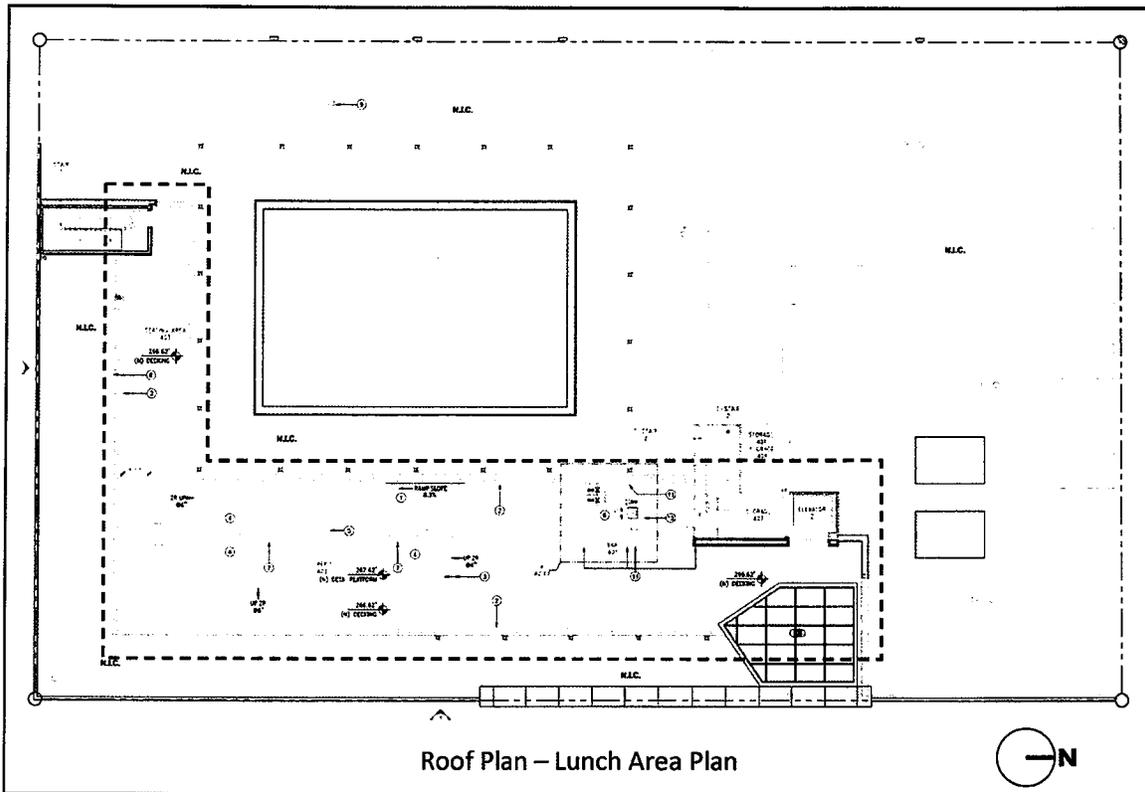


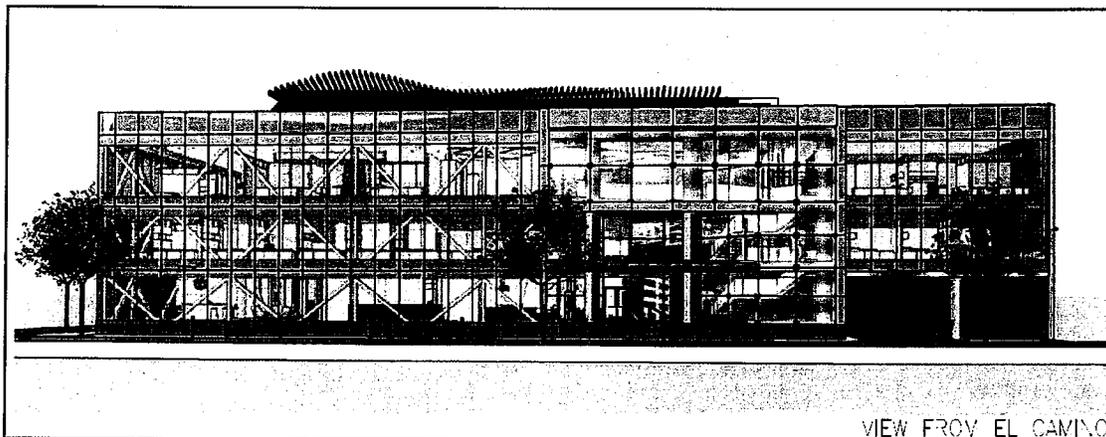
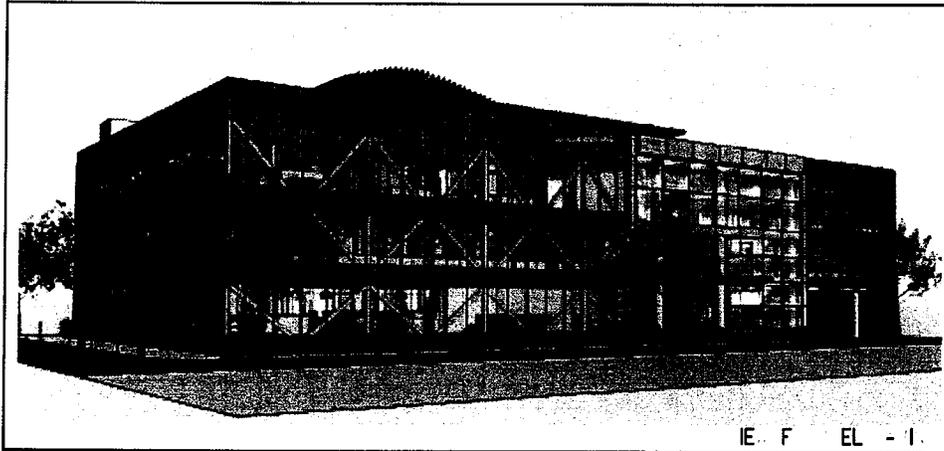
PROJECT DESCRIPTION

The proposed project consists of a new rooftop lunch area on an existing three-story commercial building. The lunch area would include the following elements:

- 3,960 square feet of lunch area with seating (19.3% of floor area of the story below);
- A kitchenette area which provides a sink, cabinets/shelving, counters, and seating;
- 15' tall trellis structure;
- Landscape planters around the perimeter of the lunch area;
- A fire pit;
- An elevator; and
- A new stairway.

A roof plan and renderings of the proposed lunch area are provided on the following page.





ZONING CODE³ COMPLIANCE

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

Agency Review

In reviewing the proposed project, City staff consulted with the Development Services Program, which includes the Building & Safety Division, the Fire Department, and Public Works Department, to identify potential issues that should be addressed prior to Planning Commission review. At the time of review, no issues were identified that would result in the need for significant project modifications.

GENERAL PLAN⁴ POLICIES

The General Plan includes goals and policies intended to help guide development in the City. Some of

³ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

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

the goals and polices applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City’s distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 2.4 Architectural and Site Design.** Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City’s distinctive image and complement existing development.
- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- **Policy LU 12.2 Building, Parking Structure, and Site Design.** Require that buildings, parking structures, and properties in commercial and office districts be designed to assure compatibility with abutting residential neighborhoods, incorporating such elements as setbacks, transitional building heights and bulk, architectural treatment of all elevations, landscape buffers, enclosure of storage facilities, air conditioning, and other utilities, walls and fences, and non-glare external lighting.
- **Policy LU 15.1 Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services, and high-paying jobs.
- **Policy ES 1.4 Retain Existing Industries.** Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	3/7/14	6 days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Residential Owners- 500' Radius & Owners - 300' Radius)	10 Days	3/3/14	3/3/14	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/7/14	6 Days

Public Comment

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

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 C (Draft Resolution) and may be used to guide the Planning Commission's deliberation of the subject project. Key issues related to the requested entitlements are discussed as follows:

Lunchroom Request. Regulations regarding rooftop lunchrooms were initially adopted by the City in 1990, and it would appear that the original intent of the regulations was to encourage lunchrooms, as well as certain other amenities within buildings. Since that time, the City has approved eleven rooftop structures (lunchrooms, gyms, etc.). Most recently, the City approved a rooftop lunchroom for the property at 9800 Wilshire Boulevard. The lunchroom being requested by the applicant is similar to the lunchroom approved by the Planning Commission at 9800 Wilshire Boulevard in that the applicant is requesting the ability to allow clients, as well as employees, to utilize the rooftop lunch area, and the lunch area is mostly open air with a trellis structure. While the rooftop lunchrooms are similar overall, the Commission may wish to specifically discuss the difference in location, as the property at 9800 Wilshire Boulevard is located approximately 225' from residential properties and the subject property is approximately 60' from residential properties (across Charleville Boulevard).

Lunch Area Design. The City's Municipal Code allows for rooftop lunchrooms; however, the Code does not define 'lunchroom'. Consequently, applications for lunch areas can vary in design and layout. The proposed lunch area is designed with a lounge-style atmosphere and contains modern style seating, lighting, and décor, including a fire pit. This design lends itself to more of an evening lounge activity than a traditional lunchroom. The applicant's request to allow guests heightens this perspective and raises additional concerns regarding the intended use of the space. Additionally, the proposed lunchroom includes a request for a kitchenette structure that contains a sink, cabinets/shelving, counters, and seating. A kitchenette structure facilitates catered events, which if properly regulated, may not be impactful to neighboring residents. Given the close proximity to residential properties to the south across Charleville Boulevard, staff recommends approval of the kitchenette be conditioned to prohibit a bar-style use and restricting the number of events allowed after 7:00 PM nightly. The Commission may wish to consider other modifications to the lunchroom design or operations.

Lunch Area Configuration. The proposed rooftop lunch area would be located in the southeastern portion of the existing rooftop. In this area, the lunch area would be located most closely to the El Camino Drive and Charleville Boulevard building elevations. As proposed, the lunch area would be set back approximately 11'-5" from the El Camino Drive building facade and would be set back approximately 13'-10" from the Charleville Boulevard building facade. Since the lunch area will be set back from both the El Camino Drive and Charleville Boulevard building facades, the lunch area will be minimally visible from the adjacent roadways. While some of the taller adjacent office buildings and hotel (Beverly Wilshire Hotel) will have views of the rooftop, the lunch area will not be visible from the majority of the multi-family and single-family properties to the south and southwest, as those structures are generally two stories or less in

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.

height. Furthermore, landscaping planters are proposed around the entire lunch area. The landscape planters will be approximately 3' in height and will contain Mexican feather grass, which can grow up to two feet in height. Due to the proposed landscape planter locations and design, in conjunction with the configuration and location of the lunch area, the lunch area configuration is not anticipated to result in negative visual impacts to surrounding uses and properties.

Noise Impacts. While the proposed lunch area is not anticipated to result in negative visual impacts, the lunch area will be a new source of noise on the rooftop that does not currently exist. Due to the existing pedestrian and vehicular traffic along El Camino Drive and Charleville Boulevard during the daytime, it is not anticipated that the noise generated by the rooftop during the daytime will be disruptive to neighboring residential properties; however, during the evening/night time hours when the vehicular and pedestrian traffic is greatly reduced, activity on the rooftop may be unsettling for neighboring residential properties. Consequently, staff has recommended a condition of approval that would restrict the rooftop hours to 7:00 AM to 7:00 PM Sunday through Thursday, and from 7:00 AM to 10:00 PM on Fridays and Saturdays.

Light Impacts. The proposed rooftop lunch area would contain recessed lighting in the floor, in the planters, within the kitchenette, and in the stairs. Floor lamps and a fire pit are also proposed. Although the proposed lighting fixtures would contain low wattage bulbs and would provide soft lighting, due to the close proximity to multi-family and single-family development to the south, staff has recommended a condition of approval for the Commission's consideration that would require that all light sources are directed onto/into the lunch area, and would prohibit any light source from casting light outside of the lunch room area.

Employee and Client Use. The requested rooftop lunch area is proposed to be used primarily by employees of the building tenant, Kennedy Wilson. Since it would be primarily for employees, it is anticipated that the lunch area would be occupied during regular business hours (8 AM to 5 PM, Monday through Friday). While the lunch area is reported to be utilized mostly by employees, the applicant has expressed an interest in utilizing the lunch area occasionally for entertaining clients. The applicant reports that the majority of the client meetings/events would take place during regular business hours; however, some evening meetings/events may occur. The applicant has requested to be authorized to have up to four (4) special meetings/events within the lunch area monthly. Due to the close proximity to residential properties, allowing up to four (4) special meetings/events monthly within the lunch area may be disruptive to neighboring residents. Consequently, staff has recommended a condition of approval for the Commission's consideration that would restrict the hours of rooftop use to 7:00 AM to 7:00 PM Sunday through Thursday and to 9:00 AM to 10:00 PM on Fridays and Saturdays⁶, and would also restrict the rooftop special meetings/events allowed for guests and/or clients of the office building to twelve (12) events within a 12-month period. Since the proposed rooftop lunch area would be primarily used by employees and would be conditioned to restrict the hours of operation and the number of rooftop meetings/events, the proposed lunch area is not anticipated to result in adverse impacts to the surrounding area. In addition to

⁶ The project site is located within the Commercial-Residential Transition Area of the City. Properties located in this area are subject to restricted hours of operation. Businesses in this area may operate from 7 AM to 10 PM during weekdays and from 9 AM to 10 PM during weekends and holidays. Should a business desire to operate beyond the permitted hours of operation, an Extended Hours Permit may be requested.

the recommended conditions, the City's Municipal Code restricts food service, other than vending machines, within the rooftop lunch area, which limits the type of events that could occur in the lunch area. A condition of approval has also been provided that would capture this zoning restriction and prohibit food service within the rooftop lunch area.

Trellis Structure. The trellis structure is proposed in conjunction with the rooftop lunch area. Pursuant to BHMC §10-3-100, the definition of 'Height of Buildings in Nonresidential Zones' the proposed trellis is considered to be an unoccupied architectural feature. Consequently, a trellis is allowed by-right to be located on the roof so long as the structure adheres to the required development standards⁷. As proposed, the trellis complies with required development standards, and therefore, a Development Plan Review is not required to allow the rooftop trellis. Although, the Development Plan Review is not required specifically for the trellis, it is unlikely that the trellis structure would be constructed in the absence of the proposed rooftop lunch area. As proposed, the trellis structure would be a maximum of 15' in height, and would be set back approximately 18'-9" from the El Camino Drive building facade and approximately 26'-11" from the Charleville Boulevard building facade. Due to the location of the trellis on the rooftop, the structure will be minimally visible from the adjacent roadways, as well as from the majority of the multi-family and single-family properties to the south and southwest, as those structures are generally two stories or less in height. The trellis structure would be visible from some of the taller adjacent office buildings and hotel (Beverly Wilshire Hotel).

Traffic and Parking. The proposed rooftop lunch area will be located on an existing three-story building that will be occupied by a general office use (Kennedy Wilson). The proposed lunch area would be primarily utilized by employees, and occasionally by clients, and as conditioned, would not contain a food service use. Consequently, the lunch area is not anticipated to generate additional trips to the project site beyond those trips already generated by the general office use. Therefore, the lunch area is not anticipated to generate additional traffic in the area. Furthermore, the proposed lunch area would not result in an increase in floor area on the project site, as the lunch area is not fully enclosed.

Privacy. The proposed rooftop lunch area will be located in the southeastern portion of the existing rooftop. As presented, the lunch area is currently set back approximately 11'-5" from the El Camino Drive building façade and approximately 13'-10" from the Charleville Boulevard building façade. In this location, rooftop occupants will not have a direct line of sight into adjacent properties, as the building will block the view. Furthermore, the building's existing parapet will also restrict the line-of-sight down into adjacent multi-family and single-family residential properties. Landscape planters containing Mexican feather grass are proposed around the lunch area. The proposed planter and grass will extend to a height range of approximately 4'-5'. This planter will help to further obscure views from the lunch area and into the lunch area. Additionally, as conditioned, the lunch area would be restricted to use only during specific hours, which will reduce the use of the rooftop during evening and nighttime. Due to the design of the proposed lunch area and associated planters, including the proposed

⁷ BHMC §10-3-100, Height of Building in Nonresidential Zones (7): Unoccupied architectural features are exempt from height provided that such features do not exceed 15' in height as measured from the adjacent roof deck, do not cover more than 33% of the roof area upon which they are located, and the features do not exceed or intersect with a line project from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.

setbacks from the building facades, in conjunction with the existing building parapet and the restrictions on times of use, the proposed lunch area is not anticipated to significantly impact the privacy of adjacent properties.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Development Plan Review.

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:



Ryan Gohlich, Senior Planner

ATTACHMENT A
Development Standards for Rooftop Lunchrooms

DEVELOPMENT STANDARDS

1. The additional height above the maximum height limit otherwise applicable to the development will not exceed fifteen feet (15'). Furthermore, in no event shall the distance between the floor and ceiling of the gymnasium or lunchroom and structures or uses ancillary to such lunchroom exceed fifteen feet (15').
2. The total floor area of the development shall not exceed the maximum allowable floor area otherwise applicable to the development by more than three thousand five hundred (3,500) square feet or fifty percent (50%) of the total area of the story immediately below the rooftop use, whichever is less.
3. No food service, other than vending machines, shall be provided in connection with the rooftop use.
4. The subject structure provides not less than the minimum number of parking spaces required by this section as of the date when building permits for the structure were issued.
5. Unless authorized by the planning commission as part of the development plan review, only persons who work in the building or are registered hotel guests will be permitted to use the rooftop facilities.
6. No admittance or use fees shall be charged for the use of the rooftop facilities.
7. The additional structure permitted pursuant to this article shall be set back from the property line or from the required setback line immediately adjacent thereto, whichever is the more restrictive, so that a forty five degree (45°) angle to such line is not intersected.

ATTACHMENT B

Required Findings and Recommended Conditions of Approval

REQUIRED FINDINGS

In order to approve the requested Development Plan Review, all of the following findings must be made in support of the project. Draft responses to these findings are contained in Attachment B (Draft Resolution)

1. *The proposed plan is consistent with the general plan and any specific plans adopted for the area;*
2. *The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;*
3. *The nature, configuration, location, density, height, and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;*
4. *The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards;*
5. *The proposed plan will not be detrimental to the public health, safety, or general welfare; and*

DRAFT PROJECT SPECIFIC CONDITIONS

1. The rooftop lunch area shall be prohibited from containing food services other than vending machines.
2. No fees may be charged for use of or access to the rooftop facilities.
3. The rooftop lunch area shall be restricted to use by employees and clients of the commercial building between the hours of 7:00 AM and 7:00 PM Sunday through Thursday and between the hours of 9:00 AM and 10:00 PM on Fridays and Saturdays. Notwithstanding the preceding restrictions, this condition shall not prohibit the Applicant from hosting up to a maximum of twelve (12) occasional events within a 12-month period on the rooftop until as late as 10:00 PM, provided that the Applicant submits written notice to the Director of Community Development at least 48 hours in advance of the event, notifying the Director of the date, time, and type of event to be conducted. In the event that the Director of Community Development determines that the type or frequency of events is resulting in unanticipated impacts, the Director shall have the authority to impose additional conditions on the use of the outdoor rooftop areas, and may, at his or her discretion, schedule a public hearing before the Planning Commission to assess the impacts and impose additional conditions.
4. A rooftop bar shall be prohibited. Any kitchenette shall be subject to review by the Director of Community Development to ensure that the kitchenette is compatible with the lunchroom use.
5. Access to the rooftop lunch area shall be restricted to employees and clients only. General public access to the rooftop lunch area shall be prohibited.
6. The lunch area shall maintain a minimum 11'-5" setback from the building façade along El Camino Drive and a minimum 13'-10" setback from the building façade along Charleville Boulevard.
7. Light fixtures within the rooftop lunch area shall be installed so that light is directed into/onto the lunch area only. Light fixtures in the rooftop lunch area shall be prohibited from being

ATTACHMENT A

Required Findings and Recommended Conditions of Approval

installed in a manner that would result in light spilling over on the building façade and/or adjacent sidewalks, roadways, or properties.

8. The rooftop lunch area and associated structures are subject to Architectural Review. Permits for the rooftop area shall not be issued until the project has received an Architectural Review approval.

ATTACHMENT C
Draft Resolution

Begins on following page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW TO ALLOW THE CONSTRUCTION OF A ROOFTOP LUNCHROOM ON AN EXISTING THREE-STORY COMMERCIAL BUILDING LOCATED AT 151 EL CAMINO DRIVE (KENNEDY WILSON).

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

Section 1. Damian Catalan, agent on behalf of the property owner (collectively the "Applicant"), has submitted an application for a Development Plan Review to allow the construction of a rooftop lunchroom on an existing three-story commercial building located at 151 El Camino Drive (the "Project").

Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-3107, a Development Plan Review is required to establish rooftop uses.

Section 2. The Project site is located along the 100 block of El Camino Drive at the northwest corner of El Camino Drive and Charleville Boulevard. Development in the vicinity of the project site consists of commercial offices, a hotel, multi-family residential buildings, and single-family residences. The surrounding development ranges from one to fourteen-stories in height. The project site is currently developed with a three-story office building with ten (10) on-grade parking spaces.

The proposed rooftop lunchroom will be located within the southeastern region of the existing rooftop. The lunch area will include the following elements:

- 3,960 square feet of lunch area containing outdoor seating;
- A kitchenette area which provides a sink, cabinets/shelves, counters, and seating;
- 15' tall trellis structure;
- Landscape planters around the perimeter of the lunch area;
- A fit pit;
- An elevator; and
- A new stairway.

Section 3. The Project has been environmentally reviewed pursuant to 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 environmental guidelines. A Class 1 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 for an addition of less than 2,500 square feet to an existing commercial structure.

Section 4. Notice of the Project and public hearing was mailed on March 3, 2014 to all single-family residential property owners within a 500-foot radius, and to property owners in other zones within a 300-foot radius of the project site. Due to a discrepancy in the original notice regarding the floor area of the project, a revised notice was mailed to all single-family residential property owners within 500-foot radius and to all property owners in other zones within a 300-foot radius of the project site on March 6, 2014. On March 13, 2014 the

Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Development Plan Review, the Planning Commission considered whether the following findings could be made in support of the Project:

1. Whether the proposed plan is consistent with the General Plan and any specific plans for the area;
2. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. Whether the nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property;
4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
5. Whether the proposed plan will be detrimental to the public health, safety, or general welfare.

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

1. The Project is consistent with the requirements and guidance of the General Plan for commercial uses. The subject site is surrounded by commercial and residential development and the rooftop lunch area has been designed with the neighboring uses in-mind, and therefore, the proposed Project will be a harmonious addition to the area. Additionally, the proposed Project is not located within any specific plans adopted for the area.

2. The Project is consistent with the development standards established in the City's Municipal Code and General Plan. The lunch area will be located on the roof of an existing three-story commercial building, and will be set back a minimum of 11'-5" from the building facade along El Camino Drive and a minimum of 13'-10" from the building facade along Charleville Boulevard. The proposed trellis structure over the lunch area will be a maximum of 15' in height above the adjacent roof deck and will be set back 18'-9" from the El Camino Drive building facade and 26'-11" from the Charleville Boulevard building facade. Since the lunch area and trellis will be set back from the building facades, the area will be minimally visible from the adjacent roadways. While some of the taller adjacent office buildings and hotel will have views of the rooftop, the lunch area and trellis will not be visible from the majority of the multi-family and single-family properties located to the south and southeast, as those structures are generally two stories or less in height. Furthermore, the rooftop lunch area will be utilized primarily by employees of the office building, who will occupy the space mostly during regular business hours. As conditioned, the rooftop may occasionally be used to entertain clients; however, this type of entertaining will be limited in frequency and will be required to conclude by 7:00 PM Sunday through Thursday and by 10:00 PM on Fridays and Saturdays. Since the rooftop lunch area will be constructed on an existing commercial building, has been designed to limit its visibility from the adjacent roadways and adjacent properties, and will be

utilized primarily by employees of the office building during regular business hours, the Project is not anticipated to adversely affect existing and anticipated development in the vicinity and will promote harmonious development in the area.

3. The lunch area will be located on the roof of an existing three-story commercial building, and will be set back 11'-5" from the building facade along El Camino Drive and 13'-10" from the building facade along Charleville Boulevard. The proposed trellis structure over the lunch area will be a maximum of 15' in height and will be set back 18'-9" from the El Camino Drive building facade and 26'-11" from the Charleville Boulevard building facade. Since the lunch area and trellis will be set back from the building facades, the area will be minimally visible from the majority of the multi-family and single-family properties located to south and southeast, as those structures are generally two stories or less in height. Additionally, the existing building parapet and the proposed planters around the lunch area will restrict the views from the rooftop into adjacent residential properties. Furthermore, the rooftop lunch area will be utilized primarily by employees of the office building, who will occupy the space mostly during regular business hours. As conditioned, the rooftop may occasionally be used to entertain clients; however, this type of entertaining may be limited in frequency and will be required to conclude by 7:00 PM Sunday through Thursday and by 10:00 PM on Fridays and Saturdays. Since the rooftop lunch area will be constructed on an existing commercial building, has been designed to limit its visibility from the adjacent residential properties, and will be utilized primarily by employees of the office building during regular business hours, the Project is not anticipated to adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. The rooftop lunch area will be primarily utilized by employees of the office building during regular business hours, and may occasionally be utilized to entertain clients/guests. As conditioned, any entertaining will be limited in frequency and will be required to conclude by 10:00 PM. The rooftop area will be prohibited from having food services other than vending machines. Consequently, the lunch area is not anticipated to generate additional trips to the Project site beyond those trips already generated by the general office use. Furthermore, the lunch area would not result in an increase in floor area on the Project site, as the lunch area is not fully enclosed. Since the lunch area is not anticipated to generate additional traffic trips to the site and additional parking is not required, the existing traffic and pedestrian-vehicle relationships on the site will remain unaltered. Therefore, the Project is not anticipated to create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. The lunch area will be located on the roof of an existing three-story commercial building, and will be set back 11'-5" from the building facade along El Camino Drive and 13'-10" from the building facade along Charleville Boulevard. The proposed trellis structure over the lunch area will be a maximum of 15' in height and will be set back 18'-9" from the El Camino Drive building facade and 26'-11" from the Charleville Boulevard building facade. Since the lunch area and trellis will be set back from the building facades, the area will be minimally visible from the adjacent roadways. While some of the taller adjacent office buildings and hotel will have views of the rooftop, the lunch area and trellis will not be visible from the majority of the multi-family and single-family properties located to south and southeast, as those structures are generally two stories or less in height. Furthermore, the rooftop lunch area will be utilized primarily by employees of the office building, who will occupy the space

mostly during regular business hours. Consequently, the lunch area is not anticipated to result in additional traffic trips to the property. As conditioned, the rooftop may occasionally be used to entertain clients; however, this type of entertaining will be limited in frequency and will be required to conclude by 10:00 PM. A condition has also been incorporated that will prohibit the lunch area from having food services other than vending machines. Since the rooftop lunch area will be constructed on an existing commercial building, has been designed to limit its visibility from the adjacent roadways and adjacent residential properties, and will be utilized primarily by employees of the office building during regular business hours, the Project is not anticipated to be detrimental to the public health, safety, or general welfare.

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

1. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on March 13, 2014.
2. The rooftop lunch area shall be prohibited from containing food services other than vending machines.
3. No fees may be charged for use of or access to the rooftop facilities.
4. The rooftop lunch area shall be restricted to use by employees and clients of the commercial building between the hours of 7:00 AM and 7:00 PM Sunday through Thursday and between the hours of 9:00 AM and 10:00 PM on Fridays and Saturdays. Notwithstanding the preceding restrictions, this condition shall not prohibit the Applicant from hosting up to a maximum of twelve (12) occasional events within a

12-month period on the rooftop until as late as 10:00 PM, provided that the Applicant submits written notice to the Director of Community Development at least 48 hours in advance of the event, notifying the Director of the date, time, and type of event to be conducted. In the event that the Director of Community Development determines that the type or frequency of events is resulting in unanticipated impacts, the Director shall have the authority to impose additional conditions on the use of the outdoor rooftop areas, and may, at his or her discretion, schedule a public hearing before the Planning Commission to assess the impacts and impose additional conditions.

5. A rooftop bar shall be prohibited. Any kitchenette shall be subject to review by the Director of Community Development to ensure that the kitchenette is compatible with the lunchroom use.

6. Access to the rooftop lunch area shall be restricted to employees and clients only. General public access to the rooftop lunch area shall be prohibited.

7. The lunch area shall maintain a minimum 11'-5" setback from the building façade along El Camino Drive and a minimum 13'-10" setback from the building façade along Charleville Boulevard.

8. Light fixtures within the rooftop lunch area shall be installed so that light is directed into/onto the lunch area only. Light fixtures in the rooftop lunch area shall be prohibited from being installed in a manner that would result in light spilling over on the building façade and/or adjacent sidewalks, roadways, or properties.

9. The rooftop lunch area and associated structures are subject to Architectural Review. Permits for the rooftop area shall not be issued until the project has received an Architectural Review approval.

10. If at any time the rooftop structure is used for any purpose other than those outlined in this Resolution, or is used in any other manner that violates the conditions of this Resolution, the City, in its sole discretion, may require immediate removal of the rooftop use, and conversion of the rooftop structure to non-habitable mechanical penthouse, upon giving written notice thereof, which notice shall be delivered through the United States mail, addressed to the Applicant or its successor at the latest address provided to the City by the Applicant or its successor and upon receipt of the notice, the Applicant or its successor shall promptly remove the rooftop use and convert the structure to non-habitable mechanical penthouse without cost to the City. If the rooftop use is not removed and the structure converted to a non-habitable penthouse within thirty (30) days after delivery of such notice by the City, the City may remove such use and convert the structure and all costs incurred by the City in connection with such removal and conversion shall be paid by the Applicant or its successor. The applicant and its successor in interest shall indemnify, protect, defend, and hold harmless the City, and each of its officers, agents, City Council members, and employees, from and against any and all liabilities, demands, claims, damages, losses, costs, and expenses of whatsoever kind or nature, including, but not limited to, any and all direct and indirect reasonable costs of defense, made against, or incurred or suffered by any such indemnitee resulting directly or indirectly from the City's removal and conversion of the rooftop structure.

11. 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.

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

13. 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 Building Code, Fire Code, Municipal Code, and General Plan Policies is required prior to the issuance of a building permit.

14. 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.

15. RECORDATION. The resolution approving the Development Plan Review and In-Lieu parking 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.

16. **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.

17. **VIOLATION OF CONDITIONS:** A violation of any of these conditions of approval may result in termination of the entitlements granted herein.

18. 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.

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

20. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations.

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: March 13, 2014

Brian Rosenstein
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
Assistant Director of Community Development

ATTACHMENT D
Public Notice



NOTICE OF PUBLIC HEARING

DATE: March 13, 2014
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, March 13, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

Construction of a new rooftop lunchroom on an existing three-story commercial building located at 151 El Camino Drive. The following entitlements have been requested in association with the project:

Development Plan Review: A Development Plan Review to allow the construction of a rooftop employee lunchroom with outdoor seating and associated amenities on an existing three-story commercial building. The lunch area is primarily intended for use by employees; however, the applicant, Kennedy Wilson, also desires to occasionally utilize the lunch area for entertaining clients. No food service is proposed in connection with the lunch area.

As proposed, the lunch area would occupy approximately 1,990 square feet of the existing rooftop area (approximately 9.7% of the rooftop area). The lunchroom area would be surrounded by landscape planters and would be covered with a trellis structure. The proposed trellis would have a maximum height of 15' as measured from the existing roof deck.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 (15301) Categorical Exemption for an addition of less than 2,500 square feet to an existing commercial structure and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

ATTACHMENT D
Public Notice

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at 310.285.1192 or by email at srojemann@beverlyhills.org. Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing. Appointments will be held in the City's Permit Center located on the Ground Floor of City Hall at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:



Ryan Gohlich, Senior Planner

Mailed: March 3, 2014

ATTACHMENT D
Public Notice



CORRECTED:
NOTICE OF PUBLIC HEARING

DATE: March 13, 2014

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

LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, March 13, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

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As proposed, the lunch area would occupy approximately ~~1,990~~ 3,960 square feet of the existing rooftop area (approximately ~~9.7%~~ 19.3% of the rooftop area). The lunchroom area would be surrounded by landscape planters and would be covered with a trellis structure. The proposed trellis would have a maximum height of 15' as measured from the existing roof deck.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 (15301) Categorical Exemption for an addition of less than 2,500 square feet to an existing commercial structure and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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ATTACHMENT D
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Approved as to form:



Ryan Gohlich, Senior Planner

Mailed: March 6, 2014

ATTACHMENT E
Architectural Plans