



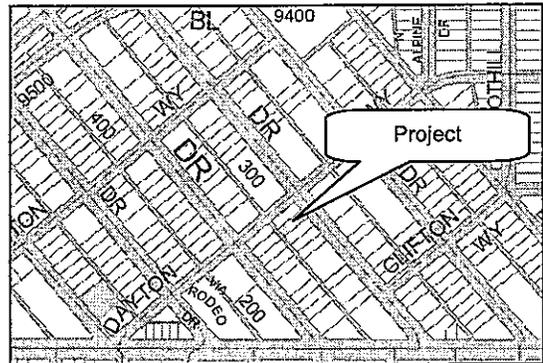
STAFF REPORT
CITY OF BEVERLY HILLS

For the Planning Commission
Meeting of September 11, 2008

TO: Planning Commission

FROM: Ryan Gohlich,
Assistant Planner

THROUGH: Jonathan Lait, AICP, *DL*
City Planner



SUBJECT: A request for a Development Plan Review Permit to allow the construction of a new 3-story commercial building, and a request to allow participation in the City's In-Lieu Parking District with the purchase of 26 parking spaces for the property located at 267 North Canon Drive.

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution approving the proposed project and its associated Development Plan Review Permit and in-lieu parking request.

EXECUTIVE SUMMARY

A Development Plan Review (DPR) application and request to participate in the City's in-lieu parking district has been submitted for the construction of an approximately 13,000 square foot, 3-story commercial building on the property located at 267 North Canon Drive. The first two levels of the proposed building would contain retail uses, while the third floor would be used for general office space.

GENERAL INFORMATION	
Applicant	Gabbay Architects
Project Owner	267 North Canon, LLC
Zoning District	Commercial (C-3)
Permit Streamlining Act Deadline	October 7, 2008

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

Site Background. The subject site is located on the west side of North Canon Drive, and is surrounded by commercial buildings that vary between one and three stories. The surrounding commercial development consists of both retail and general office space. The property immediately north of the subject site is developed with a two-story commercial building, while the property immediately south of the subject site is currently used as a surface parking lot, but has been proposed to be replaced by a four-story, 64-foot tall commercial building. Access to the subject site is provided via a rear alley.

Project Description. The applicant proposes to construct a new 3-story commercial building with one level of subterranean parking in place of the existing one-story commercial building. The proposed commercial building would have two levels of retail space and one level of general office space. Each of the first two levels of the proposed building would consist of approximately 5,000 square feet of development made available to retail tenants, and the third floor would consist of approximately 3,000 square feet of development, which would be made available to general office tenants.

The total square footage of the proposed building requires 37 parking spaces; however, the applicant proposes 11 full-size (9'x19') parking spaces on-site, and has requested that the additional 26 spaces be provided through the City's in-lieu parking program. The on-site parking would be located in a subterranean parking garage accessed via the rear alley, and would provide the necessary parking for the third-floor office space, as the Beverly Hills Municipal Code does not permit in-lieu parking for office uses. The proposed in-lieu parking is being requested for the retail uses only, the 10 required parking spaces for the office use will be provided on-site¹.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on August 28, 2008 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within a 500-foot radius of the exterior boundaries of the subject property. As of the date of preparation of this staff report, no comments have been received.

¹ BHMC 10-3-3303 limits eligibility to participate in the in-lieu parking district to the following uses: General Retail Sales; Convenience Sales And Service Commercial Activities; Food Sales And Service Commercial Activities; Equipment Rental And Leasing Services; Museum Uses; and Historic Places.

ENVIRONMENTAL DETERMINATION

This proposed project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and has been found to be exempt pursuant to Section 15332 of the CEQA Guidelines. Section 15332 requires that the project comply with the following conditions in order for the project to be found to be exempt from further environmental review:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
2. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses;
3. The project site has no value as habitat for endangered, rare or threatened species;
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all required utilities and public services.

The proposed project complies with the above-referenced conditions, based on the following information:

1. The proposed project has been found to be consistent with the applicable general plan land use designation and all applicable general plan policies. Additionally, the project has been reviewed for conformance with the applicable zoning designation and all zoning regulations and development standards.
2. The proposed project is located at 267 North Canon Drive, which is located within the City of Beverly Hills city limits. Additionally, the project site is substantially surrounded by urban uses on all sides, and the project site is approximately 0.17 acres in size, which is well within the required 5-acre limit.
3. The project site was previously developed with a one-story commercial building, and has remained as such until present day. Because the project site is already developed with a commercial building, the site does not hold any value as habitat for endangered, rare, or threatened species.
4. A traffic study was prepared in conjunction with the proposed project, which found that based on the anticipated trip generation of the retail and office uses, the project will not generate any significant impacts related to traffic.

Additionally, the project must comply with all local, state, and federal requirements related to noise, air quality, and water quality, and would therefore not generate a significant impact.

5. Because the project site has been previously developed, and is consistent with the requirements of the general plan, it can be adequately served by all required utilities and public services.

ANALYSIS

Development Plan Review Permit

Pursuant to Section 10-3-3104 "Standard of Review of Development Plan Review Applications", the Planning Commission shall approve a development plan review application only if it makes all of the following findings:

- 1) The proposed plan is consistent with the general plan and any specific plans adopted for the area.***

The proposed project meets all zoning requirements and has been determined to be consistent with the requirements and guidance of the General Plan for commercial uses located within the Business Triangle. The subject site is surrounded by commercial development, and the proposed project would therefore be a harmonious addition to the area. Additionally, the proposed project is consistent with any specific plans adopted for the area.

- 2) The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.***

As discussed in Finding 1 above, the proposed project is consistent with the development standards established in the City's Municipal Code and General Plan. Existing uses along North Canon Drive consist of commercial buildings between one and three stories in height, which contain uses such as retail, restaurant, and office space. Construction of the proposed project is not anticipated to adversely affect existing and anticipated development on the adjacent, commercially-zoned properties, as the project would be consistent with the existing commercial uses and would help to further enliven North Canon Drive.

- 3) The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.***

As proposed, the project meets all zoning requirements, including use, configuration, location, density, and height. Additionally, the subject site is located a minimum of 500 feet from the nearest properties zoned for multi-family residential uses. Based on the proposed project's location and adherence to the BHMC, the project is not expected to

significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4) *The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.*

As part of the application for Development Plan Review the applicant prepared a traffic study to analyze any potential impacts that might be generated by vehicles associated with the proposed project. The traffic study reviewed the number of hourly and daily vehicle trips expected to be generated by the project, and found that, based on existing traffic volumes and infrastructure capacities, the project would not generate any significant impacts related to traffic. The information contained in the traffic analysis was reviewed and confirmed by the City's traffic engineers, and the project is therefore not expected to generate any significantly adverse traffic impacts or traffic safety hazards. Additionally, access to the project's subterranean parking garage will be provided via the rear alley, thereby limiting the possibility of any pedestrian-vehicle conflicts or pedestrian safety hazards.

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

The project has been designed to be consistent with surrounding development, and compatible with the existing retail and office uses along North Canon Drive. Because the project has been designed in conformance with the BHMC, and based on the discussions and analysis in Findings 1-4 above, the proposed project is not anticipated to be detrimental to the public health, safety, or general welfare, and staff feels that the finding could be made to support the project.

In-Lieu Parking

Pursuant to Section 10-3-3308 "Standard of Review", the Planning Commission shall approve an application for participation in the in-lieu parking district only if the Commission makes the following findings:

A) *Participation in the in-lieu parking district, as approved, will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.*

The proposed project is consistent with the General Plan and Municipal Code. Although approval of the in-lieu parking request would generate additional demand on the existing parking facilities, the parking study prepared by the applicant suggests that a sufficient number of parking spaces are available both on-street and in existing public parking structures to accommodate the requested 26 in-lieu parking spaces. The City's Parking Operations Division has reviewed the study and verified that sufficient space is available within the public parking structures to accommodate a minimum of 26 additional vehicles throughout the day.

The parking study prepared by the applicant reviewed three public parking structures located at 9361 Dayton Way 333 North Crescent Drive, and 221 North Crescent Drive, all of which are located within walking distance of the project site. The peak parking

demand occurs between the hours of 12:00 p.m. and 2:00 p.m., but that a minimum of 74 parking spaces remain available at all times, an amount sufficient to accommodate the proposed project. Because the project is in compliance with the General Plan and Municipal Code, and has been found to not generate an adverse impact on existing parking facilities, it is anticipated that participation in the in-lieu parking district would not adversely affect existing and anticipated development in the vicinity of the project site, and will promote harmonious development of the area.

B) Participation in the in-lieu parking district, as approved, will not create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

Per City review and as discussed in the parking and traffic study prepared by the applicant, and in Finding A above, sufficient information is available to demonstrate that participation in the in-lieu parking district would not generate significantly adverse impacts related to traffic safety, pedestrian-vehicle conflicts, or parking.

The project is not expected to impact traffic safety due to the fact that sufficient parking is available to accommodate the proposed project. Additionally, existing signage and roadways are in place to direct traffic and accommodate customers, while limiting the possibility of traffic safety impacts.

The Commission should also note that the in-lieu parking is being requested for the proposed retail uses only, and would not be available to the office use located on the third floor of the proposed building. It is expected that customers of the proposed retail uses would be frequenting other buildings within the Business Triangle, in addition to the project site, and that the amount of parking demand generated specifically by the proposed project would be minimal, and therefore would not generate any significantly adverse parking impacts.

C) Participation in the in-lieu parking district will not be detrimental to the public health, safety and welfare.

As discussed in Findings A and B above, participation in the in-lieu parking district is not expected to create any significant adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts. Additionally, participation in the in-lieu parking district is not anticipated to adversely impact existing or future development, and therefore would not be detrimental to the public health, safety and welfare.

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, staff recommends that the Planning Commission approve the project, subject to the following conditions:

1. A total of 26 in-lieu parking spaces shall be purchased by the applicant.
2. Parking for the office space located on the proposed project's third floor shall be provided on-site only.

Planning Commission Staff Report
267 North Canon Drive
September 11, 2008



Ryan Gohlich
Assistant Planner

Attachments:

1. Draft Planning Commission Resolution
2. Traffic and Parking Study

ATTACHMENT 1

Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS CONDITIONALLY
APPROVING A DEVELOPMENT PLAN REVIEW
PERMIT AND PARTICIPATION IN THE CITY'S IN-
LIEU PARKING DISTRICT FOR THE PROPERTY
LOCATED AT 267 NORTH CANON DRIVE.

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

Section 1. Gabbay Architects, Applicant, on behalf of 267 N Canon , LLC, (collectively the "Applicant") has submitted an application for a Development Plan Review Permit and a request to participate in the City's in-lieu parking district to allow the construction of a new 3-story commercial building with one level of subterranean parking on the property located at 267 North Canon Drive (the "Project").

The Project site is located on the west side of North Canon Drive and consists of an existing 6,000 square foot retail building with surface parking located at the rear of the property. The Project Site is located within the Business Triangle and is immediately adjacent to existing and future commercial developments. The Project consists of a new 3-story commercial building with one level of subterranean parking in place of the existing one-story commercial building. The proposed commercial building would have two levels of retail space and one level of general office space. Each of the first two levels of the proposed building would consist of approximately 5,000 square feet of development made available to retail tenants, and the third floor would consist of approximately 3,000 square feet of development, which would be made available to general office tenants.

The total square footage of the Project requires 37 parking spaces; however, the Applicant has provided 11 full-size (9'x19') parking spaces on-site, and requested that the additional 26 spaces be provided through the City's in-lieu parking program. The on-site parking would be located in a subterranean parking garage accessed via the rear alley, and provides the necessary parking for the third-floor office space, as the BHMC does not permit in-lieu parking for office uses. The in-lieu parking is being requested for the retail uses only, which is permitted by the BHMC.

Section 2. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the City's environmental guidelines. A Class 32 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15332 (infill development) because the Project meets the following environmental criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered , rare or threatened species;

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

The proposed project complies with the above-referenced conditions, based on the following information:

- (a) The proposed project has been found to be consistent with the applicable general plan land use designation and all applicable general plan policies. Additionally, the project has been reviewed for conformance with the applicable zoning designation and all zoning regulations and development standards.
- (b) The proposed project is located at 8955 Olympic Boulevard, which is located within the City of Beverly Hills city limits. Additionally, the project site is substantially surrounded by urban uses on all sides, and the project site is approximately 0.3 acres in size, which is well within the required 5-acre limit.
- (c) The project site was developed with a surface parking lot in the late 1940s, and has remained as such until present day. Because the project site is already developed with asphalt paving, the site does not hold any value as habitat for endangered, rare, or threatened species.
- (d) A traffic study was prepared in conjunction with the proposed project, which found that based on the anticipated trip generation of the retail

store, the project will not generate any significant impacts related to traffic. Additionally, the project must comply with all local, state, and federal requirements related to noise, air quality, and water quality, and would therefore not generate a significant impact.

- (e) Because the project site has been previously developed, and is consistent with the requirements of the general plan, it can be adequately served by all required utilities and public services.

Section 3. Notice of the Project and public hearing was mailed on August 28, 2008 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within a 500-foot radius of the exterior boundaries of the Project site. On September 11, 2008, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 4. In considering the application for Development Plan Review Permit, the Planning Commission considered the following criteria:

1. Whether the Project is consistent with the general plan and any specific plans adopted for the area;
2. Whether the Project will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. Whether the nature, configuration, location, density, height and manner of operation of any commercial development proposed by the Project will

significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;

4. Whether the Project will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and

5. Whether the Project will be detrimental to the public health, safety or general welfare.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Project meets all zoning requirements and is consistent with the requirements and guidance of the General Plan for commercial uses located within the Business Triangle. The Project site is surrounded by commercial development, and the Project would therefore be a harmonious addition to the area. Additionally, the Project is consistent with any specific plans adopted for the area.

2. As discussed in Finding 1 above, the Project is consistent with the development standards established in the City's Municipal Code and General Plan. Existing uses along North Canon Drive consist of commercial buildings between one and three stories in height, which contain uses such as retail, restaurant, and office space. Construction of the Project will not adversely affect existing and anticipated development on the adjacent, commercially-zoned properties, as the Project is consistent with the existing commercial uses and would help to further enliven North Canon Drive.

3. The Project meets all zoning requirements, including use, configuration, location, density, and height. Additionally, the Project site is located a minimum of 500 feet from the nearest properties zoned for multi-family residential uses. Based on the Project's location and adherence to the BHMC, the Project will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. As part of the application for Development Plan Review the Applicant prepared a traffic study to analyze any potential impacts that might be generated by vehicles associated with the Project. The traffic study reviewed the number of hourly and daily vehicle trips expected to be generated by the Project, and found that, based on existing traffic volumes and infrastructure capacities, the Project would not generate any significant impacts related to traffic. The information contained in the traffic analysis was reviewed and confirmed by the City's traffic engineers, and the Project is therefore not expected to generate any significantly adverse traffic impacts or traffic safety hazards. Additionally, access to the Project's subterranean parking garage is provided via the rear alley, thereby limiting the possibility of any pedestrian-vehicle conflicts or pedestrian safety hazards.

5. The Project is designed to be consistent with surrounding development, and compatible with the existing retail and office uses along North Canon Drive. Because the Project has been designed in conformance with the BHMC, and based on the discussions and analysis in Findings 1-4 above, the Project will not be detrimental to the public health, safety, or general welfare.

Section 6. In considering the application for In-Lieu Parking, the Planning Commission considered the following criteria:

1. Whether participation in the in-lieu parking district, as approved, will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
2. Whether participation in the in-lieu parking district, as approved, will create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and
3. Whether participation in the in-lieu parking district will be detrimental to the public health, safety and welfare.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Project is consistent with the General Plan and Municipal Code. Although the in-lieu parking request will generate additional demand on the existing parking facilities, the parking study prepared by the Applicant suggests that a sufficient number of parking spaces are available in existing public parking structures to accommodate the 26 in-lieu parking spaces. Although the number of available parking spaces discussed in the parking study was not independently verified by staff, the City's Parking Operations Division reviewed the study and verified that sufficient space is available within the public parking structures to accommodate a minimum of 26 additional vehicles throughout the day.

The parking study prepared by the Applicant reviewed three public parking structures located at 9361 Dayton Way 333 North Crescent Drive, and 221 North Crescent Drive, all of which are located within walking distance of the project site. The study suggests that peak parking demand occurs between the hours of 12:00 p.m. and 2:00 p.m., but that a minimum of 74 parking spaces remain available at all times, an amount sufficient to accommodate the Project. Because the Project is in compliance with the General Plan and Municipal Code, and has been found to not generate an adverse impact on existing parking facilities, participation in the in-lieu parking district will not adversely affect existing and anticipated development in the vicinity of the Project, and will promote harmonious development of the area.

2. Per City review and as discussed in the parking and traffic study prepared by the Applicant, and in Finding 1 above, sufficient information is available to demonstrate that participation in the in-lieu parking district will not generate significantly adverse impacts related to traffic safety, pedestrian-vehicle conflicts, or parking.

The Project will not impact traffic safety due to the fact that sufficient parking is available to accommodate the requested in-lieu parking spaces. Additionally, existing signage and roadways are in place to direct traffic and accommodate customers, while limiting the possibility of traffic safety impacts.

The Commission noted that the in-lieu parking was requested for the proposed retail uses only, and would not be available to the office use located on the third floor of the Project. Further, it is expected that customers of the retail uses will be frequenting other buildings within the Business Triangle, in addition to the Project

site, and that the amount of parking demand generated specifically by the Project would be minimal, and therefore will not generate any significantly adverse parking impacts.

3. As discussed in Findings 1 and 2 above, participation in the in-lieu parking district will not create any significant adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts. Additionally, participation in the in-lieu parking district will not adversely impact existing or future development, and therefore will not be detrimental to the public health, safety and welfare.

Section 8. Based on the foregoing, the Planning Commission hereby approves the Development Plan Review Permit and request to participate in the City's in-lieu parking district, subject to the following conditions:

1. A total of 26 in-lieu parking spaces shall be purchased by the Applicant.

2. Parking for the office space located on the Project's third floor shall be provided on-site only.

3. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 19.5 of Chapter 3

or Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

4. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

5. This resolution approving the Development Plan Review Permit and Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Noah Furie
Chairman of the Planning Commission of
the City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

ATTACHMENT 2
Traffic and Parking Study