ATTACHMENT 3

PLANNING COMMISSION STAFF REPORT

Beverly Hills
Planning Division
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Planning Commission Report

Meeting Date: January 8, 2015

Subject: **425-429 North Palm Drive**
Zone Text Amendment, Development Plan Review, and R-4 Permit
Request for a Zone Text Amendment to allow a reviewing authority to grant an R-4 Permit to alter or waive the requirement that a minimum of 60% and a maximum of 70% of the front façade of the first two stories of large scale multiple residential developments be built to the front setback line; request for an R-4 Permit to allow two rooftop bathrooms to exceed the height limit of the building, to grant the equivalent of three, five-foot wide walkways based on the amount of frontage along the front lot line of the subject site, and to waive the requirement that a minimum of 60% of the front façade of the first two stories be built to the front setback line; and a request for a Development Plan Review to allow the construction of a new, 20-unit multi-family residential development. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider a determination of exemption from CEQA.
PROJECT APPLICANT: Patrick Perry

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt the attached resolutions conditionally approving a Development Plan Review and R-4 Permit, and recommending that the City Council adopt a Zone Text Amendment.

REPORT SUMMARY

A request for an R-4 Permit, Development Plan Review, and Zone Text Amendment has been made to allow the construction of a new multi-family residential development at 425-429 North Palm Drive, at the corner of North Palm Drive and Beverly Boulevard. The project would involve demolition of three existing buildings containing a total of 18 units, and construction of a single new multi-family residential building containing 20 units. The new building would be five stories with two underground levels of parking and a rooftop pool and deck. The project would have a footprint of 10,350 square feet with a total floor area of 54,915 square feet.

Attachment(s):
A. Required Findings
B. Public Notice
C. Class 32 Categorical Exemption Report
D. Draft Resolution – Zone Text Amendment
E. Draft Resolution – Project-Specific Entitlements
F. Architectural Plans

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The proposed project features an undulating and curvilinear design that does not conform to some development standards relating to building facade modulation. Thus, in conjunction with the other entitlements required to construct the project, the applicant has requested a Zone Text Amendment that would allow for applicants to request an R-4 Permit to allow deviations from a zoning code provision relating to front façades of large-scale multi-family residential projects. Additional entitlements are being requested to allow rooftop bathrooms, and to allow additional front yard paving based on the length of the front lot line. This report analyzes key project components including traffic, noise, and other environmental considerations, the merits of the proposed zone text amendment, and project characteristics that relate to the required findings for the requested entitlements. Based on the analysis contained in this report, the proposed project is not anticipated to result in any significantly adverse impacts, and the recommendation in this report is for project approval.

BACKGROUND

File Date	7/28/2014
Application Complete	10/2/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Class 32 categorical exemption for in-fill development projects meeting certain conditions.
Permit Streamlining	3/9/2015
Applicant(s)	K Pacific Development, LLC
Owner(s)	K Pacific Development, LLC
Representative(s)	Patrick Perry and Joe Peterson
Prior PC Action	None
Prior Council Action	None
CC/PC Liaison	None
CHC Review	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	425-429 North Palm Drive
Assessor's Parcel No.	4342-033-011 (425-427 N. Palm Drive) 4342-033-021 (429 N. Palm Drive)
Zoning District	R-4
General Plan	Multiple Residential
Existing Land Use(s)	Multi-Family Residential (apartments)
Lot Dimensions & Area	149.92' x 150.92' – approx. 22,635 square feet
Year Built	425-427 built in 1941; 429 built in 1974-75
Historic Resource	The subject property was assessed for historic significance. It was found that none of the existing buildings at 425-427 and 429 N. Palm Drive appear to be individually eligible as a historic resource.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-4 – Multiple Family Residential (21-unit apartment building)
East	R-4 – Multiple Family Residential (15-unit condominium building and 36-unit apartment building)
South (across Beverly)	R-4 – Multiple Family Residential (24-unit condominium building)
West	R-4 – Multiple Family Residential (8-unit and 23-unit apartment buildings)

Circulation and Parking

Adjacent Street(s)	North Palm Drive and Beverly Boulevard
Traffic Volume	Average Daily Trips on Beverly Boulevard: Approx. 27,500 (combined eastbound and westbound) Average Daily Trips on North Palm Drive: Approx. 2,700 (combined northbound and southbound)
Adjacent Alleys	Two-way, north-south alley at rear (west) of property
Parkways & Sidewalks	Beverly Boulevard – 20' from face of curb to property line North Palm Drive – 16' from face of curb to property line

Neighborhood Character

The project site is located at the corner of North Palm Drive and Beverly Boulevard, and is completely bordered by R-4 Multiple Family Residential zones. The project site is immediately surrounded by various types of multi-family developments, including apartments and condominiums. Nearby multi-family buildings are predominantly five-stories tall and cover multiple parcels, with some smaller 2-, 3- and 4-story developments. The north end of the 400 block of North Palm Drive abuts Civic Center Drive, and further north is Santa Monica Boulevard, a busy travel corridor. Larger-scale commercial uses exist to the south and west of the project site, including the 4-story Mercedes-Benz auto dealer, and numerous office buildings along Maple Drive. North Palm Drive is a relatively quiet, unstriped two-way residential street, while Beverly Boulevard, which is a 4-lane, two-way thoroughfare, has a mix of multi-family residential and commercial uses.

Bird's Eye View of the Project Site, Looking West

Existing project site viewed from corner of Beverly Boulevard and North Palm Drive

Existing project site viewed from North Palm Drive

PROJECT DESCRIPTION

The proposed project consists of the demolition of three existing multi-family residential buildings totaling 18 units, and the construction of a single multi-family residential building containing a total of 20 units, located at the corner of North Palm Drive and Beverly Boulevard. The new building would have a building footprint of approximately 10,350 square feet and a total floor area of approximately 55,090 square feet. The building would be five stories with a height of 55', as well as a 10' tall rooftop canopy. Two levels of subterranean parking would be built, providing a total of 74 parking spaces for residents and guests of the building.

Setbacks will be provided as follows:

Front property line (east; N. Palm Drive): 25'
Rear property line (west; alley): 10'
Side property line (north; adjacent apartment building): 10'
Street side property line (south; Beverly Blvd.): 13'

The proposed project would provide 8,946 square feet of open space for residents (4,000 square feet is required) and have a modulation area of 7,586 square feet (4,679 square feet required). The table below demonstrates the distribution of unit types:

Unit Type	Proposed Project # of Units
3 bd + den	9
3 bd	3
2 bd + den	4
2 bd	3
1 bd + den	1

Required Entitlements. As proposed, the project requires the following entitlements:

- **Zone Text Amendment:** Currently, the zoning code requires that a minimum of 60% and a maximum of 70% of the front façade of the first two stories of a large scale multiple residential project to be built to the front setback line. The proposed project does not meet the minimum of 60% due to its curvilinear design, and thus the applicant has requested an amendment to the zoning code that would allow the reviewing authority to grant alterations or waivers from this provision, provided that the design is consistent with the streetscape and scale of the surrounding developments.

- **Development Plan Review:** Pursuant to BHMC §10-3-3100 et seq., a Development Plan Review is required for the construction of any new multi-family residential development project.

- **R-4 Permit:** The proposed project is requesting an R-4 Permit to allow two rooftop bathrooms associated with the rooftop swimming pool to have a height that would be 10' above the adjacent roof deck. There is also a request for the Planning Commission to grant the equivalent of three, five-foot wide walkways based on the amount of frontage along the front lot line of the subject site. Finally, conditioned on approval and implementation of a zone text amendment, the applicant is requesting an R-4 permit that would waive the requirement that a minimum of 60% of the front façade of the first two stories of a large scale multiple residential project be built to the front setback line.

GENERAL PLAN[1] POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission's review of the project include:

- **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 2.8 Pedestrian-Active Streets.** Require that buildings in business districts be oriented to, and actively engage the street through design features such as built-to lines, articulated and modulated facades, ground floor transparency such as large windows, and the limitation of parking entries directly on the street. Parking ingress and egress should be accessed form alleys where feasible.

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[1] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.

- **Policy LU 5.2 Infill and Replacement Housing.** Accommodate new and renovated housing within existing neighborhoods that is consistent with contextual parcel sizes, densities, built form and scale.

- **Policy LU 7.1 Character and design.** Require that multi-family dwellings and properties be designed to reflect the high level of architectural and landscape quality that distinguishes existing neighborhoods. These may provide for:

    a) Building facades and entrances that directly address the street, including the use of stoops, porches, and recessed entries;
    b) Modulation of building volume and masses, avoiding the effect of blank continuous walls; and
    c) Setback of the ground floor from the sidewalk to provide privacy, a sense of security, and to leave room for landscaping while being open and contributing to a quality pedestrian environment.

- **Policy LU 7.2 Amenities.** Encourage new multi-family development to provide amenities for residents such as on-site recreational facilities, community meeting spaces, and require useable private open space, public open space, or both.

- **Policy CIR 3.1 Neighborhood Traffic Control Measures.** Incorporate traffic control measures in residential neighborhoods as part of proposed roadway improvement or development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on quality of life. Require development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on residential roadways.

ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the City's Local CEQA Guidelines. Projects characterized as in-fill development that meet certain criteria are categorically exempt from CEQA pursuant to Section 15332 of the State CEQA Guidelines. The project meets all five of the following criteria set forth in Section 15332 of the State CEQA Guidelines:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.
b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
c) The project site has no value as habitat for endangered, rare, or threatened species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
e) The site can be adequately served by all required utilities and public services.

Therefore, this project has been determined to be exempt from further environmental review under CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	1/2/2015	6 Days
Newspaper Notice	10 Days	12/29/2014	12/26/2014	13 Days
Mailed Notice (Owners & Occupants - 300' Radius)	10 Days	12/29/2014	12/24/2014	15 Days
Property Posting	10 Days	12/29/2014	12/24/2014	15 Days
Website	N/A	N/A	12/31/2014	8 Days

Public Comment
As of the writing of this report, staff had not received any public comments regarding the project.

ANALYSIS[2]

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report, and may be used to guide the Planning Commission's deliberation of the subject project.

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings:

Traffic Impacts. The proposed project would replace 18 existing dwelling units contained within approximately 25,000 square feet of floor area with an approximately 55,000 square-foot, 20-unit building. While the amount of floor area is approximately doubling, the project represents an increase of only 2 residential units. This increase is not expected to result in a significant increase of vehicle trips. As part of the environmental study for this project, a trip generation study was conducted which yielded the following results:

[2] The information provided in this section is based on analysis 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 make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Trip Generation

Land Use	Units	Daily Trip Rate	AM Trip Rate	PM Trip Rate	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Proposed Project							
Condo	20	5.81	0.44	0.52	116	9	10
Existing Land Use							
Condo	(18)	5.81	0.44	0.52	(105)	(8)	(9)
				TOTAL NET TRIPS	**11**	**1**	**1**

Source: Institute of Transportation Engineers [ITE], Trip Generation, 9th Edition, 2012
( ) denotes subtraction

The traffic impact assessment found that the project is expected to generate a net increase of 11 daily trips, one morning peak hour trip, and one evening peak hour trip. As a general guideline, cities in Los Angeles County prepare additional traffic impact analysis whenever projects would generate at least 50 peak-hour trips on a roadway. Furthermore, assuming in a worst case scenario that all vehicle trips associated with the project would occur on Beverly Boulevard, the estimated net gain of 11 average daily trips would represent an increase of 0.04% over the roadway's existing volume of 27,500 average daily trips. Thus, the trip impact assessment concluded that the project is not anticipated to cause a significant impact at nearby intersections or roadways.

In terms of construction traffic, the main sources of traffic impacts are hauling trucks. This project would involve approximately 1,150 round-trip hauling trips. Assuming excavation occurs over approximately 30 days, there would be approximately 39 round-trip haul trips per day. Assuming trips are spread out over the 10 hour construction day, per the Beverly Hills Municipal Code restrictions on construction hours, there would be approximately 4 hauling round-trips per hour. Since Beverly Boulevard is a designated haul route in the City of Beverly Hills, this number of construction vehicles per hour is unlikely to significantly disrupt the flow of traffic. Furthermore, the construction trips would mostly occur during off-peak hours, and due to the temporary nature of construction, these trips are not expected to result in any negative effects on traffic and circulation beyond the construction period.

Parking. The proposed project includes construction of a two-level subterranean parking structure that would accommodate 74 parking spaces. All of these spaces would be intended only for the new residences and guests. Based on the City's parking standards, the proposed project would be required to provide a total of 63 parking spaces. Thus, the amount of parking provided exceeds the code-required standard by 11 spaces. The following table provides a breakdown of parking space requirements by unit type.

BHMC Parking Requirements

Unit Type	Proposed Project # of Units	BHMC Requirement	Spaces Required
3 bd + den*	9	3 spaces per unit	27 spaces
3 bd	3	3 spaces per unit	9 spaces
2 bd + den*	4	3 spaces per unit	12 spaces
2 bd	3	2.5 spaces per unit	7.5 spaces
1 bd + den*	1	2.5 spaces per unit	2.5 spaces
Guest	--	1 space per 4 units	5 spaces
		Total Required by BHMC	**63 spaces**
		Actual Provided by Proposed Project	**74 spaces**

Bd=bedroom
BHMC Section 10-3-2816 requires:

- *2 spaces per 1-bd unit*
- *2.5 spaces per 2-bd unit*
- *3 spaces per 3- or 4-bd unit*

BHMC Section 10-3-2817 requires one guest parking space per 4 units
**According to BHMC, a den or similar room capable of being used as a bedroom is considered a bedroom.*

Additionally, all parking is provided on-site and in a subterranean garage with access provided via the alley to the rear of the project. This parking circulation design eliminates the need for curb cuts along North Palm Drive and Beverly Boulevard, which contributes to a safer and more pleasant pedestrian environment.

Mass, Scale, and Urban Design. The proposed project is located in an area of the city that is currently developed with numerous apartment and condominium buildings ranging from two to five stories in height, with many developments spanning multiple lots. Across the street on North Palm Drive are two existing apartment buildings that are very similar in scale to the proposed project, which is also five stories in height and spans three lots. Buildings along North Palm Drive generally maintain similar setbacks with landscaping and paved walkways leading to the entrances of the buildings. Building facades are predominantly consistent in terms of being built to the front setback line, with very little deviation or modulation within individual buildings. While this creates a consistent streetscape and a predictable urban design aesthetic, there are few, if any, distinctive properties with unique design characteristics that contribute to the pedestrian experience or to the distinctive character of Beverly Hills.

Currently, the zoning code requires that a minimum of 60% and a maximum of 70% of the front façade of the first two stories of a large multi-family residential project to be built to the front

setback line. The intent of this provision was to ensure and preserve a consistent façade along residential streets. The proposed project's design includes undulating, curvilinear exterior walls such that 60 percent of the front façade is not able to be built to the front setback line while maintaining the architectural style of the building. However, the project is situated on a prominent corner of the residential neighborhood, and in addition to having frontage on North Palm Drive, the property has frontage on Beverly Boulevard, which is more of a thoroughfare, and features commercial buildings as well as residential. Additionally, the proposed project's facade does build out to the front setback line at numerous points, and the pedestrian-oriented frontage provides an appropriate transition from the primarily-residential North Palm Drive to the busier Beverly Boulevard. Due to the corner location of the site as well as the proposed building design, which is conducive to the pedestrian experience, staff believes that while the project does not meet the 60% minimum façade requirement, the spirit of the code is fulfilled with the additional benefit of a distinctive design that fits well within its context.

Rooftop Uses. The proposed project includes a rooftop deck that would serve as open space for the project, as well as contain a pool and rooftop restrooms. The Planning Division has observed that outdoor space has become more popular on residential buildings over the past few decades, and recently approved/constructed projects have typically contained rooftop amenities for residents. The rooftop amenities help to improve the quality of multi-family projects; however, rooftop amenities also have the possibility of impacting surrounding residential uses if not properly designed and regulated. In the case of the proposed project, the rooftop amenities are centrally located on the roof, which will limit visual impacts on adjacent properties and the street. Furthermore, the accessible portions of the rooftop deck are set in from the edge of the building, which will help to reduce privacy impacts on adjacent properties. While staff supports the general design of the rooftop amenities, conditions regarding rooftop hours, music, landscaping, and use, similar to conditions imposed on other projects with residential rooftop amenities, have been included in the draft resolution.

Zone Text Amendment. The proposed zone text amendment would add a provision to the zoning code that would allow for deviations from the amount of front façade that is required to be built to the front setback line from the first two stories of large scale multi-family residential projects. This amendment would allow for more innovative design approaches to multi-family residential developments, while giving the Planning Commission the discretion to determine if the proposed design fits within the context of the streetscape and is consistent with the scale of existing development. Staff supports this amendment as a reasonable way to provide flexibility to developers, encourage innovative and distinctive urban design, and improve the pedestrian experience while maintaining discretion to ensure that any deviations from code-required façade setbacks are consistent with the streetscape and scale of surrounding developments.

Potential Pros and Cons. A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Pros	Cons
Zone Text Amendment	
• Provides flexibility in the design of multi-family residential developments. • Encourages innovative designs while maintaining discretion to ensure that designs are consistent with the streetscape and do not result in adverse impacts.	• Additional R-4 provision may result in an increase of applications for project designs that are not compatible. • Possibility of disrupting the uniformity of the streetscape.
Development Plan Review	
• Proposed density, height, and configuration are consistent with existing development in the vicinity. • Improved traffic circulation and reduced traffic hazards by moving parking access to the alley and removing curb cuts on North Palm Drive. • Two additional housing units added to the City's housing stock.	• Increase of two units results in slightly higher density than existing development. • Proposed project is two to three stories taller in height than existing buildings.
R-4 Permit	
• Allowing two restrooms on the rooftop enhances the development's amenities and creates a more desirable community space. • With parking accessible only through the alley, all paving in the front setback area will be pedestrian-oriented and consistent with the streetscape. • Proposed façade provides a notably distinctive design on a prominent corner.	• Increased use of the rooftop amenities may result in additional noise impacts. • Additional paving results in a larger area of impermeable surface and reduced landscaped areas. • The undulating design of the building façade is a significantly different aesthetic than other facades on the street.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving the proposed project and recommending City Council approval of the proposed zone text amendment.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:

Ryan Gohlich, Senior Planner