

**DRAFT**  
**PLANNING COMMISSION**  
**MINUTES OF**

**February 7, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING  
City Council Chambers  
Commission Meeting Room A**

**FEBRUARY 7, 2008  
2:30PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:40 PM.**

Commissioners Present: S. Marks, L. Bosse, N. Cole, Vice Chair Reims, and Chair Furie

Commissioners Absent: None

Staff Present: V. Bertoni, J. Lait, L. Sakurai, D. Jerex, L. Goor (Department of Community Development); D. Snow (City Attorney's Office); S. Miller (Finance); and J. Parker-Bozylinski (Consultant).

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Chief Financial Officer Scott Miller.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

The Chair noted this item would be moved to the end of the Agenda.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING  
AGENCY PUBLIC HEARINGS**

**1. Proposed Condominium/Hotel "BEVERLY HILTON REVITALIZATION  
PROJECT" at 9876 Wilshire Boulevard**

**The purpose of this meeting is to review the revised project submitted by the applicant, the Draft Specific Plan and the proposed General Plan Amendments. The public hearing remains open so the Planning Commission will continue to receive testimony on the project. The comment period for the Draft Environment Impact Report (DEIR) is closed.**

Senior Planner Jerex summarized the staff report and it was made a part of the record. She noted the resolution would be on the agenda on February 28, 2008.

Scott Miller, City of Beverly Hills CFO, discussed the Transient Occupancy Tax for the Waldorf Astoria and the anticipated fees including long-term sustainability fees, property tax, grants, and taxes in comparing the proposed project with a code compliant project. He also responded to questions regarding: residential condominium portion fees, a comparison of this project vs. a commercial project of the same size, the percentage of City services used by commercial projects (currently under study), revenue/EMS fees for various size projects, initial sales vs. average annual income for resales, market downturn in relation to EMS fees, potential tenants, and turnover rate.

Chris Gray of Fehr & Peers, Traffic Consultant, discussed intersection improvements for Wilshire and Santa Monica Boulevards which could be installed in the future, notably Concept 3A and responded to questions from the Commission.

Planner Jerex reviewed responses to Commission requests and issues in relation to RHNA numbers, various visual simulations and variations at 10, 12, and 14 stories, open space site plans, Waldorf Astoria Height recommendations, ingress/egress for Waldorf Astoria (and setbacks), conference center/setbacks and stories/heights, Residence A North height, Residence B South height, Cabana Rooms, loading area, and parking.

The Applicant Team spoke as follows:

Corinne Verdery, representing the applicant, reviewed changes to their site plan related to the Waldorf Astoria setbacks on Santa Monica Boulevard, and the Beverly Hilton lobby. She also discussed the conference center height, views from the community, loading dock, driveways, cabana room, screening, landscaping, and various drawings regarding roads, driveways, and rooftops. She noted an error on the conference center which should read 41-foot setback.

George Mihlsten, Latham Watkins, discussed the project which is critically

integrated. He reviewed significant revenue that the City will receive, including sales and property tax in the future.

Dr. Stuart Gabriel, UCLA Anderson School of Business/Real Estate Institute, provided his point of view via a letter (which was submitted for the record) from which Mr. Mihalsten quoted, including substantially improved land use solutions, economically underutilized site should be generating substantially more Transient Occupancy Tax, and the residential component necessity.

Gunther Schiff, a resident, had questions regarding revenue vs. costs and impacts.

Myra Lurie, Beverly Hills Board of Education for the Unified School District, and School Board Vice President Nooshin Meshkaty, discussed collaborative creative solutions to the possible impacts of these projects. and stated they look forward to further conversations with the developers. They noted they would like to work directly with the developer or have funds set aside secure mitigations.

Mr. Mihalsten noted they have, and will continue to, meet with the school representative to address their issues.

Community Development Director Bertoni noted meetings with School District staff and commented on developer fees for the construction of new school facilities, but not for other items. He noted the EIR has identified potential impacts and potential mitigation measures regarding the school and those are being worked on. Anything above that could be part of the Development Agreement.

Ms. Verdery responded to Commission questions regarding: where meeting room space is located (copies of that drawing were requested); outdoor event space, loading and capacity; and existing outdoor dining space. A Reciprocal Access Agreement was noted. Ms. Verdery responded to questions regarding the heights and number of rooms at 10, 12, and 14 stories, circulation within the project, and structural columns on Wilshire.

Mr. Mihalsten responded regarding condo vs. residence numbers with regard to financial feasibility.

R. Lynch, Consulting Engineer, responded to questions regarding the loading dock width.

**The following were heard beginning at 7:09 p.m. All Commissioners were present.**

Speakers:

Dr. Matthew Finerman, a resident, discussed a public health issue citing asthma

incidents at El Rodeo School and requested mitigation for air quality issues that might impact the children.

Joe Hirt, a resident, expressed concern with construction pollution related to a project on Crescent; soil moisture evaluations, soot on his car, and health concerns due to air quality.

Each Commissioner stated their overall view of the project and provided suggestions.

After discussion, Chair Furie noted the following majority positions:

- The Waldorf - 14 stories
- Ingress - Acceptable
- Conference Center - Set back acceptable
- Residence A - Remove Building A
- Residence B - A maximum height of 16 stories
- Cabana - Would look at additional use there
- Loading Area - with proviso City Traffic Engineer looks at the driveway
- Parking - At 2183 spaces

The Public Hearing was continued to February 20, 2008, at 7:00 p.m.

### **COMMUNICATIONS FROM THE AUDIENCE**

None.

### **PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

#### **2. PROPOSED CONDOMINIUM AND RETAIL PROJECT "9900 WILSHIRE PROJECT"**

**The purpose of this meeting is for the Planning Commission to review proposed changes to the project, the draft Conditions of Approval, redlines of the Draft Specific Plan and Draft Development Agreement and provide direction to staff. The public hearing remains open so the Planning Commission will continue to receive testimony on the project. The comment period for the Draft Environmental Impact Report (DEIR) is closed and staff is no longer responding to written or oral comments on the DEIR.**

The staff report was presented by Planner Jerex and made a part of the record. She reviewed the meeting schedule and noted the next hearing date would be February 21, 2008. The revised site plan was reviewed with the loft building removed, restaurant relocation, and pocket park.

The Applicant Team spoke as follows:

Michael Palladino, noted resubmittal of design 5A which has undergone changes and refinements, a summary of which is in the staff report. The applicant has submitted complete technical drawings and backup data today. Two outstanding issues remain - the LACC tour balloons marking building height and adjusted perspectives thereof, and continuation of the public garden - linking them by extending the path to north end of site. He reviewed site changes including residential buildings on Merv Griffin Way, extension of landscaping along Merv Griffin Way with terracing and water features, the restaurant moved northwest creating a pocket garden and outdoor seating area, coordination of trees, offsetting the building to improve the Wilshire entrance, additional setbacks on Wilshire, other setbacks, and offsetting the eliminated lofts.

Mark Armbruster, representing Los Angeles Country Club (LACC), noted Commission comments during the previous Hilton hearing. He discussed the walled effect of the project and its impact on the Club. He commented on additional setbacks which would not affect FAR, especially with the removal of the lofts.

Barclay Perry, representing LACC members who would like the building moved back, stated no progress has been made and expressed concern that the project will impact their grass and the golf ball liability issue has not been resolved.

Mike McRoskey, LACC Board of Directors, noted the height and mass of the Wachovia building compared to this project. The Architect and building are outstanding, but the issue is the height and where the building stands. He inquired whether the EIR shade and shadow section compared the original 145 foot height and the current proposed increased height.

Staff responded the additional shade and shadow information had been reviewed and that Alternative 5 did not trigger significant impacts.

Myra Lurie, Beverly Hills School District, reiterated the various impacts on El Rodeo and pedestrian traffic to the High School. She requested that any documents clearly document issues in our letter of November 15<sup>th</sup>, the most significant of which are construction, air quality including nitrous oxide and dust, security, protocols vetting construction workers, truck traffic routes in conflict with drop off/pick up times, noise and vibration notably on days for standardized testing, generally occurring in May, Constitution Test, and finals. Mitigations could include indoor/outdoor air quality mitigations, screening, cameras or other monitoring technology.

It was noted Developer fees are not meant to mitigate impacts, but to address additional citizens who will be using the school.

Allan Alexander, representing the applicant, noted their desire to continue working with the School District; they have had two meetings with the Superintendent and

their attorney related to the above issues. Regarding LACC shade and shadow issue, no significant impacts were found from the EIR Consultant. He discussed the view from LACC and what the project will look like coming from the east and west.

Chris Candy, Candy & Candy, thanked the Commission for their hard work related to this LEED Gold-Rated, traffic-neutral, project and its high percentage of open space.

Assistant City Attorney Snow reviewed the redlined Development Agreement. The Commissioners requested additional changes.

Planner Jerex reviewed the Draft Conditions of Approval and the Commissioners made numerous changes.

The Mitigation Monitoring Plan was discussed and a few changes were made.

The Draft General Plan Amendment was reviewed by Consultant Parker-Bozylinski.

Ms. Parker-Bozylinski reviewed the Redlined Specific Plan. The Commissioners made changes.

Commissioner Cole expressed concern with the height, Commissioner Marks concurred.

Chair Furie closed the Public Hearing.

ACTION:

Moved by Chair Furie and seconded by Commissioner Bosse.

That Resolutions recommending the City Council adopt resolutions approving the draft Conditions of Approval, the Draft General Plan Amendment, the Draft Specific Plan, the Draft Development Agreement, and Final EIR for the proposed Condominium and Retail Project ("9900 Wilshire Project) be prepared for consideration at the meeting on February 21, 2008.

AYES: Commissioner Bosse, Vice Chair Reims, and Chair Furie.

NOES: Commissioners Cole and Marks.

ABSENT: None.

CARRIED.

**3. INFORMATION ITEMS**

**PLANNING COMMISSION MEETING SCHEDULE**

**BEVERLY HILTON REVITALIZATION AD HOC COMMITTEE REPORT**

**Project address: 9876 Wilshire Boulevard**

**BEVERLY HILTON REVITALIZATION SPECIFIC PLAN AD HOC COMMITTEE REPORT**

**PROPOSED CONDOMINIUM AND RETAIL PROJECT AD HOC COMMITTEE REPORT**

**Project address: 9900 Wilshire Boulevard**

**PROPOSED CONDOMINIUM AND RETAIL PROJECT SPECIFIC PLAN AD HOC COMMITTEE REPORT**

Assistant City Attorney Snow noted the Ad Hoc Committees had served their purpose and could be disbanded. The Chair so ordered.

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

**COMMUNICATIONS FROM THE CITY PLANNER**

None.

**THE MEETING WAS ADJOURNED AT 12:37 A.M.**

**PASSED AND APPROVED THIS 24th DAY OF JULY, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**February 14, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING  
City Council Chambers  
Commission Meeting Room A**

**FEBRUARY 14, 2008  
1:30 p.m.**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:45 PM**

**Commissioners Present:** L. Bosse, N. Cole, S. Marks (arrived at 3:45pm, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** V. Bertoni, R. Balderas, R. Gohlich, and D. Mohan (Department of Community Development); D. Snow (City Attorney's Office).

**BUS TOUR at 2:10 PM**

Assemble at the 450 North Crescent Drive entrance to City Hall. *(The bus tour will include projects listed on the agenda.)* The Planning Commission will visit: 910 Oxford Way.

Assistant City Attorney Snow stated that the Commission had taken a bus tour of the projects on the agenda to see the layout and conditions at the project sites and gather information but that no discussion was held nor any conclusions made.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

None.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**Taken out of order:**

**2. BEVERLY HILTON REVITALIZATION PLAN  
9876 Wilshire Boulevard**

Development Agreement, Zone Text Amendment, General Plan Amendment and Tentative Tract Map in conjunction with the project known as the "**Beverly Hilton Revitalization Plan**," which includes new hotel rooms/amenities, a new restaurant, new residences, subterranean parking and off-site improvements for the property located at **9876 Wilshire Boulevard** in the C-3 Commercial Zone.

Staff recommends that this item be continued to February 20, 2008, at 7:00pm in City Council Chambers, First Floor, Room 180 at City Hall.

The Chair appointed an Ad Hoc Committee consisting of Commissioner Marks and Vice Chair Reims to explore and recommend details of the Specific Plan and Development Agreement.

**ACTION:**

Moved by Commissioner Cole and seconded by Commissioner Bosse.

That consideration of this item be continued to at or after 7:00pm on February 20, 2008.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

**CARRIED.**

**Return to order.**

**1. 910 OXFORD WAY  
Hillside R-1 Permit and Second Unit Use Permit**

An application for a Hillside R-1 Permit to allow: construction of a new single-family home which will exceed 15,000 square feet of cumulative development; land form alteration which would result in the export of more than 3,000 cubic yards of earth; fencing in the front and street side yard to exceed 3 feet in height

within ten feet of the property line, and allow portions that are not open to public view; and an accessory structure which exceeds 14 feet in height to be located within the side yard setback; and,

An application for a Second Unit Use Permit to allow the construction of an approximately 1,000 square foot Second Unit which would contain separate living facilities from the main residence, in conjunction with a proposed new, two-story single-family residence located at 910 Oxford Way.

Associate Planner Gohlich summarized the staff report and it was made a part of the record. He noted the export of dirt would be in excess of 3,000 cubic yards. Responding to questions from the Commission, he explained where on the property the proposed accessory structure would be placed. He noted that if the Commission approves the application, a condition is recommended by staff that the fencing be located 10 feet from the property line and that the solid portion not begin until it reaches the driveway on Glen Way, which would screen the pool and back yard of the subject area.

May Sung, architect for the applicant, stated that the existing residence is closer to Glen and Oxford Ways than what is proposed. The footprint is also smaller on the proposed home than the existing.

Marty Esterline, expediter for the applicant, noted the 6-foot high wall is proposed for privacy and security, due to the grade and elevation of the subject property. She noted that existing walls across Glen and Oxford Ways are in excess of four feet and solid already; she added there are walls on Carol Way that are taller than 11 feet.

Jerry Williams, landscape architect for the applicant, responded to questions from the Commission, stating they would be preserving the existing trees and if that was not possible the trees would be replaced with mature trees. He also stated they would be landscaping both sides of the property fencing.

Ian Forrest, lawyer for the neighbor at 904 Oxford Way, expressed concerns with building massing, the height of the guest house as it relates to privacy; and mitigation of construction-related impacts. He provided a copy of a letter, prepared on behalf of his client. The letter was made a part of the permanent record.

Barbara Sadoff, neighbor at 908 Glen Way, stated she was opposed to the project due to concerns for building massing and privacy impacts, and that she was opposed to a solid wall along Glen Way.

Nancy Krasne, neighbor at 917 Oxford Way, expressed concern for the size of the proposed home and accessory structure; concern that the property might later be split and sold as two lots; a desire to ensure parking per code for the

property; privacy concerns; and stated she was opposed to the proposed solid wall.

Consideration of this item was continued to the meeting on March 13, 2008, at or after 1:30 pm, by order of the Chair. The public hearing remains open.

### **INFORMATION ITEMS**

#### **3. REVISION TO THE STYLE CATALOGUE**

Update on Revision to the Style Catalogue, Expansion of Design Review to Hillside and Trousdale, Transfer of PC Reviews to DRC, and Proposed Changes to R-1 Zoning Code.

Information only.

### **COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

**THE MEETING WAS ADJOURNED AT 5:00 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**February 20, 2008**

**CITY OF BEVERLY HILLS  
Planning Commission Special Meeting  
City Council Chambers**

**February 20, 2008  
7:00PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 7:25 PM.**

**Commissioners Present:** Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** V. Bertoni, L. Sakurai, and L. Goor (Department of Community Development); D. Snow (City Attorney's Office); J. Parker-Bozylinski (Consultant).

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Allan Alexander.

**APPROVAL OF AGENDA**

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

None.

**Taken out of order:**

**NEW BUSINESS**

- 3. Beverly Hilton Revitalization Ad Hoc Committee Report Project  
Address: 9876 Wilshire Boulevard**

Community Development Director Bertoni reported the Committee, including Vice Chair Reims and Commissioner Marks, had met and discussed outstanding issues, namely height, as well as Residence A.

The Chair disbanded the Ad Hoc Committee

**4. Ad Hoc Committee Report**  
**Project Address: 9900 Wilshire Boulevard**

None.

**Return to order.**

**PLANNING COMMISSION/BOARD OF ZONING ADJUSTMENTS/PLANNING AGENCY PUBLIC HEARINGS**

**1. Proposed Condominium/Hotel "Beverly Hilton Revitalization Project"**  
**9876 Wilshire Boulevard**

Consultant Bozylinski presented information on the Site Plan, Waldorf-Astoria, Residence B, Cabana Rooms, Conference Center, Wilshire Boulevard Widening, Draft Specific Plan, and Draft Development Agreement.

City Traffic Engineer Vaziri responded to questions from the Commission.

Speaker Cards submitted for questions only: Corinne Verdery, and George Muhlsten for the applicant.

The Commission discussed the potential for an over/under-pass at Wilshire/Santa Monica in the future, and future growth.

There was consensus for the removal of Building A, that Residence B be 13 stories, and the Waldorf be 12 stories, hotel rooms only.

Commissioner Bosse noted her comment was 16 or less for Residence B.

Chair Furie closed the Public Hearing.

**ACTION:**

Moved by Commissioner Bosse and seconded by Commissioner Marks.

That Residence A be eliminated, the Waldorf be 12 stories of hotel rooms only, and Residence B be 13 stories.

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AYES: Commissioners Bosse and Marks, and Vice Chair Reims.

NOES: Commissioner Cole and Chair Furie.

ABSENT: None.

CARRIED.

Chair Furie explained his reasons for dissenting for the record: he is supportive of 16 stories for Residence B, and that Residence A be 9 stories with a 20% reduction in mass and resulting setback.

Commissioner Cole explained her reasons for dissenting: she supports the Waldorf at up to 12 stories for hotel only, Residence B at no more than 13 stories, and if it can work with no Residence A that is acceptable/she would support a reduced footprint for A and B.

Vice Chair Reims commented on her position, noting with removal of Residence A, she was willing to discuss further height on the Waldorf.

Commissioner Marks left the dais at 9:40 p.m.

Commissioner Bosse commented if Residence A is eliminated, she would support 16 stories for Residence B.

The changes reflected in the revised project were discussed.

Chair Furie requested language to reflect 1,733 as the minimum parking and incorporate 450 drive aisle spaces into the Specific Plan.

Consultant Parker-Bozylinski reviewed changes to the Specific Plan and further suggestions. The Commissioners made numerous changes to the Specific Plan and Draft Development Agreement.

ACTION:

Moved by Chair Furie and seconded by Commissioner Bosse.

That resolutions recommending that the City Council adopt resolutions to: Amend the General Plan, adopt the Specific Plan, Change the Zoning Code, and adopt a resolution approving the EIR, and approve the Development Agreement be prepared for consideration at the meeting on February 28, 2008.

AYES: Commissioners Bosse, Cole, Vice Chair Reims, and Chair Furie.

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February 20, 2008

NOES: None.

ABSENT: Commissioner Marks.

CARRIED.

**INFORMATION ITEMS**

**2. Planning Commission Meeting Schedule**

Not reviewed

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

**ADJOURNMENT**

The meeting was adjourned at 11:00 p.m.

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF July, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**February 21, 2008**

**CITY OF BEVERLY HILLS  
Planning Commission Special Meeting  
City Council Chambers  
Commission Meeting Room A**

**February 21, 2008  
7:00 p.m.**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 7:21 PM.**

**Commissioners Present:** L. Bosse, N. Cole, S. Marks, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** V. Bertoni, L. Sakurai, and L. Goor (Department of Community Development); D. Snow (City Attorney's Office); J. Parker-Bozylinski (Consultant).

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Virginia Moss.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

This item was moved to the end of the meeting.

**Taken out of order:**

**INFORMATION ITEMS**

- 2. Planning Commission Meeting Schedule**  
Not discussed.
- 3. Beverly Hilton Revitalization Ad Hoc Committee Report Project address: 9876 Wilshire Boulevard**  
No report.
- 4. Ad Hoc Committee Report Project Address: 9900 Wilshire Boulevard**  
The 9900 Wilshire Ad Hoc Committee was disbanded by order of the Chair.

**Return to Order:**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING  
AGENCY PUBLIC HEARINGS**

**1. Proposed Condominium and Retail Project  
"9900 Wilshire Project"  
9900 Wilshire Boulevard**

It was noted the Public Hearing was closed; however, the public would be given the opportunity to comment on the Resolutions being considered.

The staff report was presented by Consultant Parker-Bozylinski who reviewed the recommended changes to the Draft Conditions of Approval and Mitigation Measures. She provided a 16-page packet containing numerous changes to Community Development/Planning Project Conditions as well as Revised Mitigation Measures AQ-14 and AQ-15, a proposed change to Mitigation Measure Noise 1, and two renderings.

Assistant City Attorney Snow made a number of suggestions regarding timing of the signal should be tied to the subdivision map; 19. Green Building Design 'not less than 26 points;' 24. Hiring practices for the construction crew replace 'El Rodeo' with 'schools within Beverly Hills Unified School District;' within Exception for Performance of Duties add 'with the knowledge of the construction manger or supervisor;'

Commissioners made suggestions for changes to: 23. Crossing Guard, 38. add Principal at El Rodeo; regarding non-site specific easement for shuttle in case MTA Metro/Subway needs; include language from 29. in number 41. - other landscaping within and adjacent to public open areas regardless of ownership; Public Entry Garden should be renamed the Public Garden throughout; add a condition that allows equipment to be installed for first responders' communications; 11. parking rate to revert to market rate at the end of the free period; add a provision that if there is any available parking over/above Code on the commercial side, it be made available for lease; add language to Consultant Parker-Bozylinski's change suggested to Mitigation Measure Noise 1 as follows, 'prior to September 30th of every school year.'

AQ-14 and AQ-15 revisions were discussed by Ann Dohene and Alan Sako, Project Scientist with Impact Sciences.

A Commissioner's concern regarding air quality monitoring reaching certain levels in relation to El Rodeo School will be looked into by staff. The school should provide their schedule, including fairs, tests, or outside activities and those should be coordinated with construction.

Mark Armbruster, representing the Los Angeles Country Club, stated they have not had adequate time to review the final Resolutions, and reserve right to comment to the City Council.

Community Development Director Bertoni noted what information was requested by LACC and what was provided in addition.

Staff will explore a rapid response procedure in the construction management in case overlapping truck coordination does not work; the possibility of a dedicated staging area, and a balance between size and number of trucks; and scheduling of concrete pours.

Assistant City Attorney Snow noted the following suggested language:

On Attachment C, Page 25, Mitigation Measure, Traffic, 5, last bullet item add, 'The Construction Management Plan shall include 1) use of double bellied trucks to minimize the number of truck trips, 2) an Environmental Monitor to oversee and coordinate between the 9900 Wilshire and Hilton projects to extent they are concurrent construction tracks, and 3) an action plan to avoid unforeseen traffic issues and identify ways to respond in the event that traffic congestion occurs.

A 31, Roadway Feature Design, B. Wilshire Driveway to Residential: change 'more gentle curve return' to wording that indicates analysis and assessment of safety per City Traffic Engineer, subject to City review and approval.

Exhibit B Statement of Overriding Consideration - Affordable Housing - add on Page B-4: add G) pursuant to terms of the Development Agreement, the applicant will pay approximately \$6 million to City funds to be used for the purpose of promoting affordable housing in the City of Beverly Hills which is an important objective of the City.

ACTION:

Moved by Commissioner Bosse and seconded by Vice Chair Reims.

Adopt a Resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council certify the Environmental Impact Report for the 9900 Wilshire project consisting of Luxury Residential Condominiums, Public gardens, and Ancillary Commercial Uses; make Environmental Findings pursuant to the California Environmental Quality Act; adopt a Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program for property known as 9900 Wilshire Boulevard (the former Robinsons-May Department Store Site).

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AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

Regarding the Resolution for the Land Use Element, changes to Attachment C, Page 2, Paragraph 3, the previous comment regarding height, not intensity was noted. The phrases 'adequate transition to residential neighborhoods' and 'accessible from the City's major shopping' were discussed, then Assistant City Attorney Snow suggested leaving Sentence 1 as is and adding Sentence 2, 'These anchor locations should include large parcels that are located at the gateways to the City such as 9900 Wilshire site where additional height is appropriate.'

ACTION:

Moved by Commissioner Marks and seconded by Commissioner Chair Furie.

To adopt an amended Resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council amend the Land Use Element of the Beverly Hills General Plan to establish the 9900 Wilshire Specific Plan designation, add the 9900 Wilshire Specific Plan zoning to the City of Beverly Hills Municipal Code, and apply the 9900 Wilshire Specific Plan Zoning in conjunction with the proposal to develop Luxury Residential Condominiums, Public Gardens, and Ancillary Commercial Uses, for the property located at 9900 Wilshire Boulevard (the former Robinsons-May Department Store Site).

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

Regarding the Resolution for the Specific Plan, Page 3, Paragraph 1, last line, include perimeter gardens along Santa Monica and at the western driveway, which may be referred to as additional landscaping or additional gardens for clarity; also, remove word 'entry' from public gardens.

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ACTION:

Moved by Commissioner Bosse and seconded by Vice Chair Reims.

To adopt a Resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council adopt the 9900 Wilshire Specific Plan to allow Luxury Residential Condominiums, Public Gardens, and Ancillary Commercial Uses, at 9900 Wilshire Boulevard, (the former Robinsons-May Department Store Site)

AYES: Commissioners Bosse, Vice Chair Reims, and Chair Furie.

NOES: Commissioners Cole and Marks.

ABSENT: None.

CARRIED.

Regarding the Resolution for the Development Agreement, Assistant City Attorney Snow suggested adding to the end of Section 10 B 4 'For example, if 235 dwelling units were constructed pursuant to the project approvals, then the amount for the affordable housing fund would be \$6, 150,725.50 (per unit fee of \$261,733 x 235 divided by 10).' The Commission requested the wording regarding the subway, similar to the provision in the draft Hilton development, be added. Section V add that 10% of the Public Benefit Contribution as funding for improvements to the intersection at Wilshire/Santa Monica.

ACTION:

Moved by Vice Chair Reims and seconded by Commissioner Bosse.

To adopt a Resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council approve a Development Agreement between the City of Beverly Hills and Project Lotus, LLC for construction of Luxury Residential Condominiums, Public Gardens and Ancillary Commercial Uses, in accordance with the 9900 Wilshire Specific Plan for property located at 9900 Wilshire Boulevard (the former Robinsons-May Department Store Site).

AYES: Commissioner Bosse, Vice Chair Reims, and Chair Furie.

NOES: Commissioners Marks and Cole.

ABSENT: None.

CARRIED.

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It was noted the project will be scheduled for the City Council meeting on Tuesday, March 11, 2008.

Allan Alexander thanked the Commission.

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Community Development Director Bertoni discussed the schedule for the Beverly Hilton documents.

**THE MEETING WAS ADJOURNED AT 10:20 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> day of July, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT**  
**PLANNING COMMISSION**  
**MINUTES OF**

**February 28, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING  
City Council Chambers  
Commission Meeting Room A**

**February 28, 2008  
2:00 p.m.**

**MINUTES**

**OPEN MEETING**

The Chair called the meeting to order at 2:10 p.m.

**ROLL CALL**

**Commissioners Present:** L. Bosse, N. Cole, S. Marks, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** V. Bertoni, J. Lait, R. Balderas, L. Sakurai, M. McGrath, and J. Stevens (Department of Community Development); D. Snow (City Attorney's Office); and Consultant J. Parker-Bozylinski.

**BUS TOUR 3:00 PM**

Assemble at the 450 North Crescent Drive entrance to City Hall. (*The bus tour will include projects listed on the agenda.*) The Planning Commission will visit: 618 Sierra Drive.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Marks.

**APPROVAL OF AGENDA**

The Chair noted that Item 1 would be taken before the bus tour.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**1. R-1 Items:  
Transfer of Certain Planning Commission Reviews to Design Review Commission**

The staff report was summarized by Senior Planner McGrath and made a part of the permanent record.

Design Review Commission Chair Weiss stated that the Design Review Commission would be able to consider a new residence in its entirety, the proportion of it and the proportion to the streetscape if the garage were added to their purview.

The consensus of the Commission was that the staff recommendation for proposed transfers to the Design Review Commission, with the exception of tree removal permits and driveways which slope down below the adjacent grade of the public right-of-way, be forwarded to the City Council for approval.

Action:

Moved by Commissioner Furie and seconded by Commissioner Marks.

That a resolution recommending that the City Council adopt these changes be prepared and brought back to the Commission for consideration.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims and Chair Furie.

NOES: None.

ABSENT: None.

ABSTAIN: None.

CARRIED.

*The following were heard beginning at 7:15 p.m.*

**NEW BUSINESS**

**COMMUNICATIONS FROM THE AUDIENCE**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

Taken out of order:

**3. 618 Sierra Drive  
Central R-1 Permit**

A request for a Central R-1 Permit and Second-Unit Use Permit to allow a two-story detached Accessory structure to be constructed to a height of 21-feet at four-feet to the side and rear yard property lines and to be used as a second dwelling unit on the property located at **618 North Sierra Drive**.

Associate Planner Noonan summarized the staff report and it was made a part of the record. He noted that no comment letters had been received, a few phone calls with questions were taken and that one neighbor was present.

J. Beller, architect for the applicant, stated he was present to answer any questions.

G. Oblath, neighbor at 620 Sierra Drive, thanked the Winesteins for the design of the residence and stated he had no objection to the project but was concerned that when the existing garage is demolished the fence, which is unstable, might collapse. He also expressed a desire that the existing ficus trees be retained along the north façade.

The public hearing was closed.

The Commission concurred that a condition requiring a landscaping screen if the existing ficus trees are impacted should be included; and in terms of privacy, a condition that windows be opaque.

**ACTION:**

Moved by Commissioner Marks and seconded by Commissioner Bosse.

That the amended resolution conditionally approving a Central R-1 Permit and Second-Unit Use Permit be adopted.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

**CARRIED.**

Return to order.

**2. 309-325 South Elm Drive  
Development Plan Review Permit, Tentative Tract Map No. 69145,  
Density Bonus permit and R-4 Permit.**

Development Plan Review Permit and Tentative Tract Map No. 69145 for a four story, 45 foot high, 30-unit condominium development with a Density Bonus permit for providing three lower income housing units and an R-4 Permit for additional front yard paving for a property located at **309-325 South Elm Drive (PL 0745544)**. The Public Hearing is open.

Associate Planner Alkire provided a summary of the staff report and it was made a part of the record. He noted that the revised project is a 30-unit project consisting of two four-story buildings that are not connected. The previously proposed bridge was removed. Mr. Alkire noted the density bonus and waiver requested by the applicant. He stated that comment letters had been received which expressed privacy concerns.

Assistant City Attorney Snow clarified that the provisions of state law do allow the Commission to deny or reject specifically requested incentives, but the City is required to provide an incentive.

Murray Fischer, attorney for the applicant, stated the request for waiver was removed. He also described how the requested fourth floor had been set back to provide additional privacy, noting that from the proposed fourth floor the view would be less intrusive than from the windows on the code-complaint third floor.

Tamara Seff, a neighbor, noted that other neighbors were not able to attend the meeting and expressed opposition to the proposed project.

Dick Seff, a resident, expressed opposition due to privacy concerns.

Randy Seff, a resident, expressed concern for privacy, impacts to property value, and the proposed height of the project.

Mitch Waldow, on behalf of Beverly Hills South Homeowners Association, stated they were opposed to the proposed height.

Joe Hirt, a resident, stated opposition to limiting the low income to police and fire or teachers, because he did not think they would qualify. He also asked about a proposed landscaping plan.

Ken Goldman, a resident, stated opposition to the proposed height.

Phillip Scheid, a resident, read a letter from Terry Scheid expressing concerns regarding financial impacts on surrounding property values into the record.

Chris Lankenmann, a resident, expressed concern for the elderly neighbors in the adjacent area having such a large building right behind them. He urged the Commission to approve a code-compliant building.

David Fidler, a resident, stated concerns for financial impacts, privacy, and questioned whether the shadow would affect his enjoyment of his home and yard.

Azita Mahgerefteh, a resident, stated she was opposed to the proposed project due to possible adverse impacts.

The Commission requested additional information from staff regarding the density bonus, line of sight/privacy issues and that the shade and shadow study be validated.

Murray Fischer confirmed with his client that it would not be a problem to continue the case to March 13, and stated that they would work with staff and discuss incentives regarding this particular project, as long as any additional studies did not result in additional costs to the applicant. He also stated that a decision would be needed at the next meeting.

Consideration of this project was continued to at or after 1:30 on March 13, 2008, by order of the Chair. The public hearing remains open.

**4. Proposed Condominium / Hotel "Beverly Hilton Revitalization Project" at 9876 Wilshire Boulevard**

The purpose of this meeting is to review and approve the Resolutions recommending that the City Council certify the Final Environmental Impact Report and approve the Mitigation Monitoring and Reporting Program, the General Plan and Zoning Amendment, the Beverly Wilshire Specific Plan, and the Development Agreement for the Beverly Hilton Revitalization project.

Chair Furie noted the public hearing on this matter is closed.

Consultant Bozylinski summarized the staff report and it was made a part of the record. She described the modifications requested to the Specific Plan and the mitigation/monitoring program.

The Chair asked if there were any public comments on the resolutions being considered and there were none.

The Commission concurred on minor changes to clean up language or correct typographical errors in the resolutions.

ACTION:

Moved by Commissioner Bosse and seconded by Commissioner Marks.

That the amended resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council certify the Environmental Impact Report for the revitalization of the existing Beverly Hilton Hotel to allow a new luxury hotel, a new luxury condominium building, Gardens, and modifications to the existing Beverly Hilton Hotel which result in a decrease in the total number of hotel rooms; make environmental findings pursuant to the California Environmental Quality Act; adopt a Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program be adopted.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

ACTION:

Moved by Commissioner Reims and seconded by Commissioner Bosse.

That the amended resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council amend the Land Use Element of the Beverly Hills General Plan to establish the Beverly Hilton Specific Plan designation, add the Beverly Hilton Specific Plan Zoning to City of Beverly Hills Municipal Code, and apply the Beverly Hilton Specific Plan zoning in conjunction with the proposal for revitalization of the existing Beverly Hilton Hotel to allow a new luxury hotel, a new luxury condominium building, gardens, and modifications to the existing Beverly Hilton Hotel which result in a decrease in the total number of hotel rooms be adopted.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

ACTION:

Moved by Commissioner Marks and seconded by Commissioner Bosse.

That the amended resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council adopt the Beverly Hilton Specific Plan for revitalization of the existing Beverly Hilton Hotel to allow a new luxury hotel, a new luxury condominium building, gardens and modifications to the existing Beverly Hilton Hotel which result in a decrease in the total number of hotel rooms be adopted.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

ACTION:

Moved by Commissioner Marks and seconded by Commissioner Cole.

That the amended resolution of the Planning Commission of the City of Beverly Hills recommending that the City Council approve

a Development Agreement between the City of Beverly Hills and Oasis West Realty, LLC, for revitalization of the existing Beverly Hilton Hotel to allow a new luxury hotel, a new luxury condominium building, gardens and modifications to the existing Beverly Hilton Hotel which result in a decrease in the total number of hotel rooms be adopted.

AYES: Commissioners Bosse, Cole, Marks, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

**INFORMATION ITEMS**

**5. PLANNING COMMISSION MEETING SCHEDULE**

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

**ADJOURNMENT**

The meeting was adjourned at 1:45 a.m.

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**March 13, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION MEETING  
City Council Chambers /  
Commission Meeting Room A**

**March 13, 2008  
1:30 p.m.**

**MINUTES**

**PLEDGE OF ALLEGIANCE**

**OPEN MEETING**

The Chair called the meeting to order at 1:35pm.

**SWEARING IN OF NEW COMMISSIONER**

City Clerk Byron Pope administered the Oath of Office to Daniel Yukelson.

**ROLL CALL**

**Commissioners Present:** D. Yukelson, L. Bosse, N. Cole, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** V. Bertoni, R. Balderas, L. Sakurai, D. Jerex, D. Reyes, G. Millican, R. Naziri, L. Yegazu, P. Noonan, and J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

**DISCUSSION ITEMS**

**ELECTION OF OFFICERS**

Vice Chair Reims stated she had agreed to serve a second term as chair following Chair Furie's term, but felt the Commission and City would benefit if Chair Furie served through completion of the General Plan (anticipated October 2008), at which time the Vice Chair would complete the term to March 2009.

**ACTION:**

Moved by Vice Chair Reims and seconded by Commissioner Bosse.

That Chair Furie be re-elected as Chair through completion of the General Plan.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

ACTION:

Moved by Chair Furie and seconded by Commissioner Bosse.

Re-elect Vice Chair Reims through completion of the General Plan, at which time Vice Chair Reims would move up to Chair and Commissioner Cole would become Vice Chair for the remaining term to March 2009.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

**BUS TOUR at 1:30 PM**

Assemble at the 450 North Crescent Drive entrance to City Hall. The Planning Commission will visit: 309 South Elm Drive, 309 South Rexford Drive and 9588 Wilshire Boulevard, 120 Peck Drive, 125 S. Camden Drive, & 133 S. Camden Drive.

Assistant City Attorney Snow stated that the Commission had taken a bus tour of the projects listed on the agenda to see the layout and conditions at the project sites and gather information but that no discussion was held nor any conclusions made.

**APPROVAL OF AGENDA**

**COMMUNICATIONS FROM THE AUDIENCE**

**COMMUNICATIONS FROM THE COMMISSION**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**1. 910 Oxford Way**

Hillside R-1 Permit for building in excess of 15,000 square feet, excavation in excess of 3,000 cubic yards, fencing in the front and street side yard, accessory structure which exceeds 14 feet in height, and a Second Unit Use Permit for property located at 910 Oxford Way. Continued from February 28, 2008. The public hearing is open.

Assistant Planner Gohlich summarized the staff report and it was made a part of the record. He noted the proposed project would not adversely impact the views from surrounding properties. He added that revised plans had been received which removed the basement of the accessory structure, incorporated a recommendation to move the proposed wall and fencing back ten feet from the property line and indicated the fence would be open to sight except for specific portions along Glen Way.

Commissioner Yukelson noted for the record that he was present at the prior meeting when this project was presented and that he had been present at the bus tour also.

Barbara Sadoff, a resident, asked if the proposed changes in the plans would elevate it and expressed concern that the house would be very large.

Alex DeGood, attorney representing an adjacent property owner at 904 Glen Way, presented a letter from Jeffer Mangels Buttler & Marmaro, LLP. He stated his client had met with the applicant and did not object to the proposed project provided the conditions as proposed by City staff and other conditions agreed to between his client and the applicant (detailed in the letter) are imposed on the approval.

Ken Goldman, attorney of the applicant, stated the transformer has been moved back from the driveway; he noted the applicant would attempt to place it underground.

Nancy Krasne, speaking as a resident, stated she was not opposed to the proposed project but requested restrictions on the landscaping and that the project be subject to Architectural review. She also requested that the address on Glen Way be removed and that this becomes one lot.

The public hearing was closed.

The Commission concurred that the findings necessary for this application could be made.

Assistant City Attorney Snow recommended that the bullet points in the letter from Jeffer Mangels, Buttler & Marmaro, LLP, to the extent possible, be incorporated into the conditions of approval.

ACTION:

Moved by Commissioner Yukelson and seconded by Commissioner Bosse.

That the amended resolution conditionally approving a Hillside R-1 Permit for building in excess of 15,000 square feet, excavation in excess of 3,000 cubic yards, fencing in the front and street side yard, an accessory structure which exceeds 14 feet in height, and a Second Unit Use Permit be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

City Planner Lait stated that to the extent feasible the conditions as agreed upon would be incorporated into the resolution.

The Assistant City Attorney noted that 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 and an Appeal Fee would be required.

**2. 309-325 South Elm Drive**

Application for a Development Plan Review Permit and Tentative Tract Map No. 69145 for a four-story, 45-foot high, 30-unit condominium development at 309-325 South Elm Drive. Continued from February 28, 2008. The public hearing is open.

Associate Planner Alkire summarized the staff report and it was made a part of the record. He provided a summary of the neighbors' concerns which include views onto private property from the proposed fourth floor and noise on the outside roof area. He noted a line of sight study was conducted. Mr. Alkire added that revised plans had been submitted on March 12, with a revised fourth floor plan as the bonus. The revised plan has no open areas closer than 12 feet from the edge of the building, the third story roof decks are eight feet away from the edge, and the bridge between the two buildings had been removed.

Commissioner Yukelson noted that he would recuse himself from discussion and voting on this item because his family owns property within 500 feet of the proposed project.

Randy Seff, a resident, was opposed to the height of the proposed project and expressed concerns regarding privacy, noise, and the possibility of objects being

thrown from patios into his backyard. He further commented that affordable housing should be pursued in Beverly Hills but not in this form and not at the expense of single family homeowners. He also asked the Planning Commission to adopt a menu of incentives to be used for future affordable housing projects.

Richard Seff, a resident, stated he agreed with the concept but felt the neighborhood would be best served by retaining a height limit of 33 feet and three floors. He also stated that single family owners should be allowed to mitigate problems that result from allowing fourth floors, such as higher walls.

The public hearing was closed.

Assistant City Attorney Snow answered questions from the Commission regarding the State's density bonus requirements and what findings needed to be made. He also explained the purchase price would be determined according to a formula and the Homeowner's Association Fees would be dealt with by special calculations in the CC&Rs so the fees don't render the unit unaffordable; the calculations would be addressed in the conditions of approval and restrictions would be recorded against the unit.

The public hearing was reopened to allow Mr. Fischer to respond to a question of whether the applicant had any problem with a condition that the residents of the building would not be eligible to avail themselves of overnight parking permits.

Mr. Fischer stated there was no objection to a condition/restriction on overnight parking.

The public hearing was closed.

The Commission concurred that as conditioned they could make the findings to approve the application.

ACTION:

Moved by Commissioner Bosse and seconded by Commissioner Cole.

That the amended resolution conditionally approving a 30-unit condominium project with three affordable housing units was adopted.

AYES: Commissioners Bosse, Cole, Vice Chair Reims, and Chair Furie.

NOES: None.

RECUSED: Commissioner Yukelson

ABSENT: None.

CARRIED.

**3. 309 South Rexford Drive**

Request for a character contributing determination for the conversion of an existing apartment building into common interest development for the property located at 309 South Rexford Drive (between Gregory Way and Olympic Boulevard).

Senior Planner Naziri summarized the staff report and it was made a part of the record. She stated the project consisted of four units with a 5-car garage that was originally developed in 1936.

Mr. Dominic Hong, of Locobellis and Associates representing the applicant, stated he was available to answer any questions.

The public hearing was closed.

ACTION:

Moved by Chair Furie and seconded by Commissioner Yukelson.

It was determined that the building is character contributing and staff was directed to provide the applicant with a letter of determination.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

*The following were heard beginning at 7:30 p.m.*

**NEW BUSINESS**

**COMMUNICATIONS FROM THE AUDIENCE**

Rose Norton asked the Commission to complete the General Plan Update.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**4. EIR for Mixed Use Development  
9588 Wilshire Boulevard, 120 Peck Drive, 125 S. Camden Drive, & 133 S. Camden Drive - Residences at Saks 5th Avenue**

General Plan Amendment, Zoning Code Amendment, Planned Development Permits and Vesting Tentative Tract Map Nos. 54219 and 54220 for a mixed-use, commercial / residential project for properties located at 9588 Wilshire Boulevard, 120 Peck Drive, 125 South Camden Drive, and 133 South Camden Drive.

Senior Planner Reyes summarized the staff report and it was made a part of the record. He noted the order of the hearing and stated that Anne Doehne, of Impact Sciences, was present to speak about the Environmental Impact Report (EIR).

Ms. Doehne described the contents and findings of the Draft EIR.

Ray Nakamura, Crane & Associates traffic consultant, explained the traffic study and the detail of the alternatives that were explored during the EIR process. He noted that current 2007 traffic counts were used for the study and no significant traffic impacts were found.

Howard Katz, the applicant, described the proposed development.

Ken Goldman, on behalf of the Southwest Homeowner's Association, stated they were strongly opposed to the project based on height, the intensification of use for the amount of parking, and he stated that converting revenue producing C-3 zoned property to residential was not the best use for the property.

Rose Norton, a resident, stated she didn't think that mixed use was office building with retail and that the mixed parking doesn't work. She also expressed concern for air, circulation, and traffic. She noted the City had placed a cap on the square footage of department stores when the department store area was extended and the amount proposed would not be possible at the present time.

Joe Tilem, representing Barney's, stated he was commenting only on the applications submitted, not the alternatives contained in the Draft EIR. He stated the proposed development on the Wilshire corner next to Barneys would have a deleterious effect and expressed concern over circulation and noise from trucks delivering merchandise in the early mornings. He noted Barney's was set away from residential for noise abatement. He also noted that waiting time for valet service for retail customers had not been explored thoroughly and that there would be impact on Barney's from the store employee parking. Mr. Tilem added that he was concerned about the introduction of a residential building between the department stores.

Valerie Wisot, a resident, objected to the massive scale on both parcels. She stated that Parcel A has been zoned for department stores and that does not mean that other uses can or should be considered at this time. She stated that

traffic is already impossible on Camden and that Peck will be impacted if this project is approved. Ms. Wisot stated opposition to mixing commercial and residential parking and asked what would be gained if the City allowed concessions and entitlements for this project.

Mr. Katz rebutted the speakers' testimony. He described the two separate projects proposed and stated the public benefits would be the potential for additional parking, a perfected alley vacation, creating new housing and additional revenue.

The public hearing was closed.

City Planner Lait stated the proposed project has two elements, A and B, and it would be appropriate to discuss the suitability of each independently or, given the inter-relatedness of the designs, together. He also noted that the projects would require three zoning changes.

A majority of the Commission concurred that mixed use was not an appropriate use for Parcel A. Commissioner Yukelson stated he was in favor of non-residential mixed use.

The Commission concurred that they were not in favor of the proposed development of Parcel B which would require multiple zone changes.

ACTION:

Moved by Commissioner Yukelson and seconded by Vice Chair Reims.

That the amended resolution denying a request for a General Plan amendment, a Zoning Code amendment to create two overlay zones, two Vesting Tentative Tract maps, and construction of a mixed use project with 60 condominium units be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

The Assistant City Attorney noted that 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 and an Appeal Fee would be required.

**INFORMATION ITEMS**

**5. PLANNING COMMISSION MEETING SCHEDULE**

The special meeting scheduled to be held on March 20 was cancelled.

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

**THE MEETING WAS ADJOURNED AT 9:05 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**April 10, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING  
City Council Chambers  
Commission Meeting Room A**

**April 10, 2008  
1:30 p.m.**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:35 PM.**

**Commissioners Present:** L. Bosse, N. Cole, D. Yukelson, Vice Chair Reims,  
and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** J. Lait, L. Sakurai, P. Noonan, and J. Stevens  
(Department of Community Development); D.  
Snow (City Attorney's Office).

**BUS TOUR**

No bus tour scheduled.

**PLEDGE OF ALLEGIANCE**

Led by City Planner Lait.

**APPROVAL OF AGENDA**

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

Chair Furie announced a conference and stated he had information if his fellow Commissioners were interested.

**INFORMATION ITEMS**

**CONSIDERATION OF MINUTES**

**1. Consideration of the Minutes of the Planning Commission Meetings of:**

- **September 5, 2007**
- **September 6, 2007**
- **September 10, 2007**
- **September 24, 2007**
- **September 27, 2007**
- **October 3, 2007**
- **October 11, 2007**
- **October 25, 2007**
- **October 29, 2007**

No corrections were noted.

**ACTION:**

Moved by Commissioner Cole and seconded by Commissioner Bosse.

That the minutes of September 5, September 6, September 10, September 24, September 27, October 3, October 11, October 25, and October 29, 2007, be approved as submitted.

**AYES:** Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

**DISCUSSION ITEMS**

**2. Discussion regarding state and local regulations and implementation strategies related to State Density Bonus provisions, including evaluation of regulations used in other communities and possible direction to staff to explore alternative density bonus incentives.**

Associate Planner Noonan reviewed the current State density bonus provisions.

The Commission discussed the regulations contained in the current City ordinance and indicated changes they would like to explore to encourage the development of affordable housing which include: what areas would be appropriate for increased density, setting a minimum/maximum unit size, the

possibility of a menu of incentives for different percentages of affordable units, and encouraging additional density while limiting the mass of buildings.

The Commission concurred that there should not be a great disparity in size between the market rate and affordable units and requested that staff investigate whether the parking requirements could be the same across the building (no difference between market rate and affordable units). The Commission requested information on incentives to encourage building rental units and further information on incentives for first responders.

3. **Discussion regarding local and regional affordable housing programs, studies, implementation strategies and monitoring programs, and regulations used in other communities to advance affordable housing policies. This discussion may be heard concurrent with Item 2.**

The Commission discussed what could be done with in-lieu money received for affordable housing and possible goals for an inclusionary housing program. The Commission directed Staff to explore alternatives for a program to monitor the affordable housing recently approved and also provide additional information on the programs of other cities and what has or hasn't worked.

#### **COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

City Planner Lait announced regular meetings scheduled to be held on April 24, May 8 and May 22. Commissioner Bosse and Chair Furie noted they were not available on May 22 and requested it be rescheduled if not cancelled.

**THE MEETING WAS ADJOURNED AT 4:51 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**April 24, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING  
City Council Chambers  
Commission Meeting Room A**

**April 24, 2008  
1:30 p.m.**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:50 PM.**

**Commissioners Present:** Commissioners Cole, Yukelson, and Chair Furie.

**Commissioners Absent:** Commissioner Bosse and Vice Chair Reims.

**Staff Present:** J. Lait, R. Balderas, M. Alkire, Azita Motamen, David Yelton and J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

*The Chair noted Item 1 would be heard before the Bus Tour.*

**COMMUNICATIONS FROM THE AUDIENCE**

Steve Webb, a resident, requested the Commission place a preview of 257 N. Cannon Drive on a future agenda to provide comments to the owners on a possible retail and office space project with increased density and height.

The Commission concurred they would be willing to have this project on the agenda with more detail for discussion, and requested that it be presented to staff first so it can be a meaningful presentation.

**Taken out of order:**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

- 1. 225-233 South Hamilton Drive**  
**Time Extension request for Tentative Tract Map No. 62885 - a 25-unit condominium project with adoption of a resolution for the property located at 225-233 South Hamilton Drive.**

Principal Planner Balderas provided a summary of the staff report and it was made a part of the record. He noted that a complaint letter was received regarding construction issues and Code Enforcement had investigated and ordered a fence be taken down. No other comments were received.

**ACTION:**

Moved by Commissioner Yukelson and seconded by Commissioner Cole.

That the resolution approving a time extension for Tentative Tract Map No. 62885, for a 25-unit condominium project located at 225-233 South Hamilton Drive be adopted.

**AYES:** Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

**BUS TOUR at 2:10 PM**

Assemble at the 450 North Crescent Drive entrance to City Hall. *(The bus tour will include projects listed on the agenda.)* The Planning Commission will visit: 1360 Summitridge.

**Reconvened at 3:15 pm**

**COMMUNICATIONS FROM THE COMMISSION**

Chair Furie stated that the Commission had taken a bus tour of the projects on the agenda to see the layout and conditions at the project sites and gather information but that no discussion was held nor any conclusions made.

## **DISCUSSION ITEMS**

### **2. Discussion Regarding Proposed Green Building Program for Commercial, Mixed-use and Multi-family Development.**

The green building program proposed for the City of Beverly Hills is a mandatory, performance-based, point-scaled program to ensure compliance with the previously articulated goal of protecting the environment and includes key sustainability goals expressed by the Council last year.

Plan Review Engineer Motamen provided a summary of the staff report and it was made a part of the record. Ms. Motamen explained the staff recommendation for a Green Building Program in the City of Beverly Hills at a Silver Level, which would be certified by the City, reducing costs to the developer.

Joe Tilem, a resident, expressed support for a Green Building Program and asked at what point the new standards would be imposed on applications already in process. He also noted that in the development business time is money and recommended an incentive that would provide applications with a Silver standard with a priority handling.

Lee Silver, a resident, stated he concurred with Mr. Tilem and stated he would like to see the City be the first to provide ratings on buildings for their sustainability, much like restaurants get an "A" or "B" rating.

City Building Official Chavez emphasized that City staff had looked closely at other programs and have proposed the best of the programs reviewed. He noted staff desired input from the Planning Commission to take this forward to the City Council with a recommendation and to be at the forefront of sustainability. He stated the State of California is working on a voluntary set of Green Building standards that will probably be published next year and become permanent when they are adopted into the State Building Code, probably the following year.

The Commission requested changes to the Checklist and that other energy and water efficiency measures be incorporated. The also discussed the effective date of the Ordinance and how it would apply to applications already be processed by Planning staff.

Consideration of this item was continued to the meeting scheduled on May 8, 2008.

***The following were heard beginning at 7:05 pm:***

### **NEW BUSINESS**

### **COMMUNICATIONS FROM THE AUDIENCE**

None.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**3. 1360 Summitridge Place  
Request for a Hillside R-1 Permit for view preservation, an accessory structure within 100 feet of the front lot line and walls in the front yard.**

Associate Planner Alkire summarized the staff report and it was made a part of the record. He noted there were two properties with possible view impacts and that both were located in the City of Los Angeles. He stated one neighbor had expressed concerns for the view of Westwood and the height of the structure was reduced to address those concerns. The applicant will also trim a couple of trees and place smaller vegetation to increase the view.

The applicant's architect, Leo Marmol of Marmol Radziner & Associates, stated they had met with the adjacent neighbors to minimize impacts to the neighbor's view. The upper floor of the proposed residence would be limited to a master bedroom which narrowed the footprint and it was pulled away from the neighbor's lot. He stated the roof slope was a very minor slope and is an architectural feature in the master bedroom; he added the roof would be green to minimize the appearance as well. He explained that the wall at the front is in a cul-de-sac and addresses security issues as well as screening for the cars and parking area from the street view.

Mary Herman, a neighbor, thanked staff for their efforts and expressed support for the project.

The public hearing was closed.

The Commission concurred that the findings could be made to approve the application.

**ACTION:**

Moved by Commissioner Yukelson and seconded by Commissioner Cole.

That the resolution conditionally approving a Hillside R-1 Permit be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

**CARRIED.**

**INFORMATION ITEMS**

**4. PLANNING COMMISSION MEETING SCHEDULE**

It was noted the regular meeting scheduled on May 22 would not be held.

**COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

**THE MEETING WAS ADJOURNED AT 7:30 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT  
PLANNING COMMISSION  
MINUTES OF**

**May 8, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION MEETING  
City Council Chambers  
Commission Meeting Room A**

**May 8, 2008  
1:30 p.m.**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:35 PM**

Commissioners Present: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims (left the meeting at 5:42 pm), and Chair Furie.

Commissioners Absent: None.

Staff Present: R. Balderas, L. Sakurai, Heather Waldstein, Donna Jerex, G. Chavez, David Yelton, Azita Motamen, and J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

**BUS TOUR at 1:37 PM**

The Planning Commission visited: 804 N. Elm Drive, 1006 North Roxbury Drive. Assistant City Attorney Snow stated that the Commission had taken a bus tour of the projects on the agenda to see the layout and conditions at the project sites and gather information but that no discussion was held nor any conclusions made.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

The Chair noted that Item 6 would be heard after Item 4 and Item 1 would be heard after Item 5.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

## **COMMUNICATIONS FROM THE COMMISSION**

None.

**Taken out of order:**

## **NEW BUSINESS**

### **PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**2. 9975 Santa Monica Boulevard  
Request for Conditional Use Permit**

Request for continuance for a Conditional Use Permit for a private training center containing over 2,000 square feet of floor area.

Consideration of this item was continued by order of the Chair. The item will be re-noticed when a date is set.

**3. 804 N Elm Drive  
Request for Central-R1 Permit**

A request for a Central R-1 Permit for the construction of a two-story accessory structure with a deck on the second floor located in the required side and rear yard setbacks for the property located at 804 North Elm Drive.

Contract Planner Waldstein summarized the staff report and it was made a part of the record. Responding to a question from the Commission, she stated a small portion of the proposed deck would be visible but the majority of it is on the interior portion of the property.

Richard Landry, applicant's architect, described the proposed project and responded to questions from the Commission regarding grading to even up the south portion. He stated the existing landscaping along the south side would be replaced with healthy plantings and as much screening as possible would be brought in. He added that the magnolia trees will be 72-inch box, others would be 36-inch, and there would be a hedge in addition to the magnolias for additional privacy.

The public hearing was closed.

The Commission concurred that with conditions for awning windows to protect privacy, moving the fountain back, and additional landscaping the findings could be made to grant the permit.

ACTION:

Moved by Commissioner Bosse and seconded by Commissioner Yukelson.

That the amended resolution conditionally approving the Central R-1 Permit be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

The Assistant City Attorney noted that 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 and an Appeal Fee would be required.

**4. 1006 N Roxbury Drive  
Request for Central R-1 Permit**

A request for a Central R-1 Permit to allow the construction of an accessory structure to project beyond the building height envelope by 4-feet along a side yard for a property located at 1006 North Roxbury.

Contract Planner Waldstein summarized the staff report and it was made a part of the record.

The applicant's architect Richard Landry, Landry Design Group, Inc., described the proposed project.

Mendi Jean Ross, a resident, expressed concerns that the project might be overbuilt for the area, might affect her enjoyment by encroaching on light and air, and requested a smaller structure that would not encroach into the side yard.

Shera Danese, a resident, expressed concern with the proximity of the project and its affect on light, air and privacy. She also had safety concerns related to fire because the buildings would be very close together.

The Assistant City Attorney explained the requirement on noticing and the practice to rely on certified lists from a mailing service. He stated these services use the most current Tax Assessor's roll.

Mr. Landry rebutted the speakers, noting the square footage of the requested accessory structure is below what is allowed by the Code. He also stated it would not encroach on the side yard, only the height is beyond what is allowed and it would be screened to protect the views from the property into the neighbor's 2-story accessory structure.

The public hearing was closed.

The Commission concurred that with conditions for no windows on the south side, and that landscaping to be installed and maintained, the findings could be made.

ACTION:

Moved by Commissioner Yukelson and seconded by Commissioner Cole.

That the resolution conditionally approving a Central R-1 Permit to allow the construction of an accessory structure to project beyond the building height envelope by four feet along a side yard be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

**6. Proposed Green Building Ordinance**

Resolution Recommending that the City Council Adopt an Ordinance Adding Article 46 to Title 10 of the Municipal Code (Zoning Code) to Establish a Green Building Program and Standards for Commercial, Mixed-use and Multi-family Developments

Assistant City Attorney Snow noted that a redlined version of the ordinance had been provided. He explained that as currently drafted, the ordinance would apply to any permits issued after the effective date of the ordinance. Applications that require a planning approval, if deemed complete before the ordinance takes effect, would be exempt from the ordinance.

Lee Silver, a resident, commented on section 10-3-644 of the Ordinance. He stated that if it makes sense to apply a higher standard, the General Plan would be the place to do it because whatever is required needs to be in conformity with the General Plan. He expressed concern that a mandatory program might cause

unanticipated consequences and asked how historical elements would work with the solar requirement.

The public hearing was closed.

ACTION:

Moved by Commissioner Yukelson and seconded by Commissioner Bosse.

That the resolution recommending the City Council adopt the amended Ordinance establishing a Green Building program be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, and Chair Furie.

NOES: None.

ABSENT: Vice Chair Reims.

CARRIED.

**5. Capital Improvement Project Update**

Planning Agency Review of Capital Improvement Program (CIP) for Consistency with the General Plan

The Commission concurred that the City's CIP meets the goals of the General Plan and directed staff to forward the staff report with the Commission's approval to the City Council.

ACTION:

Moved by Commissioner Furie and seconded by Commissioner Bosse.

That staff forward the staff report with the Commission's approval to the City Council.

AYES: Commissioners Bosse, Cole, Yukelson, and Chair Furie.

NOES: None.

ABSENT: Vice Chair Reims.

CARRIED.

Return to order:

**CONSIDERATION OF MINUTES**

**1. Consideration of the Minutes of the Planning Commission Meetings of:**

- November 1, 2007
- November 8, 2007
- November 28, 2007
- November 29, 2007
- December 13, 2007
- December 19, 2007
- January 10, 2008
- January 24, 2008
- January 31, 2008

Commissioner Yukelson stated that he would abstain from voting on these minutes as he was not on the Commission during the time covered.

**ACTION:**

Moved by Chair Furie and seconded by Commissioner Bosse.

The minutes of November 1, 8, 28, 29, and December 13, 19, 2007; and January 10, 31, 2008 be approved as submitted

AYES: Commissioners Bosse, Cole, and Chair Furie.

NOES: None.

ABSENT: Vice Chair Reims.

ABSTAIN: Yukelson.

**CARRIED.**

**ACTION:**

Moved by Commissioner Cole and seconded by Commissioner Bosse.

The minutes of January 24, 2008 be approved as corrected.

AYES: Commissioners Bosse, Cole, and Chair Furie.

NOES: None.

ABSENT: Vice Chair Reims.

ABSTAIN: Yukelson.

**CARRIED.**

**INFORMATION ITEMS**

**7. PLANNING COMMISSION MEETING SCHEDULE**

COMMUNICATIONS FROM THE CITY PLANNER

None.

**THE MEETING WAS ADJOURNED AT 6:30 PM**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT**  
**PLANNING COMMISSION**  
**MINUTES OF**  
**May 21, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING**

**MAY 21, 2008  
1:30PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:34 PM**

**Commissioners Present:** L. Bosse, N. Cole, D. Yukelson, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** R. Balderas, L. Sakurai, D. Reyes, M. McGrath, M. Hue, H. Waldstein, L. Goor (Department of Community Development); D. Snow (City Attorney's Office); B. Vaziri (Traffic).

**BUS TOUR at 1:30 PM**

At 1:37 p.m. the Commission assembled at the 450 North Crescent Drive entrance to City Hall for a bus tour of projects listed on the agenda including: 8536 Wilshire Boulevard, 457 North Oakhurst Drive, and 9975 Santa Monica Boulevard. The Planning Commission reconvened in City Hall Council Chambers at 3:10 p.m. The Chair stated that the Commission had taken a bus tour of the projects listed on the agenda to see the layout and conditions at the project sites and gather information but that no discussion was held nor any conclusions made.

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

None.

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

**1. 450-460 North Palm Drive**

**Request for Time Extension**

Request for a time extension for the vesting rights associated with Vesting Tentative Tract Map No. 53521, approved on October 26, 2005, and time extension request

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May 21, 2008

for approved DPR and R-4 Permits for a thirty-five unit residential condominium in two, five-story buildings located at 450-460 North Palm Drive.

The staff report was summarized by Senior Planner McGrath, who also responded to questions regarding the Green Building Ordinance.

ACTION:

Moved by Commissioner Yukelson, seconded by Commissioner Bosse.

That a Resolution approving a time extension for the vesting rights associated with Vesting Tentative Tract Map No. 5321, (approved on October 26, 2005), and time extension for approved DPR and R-4 Permits for a thirty-five unit residential condominium in two, five-story buildings located at 450 North Palm Drive be adopted.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

**2. 8536 Wilshire Boulevard**

**Request for Development Plan Review and Tentative Parcel Map**

A request for a Development Plan Review and Tentative Parcel Map (PM 70466) to allow a 24,450 square foot medical office building, currently under construction, to be converted to a commercial condominium located at 8536 Wilshire Boulevard.

The staff report was summarized by Contract Planner Waldstein and made a part of the record.

Chair Furie noted for the record, that he had an exparte communication with Mr. Tilem regarding conditions in the CUP.

Joe Tilem, applicant, discussed the CC&Rs, designations of the parking assignments on Page 67 which provides that each unit shall have the exclusive right to at least two designated subterranean parking spaces. He explained the reasons a Parcel Map rather than a Tract Map is used and discussed available parking and noted Resolution No. 1414. The developer identified each of the 14 units via a display and responded to questions.

Staff and the Assistant City Attorney responded to questions. The Commission requested additional information and a continuation was suggested in order to review all 57 conditions and the CC&Rs to ensure they are fair and specific to the violator, not the whole group and find the most appropriate way to make it work. If a separate application is required, then renote would be required.

Consideration of this item was continued to June 26, 2008, by order of the Chair.

**3. 9975 Santa Monica Boulevard  
Request for Conditional Use Permit**

A request for a Conditional Use Permit for a private training center containing over 2,000 square feet of floor area for property located at 9975 Santa Monica Boulevard.

The staff report was summarized by Senior Planner Reyes and made a part of the record.

Staff responded to Commission questions regarding hours of operation, parking numbers, tandem parking, employee parking, trainer ratio and limit, metered parking, the gate, and square footage.

Carl Harberger, architect representing the applicant, noted Gunnar Peterson was unable to stay. Mr. Harberger described their exclusive clientele, primarily Beverly Hills residents, and stated they would be willing to sign an annual affidavit regarding limits. They expect to have 1 or 2 empty spaces of the 10 they are requesting (18 are required). He responded affirmatively that operating hours of 5:00 a.m. to 10:00 p.m. would be appropriate and agreed that they would be willing to reduce allowed maximum number of trainers to three. He responded to questions regarding parking. He noted a list of possible leasing spaces for employee parking offsite if necessary. Valet service was discussed in relation to tandem parking.

City Traffic Engineer Vaziri responded to questions regarding parking.

The Public Hearing was closed.

Vice Chair Reims expressed concern with parking; Commissioner Bosse concurred.

**ACTION:**

Moved by Chair Furie, seconded by Commissioner Cole.

That a Resolution conditionally approving a CUP for a private training center of more than two thousand square feet of floor area at 9975 Santa Monica Boulevard be adopted.

AYES: Chair Furie, Commissioners Cole and Yukelson

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NOES: Vice Chair Reims, Commissioner Bosse.

ABSENT: None.

CARRIED.

**4. 457 N Oakhurst Drive**

**Request for a Development Plan Review, R-4 Permit and Tentative Tract Map**

A request for a Development Plan Review, R-4 Permit and Tentative Tract Map (TTM 70324) for the construction of a five unit residential condominium development with subterranean parking, for a property located at 457 N. Oakhurst Drive.

Planning Consultant Waldstein presented the staff report and it was made a part of the record. She responded to Commission questions regarding the Parking and Circulation Study and the parking calculation and indicated the building has no historical significance.

Speaker: Hamid Gabbay, Gabbay Architects, applicant, discussed the family-oriented condominiums which are under what is allowed by Code in almost every category. He responded to Commission questions noting if the entrance was off Civic Center Drive, two parking spaces would be lost. He responded regarding the difference in grade, the need to remove the Diadora, and stated that they are attempting to retain the trees on Oakhurst, and agreed to pay for a 36-inch box tree consistent with the trees on that block between the sidewalk and the median as a condition.

Speaker: Prissilla Yalelon, resident, inquired how far the building and entrance would be from her building, how many units are proposed, and how many trees will be removed. She expressed concern with on-going construction impacts and requested a moratorium until other projects are completed.

The Public Hearing was closed.

For the record, Vice Chair Reims disclosed that Gabbay is her architect, but stated that it would not influence her decision on this project.

ACTION

Moved by Commissioner Cole, seconded by Commissioner Yukelson.

That a resolution conditionally approving a Development Plan Review, R-4 Permit and Tentative Tract Map (TTM 70324) for the construction of a five-unit residential

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May 21, 2008

condominium development with subterranean parking, for a property located at 457 North Oakhurst Drive be approved.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

## **INFORMATION ITEMS**

### **PLANNING COMMISSION MEETING SCHEDULE**

Principal Planner Sakurai noted the Annenberg Center Public Hearing process would begin on May 28th; however, the EIR release was tentatively scheduled on June 13th and would be presented at a regular meeting on June 26. He noted there would also be a regular meeting June 12th; and a meeting on June 18 would not be necessary. He also discussed the July and August meeting schedule. The Commission requested that when there are both 1:30 p.m. and 7:00 p.m. sessions, the Agenda indicate that the Commission will break at 5:00 p.m.

### **COMMISSIONER COMMENTS**

Chair Furie stated he attended the City Council meeting on May 20, 2008, and all Commission Green Building suggestions were accepted and the Council requested a Residential Green Building Program be developed.

### **COMMUNICATIONS FROM THE CITY PLANNER**

None.

### **THE MEETING WAS ADJOURNED AT 6:15 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT**  
**PLANNING COMMISSION**  
**MINUTES OF**

**May 28, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION SPECIAL MEETING**

**MAY 28, 2008  
7:00 PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 7:05 PM**

**Commissioners Present:** L. Bosse, N. Cole, D. Yukelson, Vice Chair Reims, and Chair Furie

**Commissioners Absent:** None.

**Staff Present:** J. Lait, R. Balderas, L. Sakurai, M. McGrath, L. Goor (Department of Community Development); C. Lynn (Parking Operations); D. Snow (City Attorney's Office); D. Lightner (City Manager's Office).

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**NEW BUSINESS**

**COMMUNICATIONS FROM THE AUDIENCE**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

- 1. 470 North Canon Drive/ Wallis Annenberg Center for the Performing Arts Development Plan Review Request for a Proposed Performing Arts Center Project Including Rehabilitation and Reuse of the Former Main Post Office and Construction of a New Theater at 470 North Canon Drive (Wallis Annenberg Center for the Performing Arts) and Construction of a Subterranean Public Parking Garage**

Senior Planner McGrath summarized the staff report and it was made a part of the record. She noted the Performing Arts Center is being proposed by the Applicants and the Parking Garage is being proposed by the City. She also discussed parking needs and expected usage, funding, and the benefits of this partnership.

Bram Goldsmith, Chairman of the Board of the Wallis Annenberg Center for the Performing Arts, introduced the project noting the importance and lasting impact of a Performing Arts Center in the City of Beverly Hills. \$46 million has been raised in this effort; the project has presented to over 2,500 people including 30 local organizations; and the Architectural Institute Association, Los Angeles and the Los Angeles Business Council have presented distinguished architectural design awards. Mr. Goldsmith noted the non-profit organization is looking forward to working with the City.

Lou Moore, Executive Director of the Beverly Hills Cultural Center Foundation, introduced the Applicant Team and commented on the importance of diverse and enriching performing arts. She discussed the type of uses planned for the theatre and preservation of the post office history, and summarized the need for a cultural center noting various studies and data.

Zoltan Pali, FAIA, SPF Architects Founder and Design Principal, discussed the design that meets the needs of the community with sensitivity to surrounding areas and the importance of art. Mr. Pali reviewed the details of the project areas, as well as the access, ingress/egress, valet, pedestrian circulation, theatre design, copper cladding/ envelope design, and historic preservation; and responded to Commission questions regarding access.

Pamela Burton, Burton & Company, Landscape Architects, discussed pedestrian circulation, gardens, entry courtyard, tree and plant types and colors, and accessibility. She announced the following were available for questions: Rodney Freeman, President and CEO of the Freeman Group, Project Manager; Christi McAvoy, Managing Principal of Historic Resources Group; David Truly, and Elaine Nesbit. It was noted Ron Hirsch of Hirsch Green Transportation Consulting was unavailable this evening.

City Parking Operations Director Lynn provided a staff report on the details of the proposed two-level subterranean parking structure.

Assistant City Manager Lightner highlighted the need for this project, the update to the lease, and the schedule of review and comments on the EIR.

Max Salter, a resident, expressed support for the proposed project and suggested a third level of subterranean parking. He urged the City to move forward with the project quickly, and submitted a letter in support.

Hamid Gabbay, resident, expressed support for the project's location and design.

Dennis Tanenbaum, resident, discussed the historic importance of the post office site. He urged a digital archive be purchased for the Library and suggested a continuous display including a section of the last 1932 wall veneer on a plaque. He requested the City seek National Trust for Historic Preservation funds, display

archival photos of murals and the terra cotta fountain destroyed in 1956, and submitted a letter outlining his suggestions.

Chair Furie commented on historic preservation in the updated General Plan and on the Mills Act.

Joann Stickman, resident, expressed support for the project and offered her assistance.

Donna Garber, resident, expressed support and noted this project, brought forward by a non-profit group, will add to the prestige and invest millions in the City. She discussed Art In Public Places, and is in favor of accepting the gift of real estate, culture, and beauty and submitted a letter outlining the above.

Jerry Magnin, resident, submitted a letter outlining his support of the project including the nonprofit organization which has raised millions to preserve and adapt the Post Office and bring a standout cultural institution to the City.

Mark Grossan, resident, inquired whether there is any benefit to the School District from this project noting performing arts rooms in the schools are in disrepair. He inquired whether any revenue will be gained or will there be any City costs associated with the project.

Julius Rothschild, resident, expressed support for the project which will bring a generous performing arts center to the City.

Abraham Assil, resident, expressed concern with the project in relation to parking, police surveillance, and construction circulation issues. He suggested the street be permanently closed and the area made into a park. He also suggested the project be in a different location south of Santa Monica near Burton Way where traffic impacts will not be as severe. Mr. Assil added that metered parking between Crescent and Rodeo is being used for weekend partying and littering.

Susan Berk read a letter from Meralee Goldman, resident, in support, stating this project is compatible with the post office height and brings a needed cultural resource to the City and benefit to future generations.

The applicant team responded to Commission questions regarding hours of operation - whether both theatres would be operating at the same time, if theatres would be rented out, and whether they will be the presenter in most cases. The Architect answered questions regarding the copper façade and the building length on Crescent. The Team responded to questions regarding performances for school children.

Chair Furie closed the Public Hearing. He noted the next Hearing, wherein the DEIR will be presented, would be noticed.

## **INFORMATION ITEMS**

### **2. PLANNING COMMISSION MEETING SCHEDULE**

The Planning Commission schedule for June through August was discussed by City Planner Lait as outlined in the report.

Vice Chair Reims stated that 1:30 p.m. meetings must break at 5:00 p.m. if there will be an evening session as well.

## **COMMUNICATIONS FROM THE CITY PLANNER**

City Planner Lait noted Mr. Bertoni has accepted a position with the City of Los Angeles and June 5th will be his last day. He will receive special recognition from the City Council on June 3rd at 2:30pm. in City Hall Council Chambers.

The Westside Cities Council of Governments' Sustainability Forum will take place June 5th from 8:30 a.m. to Noon in Culver City.

Mr. Lait noted updates on several appeals: Saks, 404 Maple, and a sign appeal have been moved to June 17th.

## **COMMUNICATIONS FROM THE COMMISSION**

Chair Furie noted the Planning Commission's Green Building Program recommendations were accepted by the City Council, and they have directed staff to begin the residential program.

## **ADJOURNMENT**

The meeting was adjourned at 9:06pm.

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah D. Furie, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT**  
**PLANNING COMMISSION**  
**MINUTES OF**

**June 12, 2008**

**CITY OF BEVERLY HILLS  
PLANNING COMMISSION MEETING  
City Council Chambers  
Commission Meeting Room A**

**June 12, 2008  
7:00 p.m.**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 7:00 PM**

**Commissioners Present:** L. Bosse, N. Cole, D. Yukelson, Vice Chair Reims, and Chair Furie.

**Commissioners Absent:** None.

**Staff Present:** J. Lait, R. Balderas, R. Naziri, H. Waldstein and J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

**APPROVAL OF AGENDA**

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**COMMUNICATIONS FROM THE COMMISSION**

None.

**NEW BUSINESS**

**PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS**

- 1. 507 Hillcrest Road  
Central R-1 Permit  
An application for a Central R-1 Permit**

**Consideration of a Central R-1 Permit for the construction of a new accessory structure, for a property located at 507 Hillcrest Road.**

The staff report was summarized by Contract Planner Waldstein and made a part of the permanent record. She clarified the square footage proposed for the accessory structure and noted that placement of the windows address privacy concerns.

Commissioner Reims requested the Assistant City Attorney add language precluding this property from objecting to similar applications for two-story accessory structures that might be made by neighboring properties in the future; or, if that was not possible, that language be included memorializing the discussion at this meeting that recognized that adjacent and nearby properties might request a two-story accessory structure in the future and certain privacy issues would need to be dealt with in a more lenient fashion.

ACTION:

Moved by Commissioner Yukelson and seconded by Commissioner Bosse.

That a resolution conditionally approving a Central R-1 Permit be prepared for consideration at the meeting on June 26, 2008.

AYES: Commissioners Bosse, Cole, Yukelson, Vice Chair Reims, and Chair Furie.

NOES: None.

ABSENT: None.

CARRIED.

**DISCUSSION ITEM**

**2. 257 N. CANON DRIVE**

**The Planning Commission will discuss the project at 257 N. Canon Drive.**

Steve Webb and Ron Goldman, the developer's project team, presented graphic displays and described an alternative project for 257 North Canon Drive, in lieu of building the permitted medical office building. They requested comments from the Commission on use, density, height, setback, scale and massing.

Jay Newman, on behalf of Beverly Hills Luxury Hotel LLC, stated they are interested and looking forward to a development next to the Montage

Hotel. He expressed concern that the aesthetics of any proposed project be compatible and complementary to the Montage.

The Commission concurred that discussions about projects that may have higher height and density would be more appropriate after the General Plan Update process is complete.

### **INFORMATION ITEMS**

#### **3. PLANNING COMMISSION MEETING SCHEDULE *Information only.***

### **COMMUNICATIONS FROM THE CITY PLANNER**

**THE MEETING ADJOURNED AT 9:47 PM.**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF JULY, 2008.**

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Noah Furie, Chair

Submitted by Jonathan Lait, Secretary