



AGENDA REPORT

Meeting Date: April 9, 2008

Item Number: C-1

To: Honorable Mayor & City Council

From: Vincent P. Bertoni, AICP, Director of Community Development
Rita Naziri, Senior Planner
Joyce Parker-Bozylinski, AICP, Consulting Planner

Subject: Consideration of Planning Commission's recommendation for approval of a General Plan Amendment, Zone Change, Zone Text Amendment, Specific Plan, Development Agreement and Environmental Impact Report for a Proposed Condominium Project with Ancillary Commercial Uses at 9900 Wilshire (Robinsons-May Site)

Attachments:

1. Resolution to Amend the Land Use Element of the General Plan
2. Resolution to Adopt the 9900 Wilshire Specific Plan with Conditions (Specific Plan Figures will be provided at a later date)
3. Ordinance for Zoning Text and Map Amendment
4. Ordinance for Development Agreement with Attachment (Development Agreement, as amended)
5. Beverly Hills Unified School District Letters

RECOMMENDATION

Staff recommends that the City Council:

1. Receive a staff presentation.
2. Deliberate on the General Plan Amendment and the Specific Plan Resolutions.
3. Adopt the General Plan Amendment Resolution and the Specific Plan Resolution with Conditions of Approval.
4. Conduct second reading of the ordinance for the Zoning Text and Map Amendment.
5. Conduct second reading of the ordinance approving the Development Agreement with amendment to Development Agreement as amended.

INTRODUCTION

At the April 3, 2008 City Council hearing, the City Council approved a Resolution certifying the Final Environmental Impact Report including Findings of Fact, Statement of Overriding Considerations and Mitigation Measures and conducted a first reading of an Ordinance amending the Zoning Code and Map and an Ordinance approving a Development Agreement for the 9900 Wilshire project. The 9900 Wilshire Boulevard project consists of the construction of a 235 residential condominiums, public gardens, and ancillary commercial uses, at 9900 Wilshire Boulevard, which is the site of the former Robinsons-May Department Store Site.

DISCUSSION

The purpose of this hearing is to conduct second readings on the two Ordinances (Attachment 3 and 4) as amended at the last hearing and to take action on the attached Resolution (Attachment 1) approving the General Plan Amendment amending the Land Use Element of the General Plan and the Resolution (Attachment 2) approving the 9900 Wilshire Specific Plan.

General Plan Consistency

The Resolution amending the General Plan will create a new General Plan Land Use Designation of 9900 Wilshire Specific Plan and amend the Land Use Element identifying this site as an anchor location on which for additional height would be appropriate. The General Plan Resolution includes an amendment to Program 4.3 of the Housing Element which identifies this site as a mixed use site. And while the Planning Commission had felt that this site was not a mixed use site because of the limited commercial square footage, staff believes it is an appropriate amendment and as such has included it in the Resolution for City Council consideration.

The Resolution approving the 9900 Wilshire Specific Plan will approve the project as presented to the City Council and provide the regulations governing the use of the property. In order to approve the 9900 Specific Plan, the City Council will need to make a finding of General Plan consistency. As part of the review of the project, staff completed a General Plan consistency review and found that the proposed project is consistent with the General Plan. As noted above, the proposed General Plan Amendment consists of an amendment to the Land Use Element identifying the site as an anchor location that allows additional building height and an amendment to the Housing Element that identifies the site as a mixed-use site.

The following list which is included in the Resolution adopting the 9900 Wilshire Specific Plan provides details of how the proposed project (Specific Plan) would be consistent with the General Plan.

- 1) The 9900 Wilshire Specific Plan implements Section 2.2 of the Land Use Element of the General Plan, as amended. The development contemplated by the Specific Plan is appropriate for the anchor location of the project site, which is located at the western gateway to the City along both Wilshire Boulevard and Santa Monica Boulevard. The Specific Plan also contains a variety of land uses,

including residential, restaurant and other commercial uses, and public and private open space. The mixed use nature of the site, its architectural quality, and the extensive incorporation of public and private open space make this development unique in the City. The mix of proposed uses and the project design also provide an adequate transition from the single family residential neighborhood to the north as well as the El Rodeo School to the north. The design of the buildings and open spaces in the Specific Plan incorporate generous setbacks from Wilshire Boulevard, and the building heights step up from north to south. The buildings are set back from Wilshire Boulevard to the same extent as the northern wing of the Hilton Tower (specifically, the buildings are set back to the same extent as the midpoint of the Wilshire façade of the northern wing of the Wilshire Tower). The Hilton Tower, which has been in existence for more than fifty years, establishes the long existing scale and appropriate transition for this area. Further, the area is readily accessible from the City's major shopping areas, including the City's department store corridor which is located several blocks east of the Specific Plan area. The Specific Plan also contains public gardens to link the entire site, including the commercial uses along Santa Monica Boulevard, to the Beverly Gardens pedestrian pathway that leads to the City's business triangle and retail area. Thus, the Specific Plan area is also readily accessible to that major shopping area. Finally, this anchor location is bounded by Wilshire and Santa Monica Boulevards which are major streets.

- 2) The Specific Plan is consistent with the General Plan Land Use Map, as amended to incorporate the 9900 Wilshire Specific Plan designation.
- 3) The Specific Plan, as adopted, is consistent with Land Use Objectives 1.3 and 1.4 and the discussion of commercial area standards because, as adopted, the Specific Plan serves as an anchor location, establishes a sense of place through its architecture and landscaping and also provides for an adequate transition from surrounding uses, an appropriate scale for the area, and incorporates a significant buffer from nearby residential and institutional uses. The design of the buildings and open spaces in the Specific Plan incorporate generous setbacks from Wilshire Boulevard, and the building heights step up from north to south. The buildings are set back from Wilshire Boulevard to the same extent as the northern wing of the Hilton Tower (specifically, the buildings are set back to the same extent as the midpoint of the Wilshire façade of the northern wing of the Wilshire Tower). The Hilton Tower, which has been in existence for more than fifty years, establishes the long existing scale and appropriate transition for this area.
- 4) The Specific Plan implements Program 4.3 of the housing element, as amended, by developing standards for a mixed residential commercial development, including additional height, for commercially zoned property at 9900 Wilshire Boulevard.
- 5) The Specific Plan would enable development of housing stock of exceptional quality that offers a variety of housing and neighborhoods rarely found elsewhere (Land Use Element Section 1.1.). The architectural design and features of the proposed development, along with its extensive open space and other amenities will ensure that the housing stock in the Specific Plan area is of exceptional quality.

- 6) The Specific Plan, and related Development Agreement, will implement Housing Element Objective 2.2, Program 2.6 which provides that the City should create a local fund to assist developers of housing affordable to lower income households. As a condition of proceeding with the Specific Plan, the developer must contribute \$3 million to an affordable housing fund (Housing Element Objective 2.2, Program 2.6).
- 7) The Specific Plan is consistent with Housing Element Goal 4, which is to expand the variety of housing products. The residential units proposed for this development are different from other units in the City due to the project design, the amenities provided, the location of the units, and the generous open space incorporated into the development.
- 8) The Specific Plan is consistent with Goal 1 of the Housing Element, which is to maintain the community's housing stock and to preserve the viability and stability of residential neighborhoods. By meeting the demand for new luxury housing by allowing a former commercial site to be developed with a mixed use development, the Specific Plan will reduce the market pressure to replace older housing stock with new, more expensive, residential units.
- 9) The Specific Plan is consistent with Recommendation 4.3 of the Open Space Element. Recommendation 4.3 recommends that open space standards in the R-4 (multi-family) zone be developed so that there is an open space benefit to the City for permitting residential density in excess of the basic density of the zone. Specifically, Recommendation 4.3 indicates that the open space should be visible from public view. While the Specific Plan is not an R-4 zone, it implements Recommendation 4.3 for the multi-family portion of the Specific Plan area by setting a standard for extensive open area visible from Wilshire Boulevard and Beverly Gardens Park. Additionally, a portion of this open area is also publicly accessible.
- 10) The Specific Plan is consistent with Section 3.4 of the Open Space Element of the General Plan that reaffirms the importance of open space requirements in multi-family zones. Again, the Specific Plan provides for extensive open space in the multi-family portion of the Specific Plan area and furthers the City's distinctive atmosphere for commercial and residential areas.
- 11) The Specific Plan is consistent with Circulation Element Recommendation 2.5.2.f. Recommendation 2.5.2.f recommends that the City encourage the development of interconnected pedestrian ways with the private sector. The Specific Plan requires the development of public gardens on private property that will have a pedestrian way that links the pedestrian way of Beverly Gardens Park through the Specific Plan Area to Santa Monica Boulevard.
- 12) The Specific Plan is consistent with the Conservation Element. The Conservation Element does not require the preservation of all potentially significant historic structures. However, Program Goal 2 of the Landmark Preservation section of the Conservation Element provides that the City should preserve the heritage and maintain historical continuity for buildings which are to be demolished. The Specific Plan requires that the Robinson's-May department store shall be photographed with large format black and white photography and

that a written report be prepared which follows Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum level 3 recordation. This documentation must be deposited in a suitable public depository. Additionally, the developer must fund the production of a video of the property in its current condition, including the interiors and exteriors of the Robinson's-May building to show its history. This video will be placed in the City of Beverly Hills library and on the City of Beverly Hills website.

Additionally, Program Goals 1 and 2 of the Solar Energy Program of the Conservation Element encourage the conservation of energy and the use of solar energy. The project will incorporate several energy saving measures and is designed to use passive solar heating. Finally, the Program Goals of the Water Conservation Program of the Conservation Element provide that the City should provide an adequate supply of high quality potable water to meet existing and future needs and that the City should provide water at the lowest cost. The Specific Plan requires development of a gray water system that helps the City meet the need for potable water and reduces the cost of potable water by reducing demand for potable water through development of alternative water sources for uses that do not require potable water.

Conditions of Approval/BHUSD Concerns

Attached to the Specific Plan are conditions of approvals as recommended by the Planning Commission as well as new conditions or modifications to existing that staff developed to address the concerns of the Beverly Hills Unified School District (BHUSD)? Staff believes that these new and modified conditions address all of the concerns raised by the BHUSD during the public hearings. Staff has continued to work closely with the School District to address their concerns. Due to time constraints, staff did not have time to receive comments on the conditions from BHUSD prior to distribution of the staff report but will report to the City Council at the hearing of any remaining concerns at the hearing after the School District has had an opportunity to review and comment on the document.

One of the requests by the BHUSD was for the relocation of the public bus stop located adjacent to the EL Rodeo School at the northwest corner of Wilshire and Whittier. Staff believes that this request does not work as a condition of approval and would be better handled as direction to staff since it would require the City to work with Metropolitan Transit Authority not the applicant. If the City Council agrees with this request from the BHUSD, staff would recommend that the Council direct staff to initiate contact with MTA to study the feasibility of relocating the bus stop.

In addition, at the April 3rd hearing the City Council had questions about whether staff had responded to all the letters received by the BHUSD. Attached to the staff report (Attachment 5) are copies of these letters received by the City as part of the EIR process as well as the letters that the City sent to school District in response. In addition, staff extended the EIR comment period to provide additional time for the School District to provide comments and staff accommodated this request. Subsequent to the EIR comment period, staff received two letters (attached) from the BHUSD and has been working closely with the BHUSD to address the concerns in these letters. Although no formal letters have been sent to the district regarding these two letters, staff has met with the school representatives and El Rodeo School PTA and as a result developed conditions of approval to address their concerns.

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Minor Changes to Ordinances

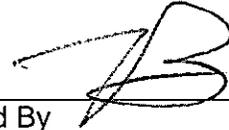
During first reading of the Development Agreement Ordinance and Zoning Text and Map Amendment Ordinance there was several minor changes to the document and these changes have been incorporated into the attached Ordinances for second reading.

FISCAL IMPACT

The Development Agreement addresses the potential fiscal impacts to the City resulting from a change from commercial to residential uses at the project site.

Vincent P. Bertoni, AICP
Director of Community Development

Approved By

A handwritten signature in black ink, appearing to be 'VB', is written over a horizontal line. The signature is stylized and cursive.