



STAFF REPORT
CITY OF BEVERLY HILLS

**For the Planning Commission
Meeting of September 11, 2008**

TO: The Planning Commission

FROM:  Larry Sakurai, Principal Planner
Joyce Parker Bozylinski, Consulting Project Planner

THROUGH: Jonathan Lait, AICP, City Planner

SUBJECT: Public and Planning Commission Review of the Beverly Hills Draft General Plan and Draft Environmental Impact Report (EIR)

EXECUTIVE SUMMARY

The September 11th hearing is the first in a series of Planning Commission hearings to review the General Plan. The purpose of this initial meeting is to receive testimony on the adequacy of the Draft Environmental Impact Report (EIR) prepared for the Draft General Plan and to discuss the natural resource and community safety policies. Other policies in the Draft General Plan are slated for upcoming meetings. A tentative schedule for the Planning Commission meetings is provided below.

| | |
|----------------------------|---|
| September 11 th | Receive comments on Draft Environmental Impact Report and Discussion on Natural Resources and Community Safety Elements |
| September 25 th | Discussion on Community Development (Land Use, Economic Development, Housing, and Historic and Cultural Resources) |
| October 16 th | Discussion on Infrastructure and Public Services Element |
| October 23 rd | Follow up and Adoption of Resolutions |

While not currently scheduled, staff recommends that the Planning Commission add an additional meeting on October 30, 2008 in anticipation of the need for more extended discussion.

BACKGROUND

The process of updating the General Plan started in 2001 with Plan Day, a community wide visioning event. In 2002 General Plan Topic Committees were formed. The General Plan Topic Committees were created to maximize public involvement in the General Plan Update process. The task of these committees was to identify issues and opportunities important to the community that should be incorporated into the updated General Plan.

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

A total of seven committees were appointed by the City Council:

- Residential Issues
- Residential-Commercial Interfaces
- Commercial Development Standards
- Circulation/Mobility
- Community Character
- Environmental Sustainability
- Community Processes

Each General Plan Topic Committee met numerous times and developed a Final Topic Committee Report that was presented to the Planning Commission and City Council in 2003 and 2004.

In 2005, a series of "white papers" on major transportation issues were developed along the technical background reports which described the City's existing conditions for physical, social and economic resources were completed. In 2006 the focus of the General Plan Update efforts included a review of preliminary General Plan policies and consideration of potential modifications to existing land uses in the City. In May 2006, ten community outreach meetings were conducted ("Focus on Beverly Hills Neighborhoods") to obtain input on possible land use alternatives in various locations. A series of papers explaining the context and background for each of the land use alternatives proposed was distributed at that time. In fall of 2006, the preliminary policy papers were presented to the Planning Commission and City Council. These policy papers provided a first point of discussion for the Planning Commission and City Council to deliberate strategies and approaches to address community needs and visions as identified in the "Focus on Beverly Hills Neighborhoods" community meeting series, input from the General Plan Topic Committee Reports, the General Plan Technical background Reports, and ongoing feedback from City staff.

Also during 2006 (August), both the Planning Commission and City Council held meetings to consider the preliminary draft land use alternatives and provide direction to staff on which land use alternatives should be tested for economic and traffic impacts. This testing occurred during 2007, after an analysis of the community's economic base and fiscal condition was prepared. The findings of the economic analysis were incorporated into the alternatives. The traffic implications of the land use alternatives were then evaluated and further adjustments were made to the alternatives.

On January 29, 2008, the revised land use alternatives were presented to the Planning Commission and the City Council. The densities suggested in the Draft General Plan reflect the limits of an intermediate alternative where economic objectives were scaled back to some degree in light of their traffic implications. The City Council and the Planning Commission directed staff to proceed with the alternative^a as a maximum envelope of policies for purposes of the Environmental Impact Report's analysis.

^a An ad hoc committee of the Planning Commission and the City Council also met on February 6, 2008 to provide guidance on certain issues remaining from the January 29 joint session.

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

The Draft EIR and General Plan were released for public review and comment on August 7, 2008. Prior to that date, the Planning Commission has held three study sessions (June 26th, July 10th and July 24th) to discuss the draft General Plan policies and provide direction to staff.

The September 11th meeting is the first of a series of four or five Planning Commission hearings on the General Plan during September and October (see Executive Summary on page 1). One of the main focuses of the upcoming meeting is to receive the comments from the public and the Planning Commission on the Draft Environmental Impact Report on the plan. The comment period for the Draft EIR ends on September 22, 2008. In addition, the Planning Commission will provide comments on the Natural Resources and Community Safety Elements of the Draft General Plan.

The public's and the Planning Commission's review and discussion will result in a recommendation to City Council on the General Plan and the EIR. The City Council is anticipated to hold public hearings on the General Plan during November and December.

DISCUSSION: ENVIRONMENTAL IMPACT REPORT

The purpose of the EIR is to inform the Planning Commission on the implications of the plan on its environment and provide guidance on how the plan's impacts can be addressed. As such, the feedback sought of the Commission is whether the Draft EIR satisfies that function or how the Draft EIR might better achieve that function. To be effective, comments should point out errors, inconsistencies, omissions of data or analyses, conclusions not based on evidence, or failures to provide discussion required by the California Environmental Quality Act (CEQA). The Draft Environmental Impact Report provides the Planning Commission and the public with specific information regarding the environmental effects associated with the approval of the General Plan, identifies ways to minimize the significant effects, and provides alternatives to the draft plan as released. Mitigation measures are included in the Draft EIR in order to reduce the significance of impacts resulting from the project. These mitigation measures are included in the Draft EIR in Chapter 2, Section 2.5.

The General Plan EIR is a program-level environmental assessment that evaluates the effects of implementation of the General Plan update throughout the City. The potential environmental effects of the proposed General Plan update are analyzed for the following environmental issue areas:

- | | |
|---|--|
| ■ Aesthetics and Visual Resources | ■ Land Use and Planning |
| ■ Air Quality | ■ Noise |
| ■ Biological Resources | ■ Population and Housing |
| ■ Cultural and Historic Resources | ■ Public Services including Recreation |
| ■ Geology and Soils including Mineral Resources | ■ Transportation/Traffic |
| ■ Hazards and Hazardous Materials | ■ Utilities and Service Systems |
| ■ Hydrology and Water Quality | ■ Energy and Global Warming |

In addition to the potential environmental effects listed above, the EIR evaluates potential cumulative effects of the proposed Beverly Hills General Plan Update as well as alternatives to the Draft General Plan as released.

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

The Draft Environmental Impact Report was released for public review on August 7, 2008. The period for public comment on the Draft EIR will run for 45 days (until September 22, 2008). At the September 11th meeting, staff will provide an overview of the project; and the City's environmental consultant for the project, PBS&J, will present the EIR and then an opportunity will be provided for questions and public comment on the Draft Environmental Impact Report. At the conclusion of the EIR discussion, staff will request direction as to additional information needed by the Commission to facilitate a more detailed discussion about the Draft General Plan.

Identified Environmental Impacts

Significant, Unavoidable Impacts

The Draft EIR concludes that project implementation would result in significant and unavoidable environmental impacts with respect to the following:

Air Quality

- Impact 4.2-1 Implementation of the General Plan Update could provide new sources of regional air emissions that would conflict with, and impair, implementation of the Air Quality Management Plan.
- Impact 4.2-2 Implementation of the proposed General Plan Update would result in construction and operational emissions that could contribute substantially to an existing or projected air quality violation.
- Impact 4.2-3 Implementation of the proposed General Plan Update could result in a cumulatively considerable net increase of criteria pollutants for which the region is in nonattainment under an applicable national or state ambient air quality standard.²
- Impact 4.2-4 Construction under the General Plan Update could result in substantial pollutant concentrations in excess of the established LSTs.³

Land Use

- Impact 4.8-3 Implementation of the proposed General Plan would conflict with Policy 3.01 of the Regional Comprehensive Plan & Guide of the Southern California Association of Governments, addressing population, employment and job projections).

² "Criteria pollutants" are specific gases and emissions that are regulated under the Federal and State Clean Air Acts. High concentrations of these gases/emissions indicate a serious air pollution problem. "Nonattainment" means that the levels of pollution are higher than deemed acceptable by the U.S. Environmental Protection Agency and/or the California Air Resources Board.

³ "LST" = "Localized Significance Thresholds". This relates to evaluating certain pollutants, particularly dust, smoke, certain products of combustion, in close proximity to sources, such as construction on a neighboring property.

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

Noise

- Impact 4.9-3 Construction activities associated with the draft plan could generate or expose persons or structures to excessive groundborne vibration.
- Impact 4.9-6 Construction activities associated with the draft plan would result in a substantial temporary or periodic increase in ambient noise levels.

Population and Housing

- Impact 4.10-1 Implementation of the Draft General Plan would induce growth in the City, either directly or indirectly.

Transportation

- Impact 4.12-5 Implementation of the Draft General Plan Update would result in an increase that is substantial in relation to the existing traffic loads and capacity of the street system with respect to the number of vehicle trips, volume-to-capacity ratio on roads, or congestion at intersections.
- Impact 4.12 6 Implementation of the Draft General Plan Update would result in exceeding, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Environmental Impacts Less than Significant

The Draft EIR found that the following areas were less than significant either with or without mitigation: Aesthetics and Visual Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Public Services, Transportation and Traffic, and Utilities and Service Systems and Energy and Climate Change.

Project (Plan) Alternatives

The California Environmental Quality Act requires Environmental Impact Reports to evaluate alternatives to the project (General Plan) being assessed by the report. The primary goal of evaluating alternatives is to explore whether there is another way to achieve the objectives of the plan which might be better for the environment. The Draft EIR evaluated four alternatives:

Alternative 1a: No Project/No Development. – With this alternative, development under the Draft General Plan Update would not occur. The Planning Area would remain developed with existing land uses. This is a qualitative discussion intended to highlight the draft General Plan Update's environmental effects.

Alternative 1B. (Existing General Plan) – With this alternative, development under the Draft General Plan Update would occur. Development would be guided by continued implementation of the existing General Plan. The Southern California Association of Government's population and employment growth projections were taken from the existing General Plan; therefore, any

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

development assumed under this alternative is consistent with the Southern California Association of Government's growth projections. This alternative reflects growth likely to occur without the adoption of a new General Plan. The growth projected to occur in this time period reflects a 15 percent increase in population (+5,008) and 26 percent increase in employment (+14,813).

Alternative 2: Housing and Retail Alternative. Under this alternative, approximately 1,500 multi-family dwelling units and 2.4 million square feet of retail would be developed in Beverly Hills, but approximately 1.6 million square feet of office and institutional uses would be displaced. The City would be comprised of approximately 17,500 residential units, 6.4 million square feet of retail, and 11 million square feet of office uses.

Alternative 3: Reduced Density Alternative. With this alternative, approximately 436 multi-family dwelling units would be provided (as required to meet the current Regional Housing Needs Assessment allocations⁴) and 3.0 million square feet of office would be provided. All other uses would be identical to those envisioned under the Draft General Plan Update. This alternative provides an alternative between the No Project/No Action Alternative (Existing General Plan) and the Draft General Plan Update.

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. This would ideally be the alternative that results in fewer (or no) significant and unavoidable impacts. Among the alternatives selected, Alternative 3, the Reduced Density Alternative, would be environmentally superior to the proposed plan because environmental impacts to the following resource areas: aesthetics, air quality, cultural resources, hazards, noise, population and housing, public services, transportation and utilities would be lesser in magnitude compared to the proposed plan. It should be noted that significant and unavoidable impacts to air quality, land use, noise, population and housing, and transportation would remain, although they would be reduced in magnitude. Table 6-3 in the Draft EIR provides a comparison of Alternatives to the Draft General Plan. The table on the following page is a summarized version of Table 6-3.

⁴ In addition to the current RHNA allocations, the Housing Element will also need to address an additional 117 dwelling units of past unmet RHNA allocations.

Staff Report
 Draft EIR and General Plan
 For the Planning Commission Meeting of September 11, 2008

| Comparative Impact Summary of Alternatives | | | | | |
|---|-------------------|-----------------------------|---|---|--|
| Issue Area | Draft Plan | No Project/No Action | No Project/Existing General Plan | Alternative 2 Housing & Retail Alternative | Alternative 3 Reduced Density Alternative |
| Aesthetics | ○ | ↓ | ↓ | ↓ | ↓ |
| Air Quality | ● | ↓ | ↓ | ↓ | ↓ |
| Biological Resources | ○ | ↓ | = | = | = |
| Cultural Resources | ○ | ↓ | = | = | = |
| Geology and Soils | ○ | ↓ | = | = | = |
| Hazards and Hazardous Materials | ○ | ↓ | = | = | = |
| Hydrology and Water Quality | ○ | ↓ | = | = | = |
| Land Use | ● | ↓ | ↓ | ↓ | ↓ |
| Noise | ● | ↓ | ↓ | ↓ | ↓ |
| Population and Housing | ● | ↓ | ↓ | ↓ | ↓ |
| Public Services | ○ | ↓ | ↓ | ↓ | ↓ |
| Transportation/Traffic | ● | ↓ | ↓ | ↓ | ↓ |
| Utilities and Service Systems | ○ | ↓ | ↓ | ↓ | ↓ |
| Energy and Climate Change | ○ | ↓ | ↓ | ↓ | ↓ |
| LEGEND | | | | | |
| ↓ Less Impact than Draft Plan | | | | | |
| = Similar Impact to Draft Plan | | | | | |
| ↑ Greater Impact than Draft Plan | | | | | |
| ○ Less Than Significant with Mitigation | | | | | |
| ● Significant, Unavoidable | | | | | |
| ○ Less Impact than Draft Plan but Still Significant & Unavoidable | | | | | |
| ● Greater Significant, Unavoidable Impact than Draft Plan | | | | | |

Final Environmental Impact Report

At the end of the 45-day comment period the City's consultant will prepare a written response to substantive comments received on environmental issues. The written response, which must be a good faith and reasoned analysis, will describe the disposition of significant environmental issues raised. The Response to Comments along with the Draft EIR will then become the Final EIR and will be brought back to the Planning Commission for further action (recommendation to City Council) at the October 23rd meeting, or on October 30th if this meeting is added to the schedule.

DISCUSSION: DRAFT GENERAL PLAN

State law (Government Code §65300, et. seq.) requires that every California city and county prepare and adopt a "comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." State law specifies the seven elements to be included in general plans (Government Code §658302). As noted previously, the City is taking an approach that would organize the seven required elements into four broader chapters:

The seven required elements include:

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety

- Community Conservation and Development
 - Land Use
 - Economic Development
 - Housing
 - Historic and Cultural Resources
- Infrastructure and Public Services
 - Mobility
 - Infrastructure and Utilities
 - Libraries
 - Public Services
 - Parks and Recreation Facilities
 - Education
- Natural Resources
 - Biological Resources
 - Mineral Resources
 - Water Resources
 - Visual Resources
 - Air Quality
- Community Safety
 - Fire Hazards
 - Flood Hazards
 - Geologic and Seismic Hazards
 - Hazardous Materials
 - Disaster Preparedness
 - Noise

A General Plan is intended to be visionary, long range, comprehensive and general. A major function of the General Plan is to anticipate the future, and to provide means for the City to create the future it desires. The General Plan is a long range document that provides a vision for the City over the next 20 years and it is comprehensive because it reflects an effort to coordinate all of the community's major components and quality of life issues. Because it is long-range and comprehensive, it is not intended that the General Plan address specific details.

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

A general framework must be established as part of the plan but the zoning ordinance and other municipal regulations are the primary tools used to implement General Plan policies. In contrast to the long-term outlook of the General Plan, zoning classifies the specific, immediate uses of and development standards for land through the establishment of different zones, setbacks, heights, density, and other controls including project-specific development plan review. The zoning ordinance, and application of zones to specific properties, translates long-term policies into specific standards used in everyday land use decisions.

Staff proposes that the Planning Commission discuss the Natural Resources and Community Safety chapters of the Draft General Plan at the September 11th hearing. As discussed on page 1 of this report, it is proposed to discuss the other chapters of the General Plan at the upcoming September 25, October 16, and October 23 meetings. Staff will provide more comprehensive information to support those discussions in the staff reports for each meeting.

The natural resource and community safety policies were previously reviewed by the Planning Commission, the Public Works Commission, and the Recreation and Parks Commission during 2006. More recently, the Health & Safety Commission also reviewed the draft community safety policies.

Natural Resources (Chapter 4 of the Draft General Plan)

The Natural Resource policies include the following subjects: biological resources, mineral resources, water resources, visual resources and air quality.

BIOLOGICAL RESOURCE policies focus on the management of the City's urban forest, including:

- Retention of heritage trees
- Continuing to plant and maintain trees
- Providing an Urban Forest Management Plan
- Managing the tree canopy of commercial corridor, balancing the need for the canopy with visibility of storefronts
- Encouraging the use of tree canopies to minimize heat island effects
- Ensuring adequate public education and funding to maintain the urban forest
- Assure intelligent species selection and diversification to avoid wholesale loss of trees to disease and predators

The biological resource policies also encourage the preservation of natural hillside elements and conservation of open space.

MINERAL RESOURCE policies discourage new oil drilling sites and direct the phasing out of existing oil extracting activities.

WATER RESOURCE policies promote water conservation activities, increased groundwater recharge, and protection of water quality. The policies propose that water conservation measures be implemented for new construction, water efficient landscaping, employment of new technologies, management of runoff, management of debris and pollutants in the storm

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

drain system, erosion control, interagency cooperation within the watershed, and continuing public education on water resource management.

VISUAL RESOURCE policies seek to preserve both natural and built visual environment through landscaping, protection of parkways and vistas, minimizing resource removal, development standards, and measures minimizing light and glare.

AIR QUALITY policies seek to improve the environment through transportation demand/transit management policies, encouragement of low-emission vehicle/equipment usage, measures to address greenhouse gas emissions, development standards, and education of the public and employers regarding air quality management.

Community Safety (Chapter 5 of the Draft General Plan)

Community Safety policies include the following subjects: fire hazards, flood hazards, geologic and seismic hazards, hazardous materials, disaster preparedness, and noise.

FIRE HAZARD policies provide goals addressing both wildland and urban fires through preventative measures protecting life and property, high public fire protection service levels, and standards for development and redevelopment.

FLOOD HAZARD policies focus on development, design, and maintenance standards for both private development (including landscaping) and public systems, action plans, regular flood hazard assessment, and containment of hazardous materials.

GEOLOGIC AND SEISMIC HAZARD policies address liquefaction, expansive soil, subsidence, landslide, and ground-shaking through building standards applied to both existing and new construction, action plans, and assistance programs.

HAZARDOUS MATERIAL policies rely on interjurisdictional coordination to manage hazardous materials, regular hazardous waste collection, education, regulation, remediation of known areas of contamination, and siting of sensitive uses.

DISASTER PREPAREDNESS policies acknowledge the City's Emergency Operations Plan and Hazard Mitigation Action Plan and provide for their continued updating and funding (including facilities and equipment), continued training personnel for emergencies, interagency cooperation, public education and notification practices, ongoing risk assessment, continued development of recovery procedures, and continued updating of technology.

NOISE policies address noise largely through land use compatibility policies, together with policies for vehicular noise, equipment noise, and construction noise.

PUBLIC NOTICE

The notice of completion of the Draft EIR and notice of this hearing was published in the *Beverly Hills Courier* on August 8, 2008, in the *Beverly Hills Weekly* on August 14, 2008, and again in the *Beverly Hills Courier* on August 15, 2008. Notice of completion and of the public hearing was mailed on August 12, 2008 to the community's homeowner associations and neighborhood groups, members of the General Plan Topic Committees, former participants in

Staff Report
Draft EIR and General Plan
For the Planning Commission Meeting of September 11, 2008

the City's Team Beverly Hills Program, and interested parties. The hearings have also been mentioned in the Community Newsletter published by the City and posted on the City's Website, and a tentative meeting schedule was published in the September 5th edition of the *Beverly Hills Courier*.

RECOMMENDATION

The September 11, 2008 hearing is the first of a series of Planning Commission and City Council hearings on the Draft EIR and Draft General Plan. Staff is seeking the Planning Commission's feedback on the Natural Resources and Community Safety chapters (Chapters 4 and 5 respectively) in the General Plan and any comments the Commission may have on the Draft Environmental Impact Report. It is recommended that the public hearing be continued to September 25, 2008 to allow continued discussion on the Draft General Plan. It is also recommended that a meeting on October 30, 2008 be added to the Planning Commission's calendar. The comment period for the Draft EIR ends on September 22, 2008.

Written Comments Received on the General Plan

Comment and Recommendation

Allan Alexander

Farmers' Market

August 10, 2008

I have read most, but not all, of the just released draft General Plan and the draft EIR for the General Plan. In the time remaining to process this by the targeted year end adoption date, I suggest, as I did to the City Council in August of 2005, that the City of Beverly Hills retains one of the leading national land use planning firms to review and critique the draft General Plan specifically as it relates to the land use element. We have had a process over the past seven years which has provided the opportunity for community input regarding land use and the draft reflects those views. What to date has been missing is an independent land use firm of national stature to provide the community as a whole, and the Planning Commission and the City Council, in particular, with their independent expert advise to consider along with the comments and concepts generated by the Beverly Hills community.

This is the ideal time to retain the independent land use experts to assist all of us in the City who want to incorporate in the General Plan the very best land use concepts and provisions that will be in force over the next 25 or more years.

RECEIVED
CITY OF BEVERLY HILLS

AUG 19 2008

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

DAVID A. LAPIN

1080 WOODLAND DRIVE

BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE (310) 248-3200
TELECOPIER (310) 248-3201

August 14, 2008

Planning Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210
Attention: Mr. Larry Sakurai

**Re: General Plan Comments
Goal LU 32
Olympic Boulevard Mixed-Use Village**

Dear Commissioners:

I applaud the prodigious efforts of the Planning Commission and Staff in arriving at the draft General Plan. However, I have some concerns that Goal LU 32 will not achieve your intended results.

I disclose that I am a resident of Beverly Hills and I own the office building located in Beverly Hills at 9201 W. Olympic Boulevard (at the NW corner of Palm and Olympic). (See attached picture, Exhibit "A".)

1. Current Olympic Zoning. Currently, the existing C-3T-2 zoning allows retail and offices with a FAR of 2 to 1. This would allow a 3 story building. (Zoning map and code excerpts are attached as Exhibit "B".)
2. Proposed Olympic Zoning. Proposed land use classification 5B in the General Plan would allow retail and residential but get rid of the office use. Specifically, the draft General Plan says "Parcels may be developed exclusively for retail uses or buildings containing retail on ground level and housing on upper levels". The FAR is 2.0 but there is +0.5 FAR as a "maximum incentive for housing". (See attached Exhibit "C".)
3. Upper Floor Residential Use on Olympic. Olympic Boulevard is currently a very busy arterial. According to the City website, the average daily traffic count on Olympic is 25,600 eastbound and 26,600 westbound. Only Beverly Boulevard has a higher traffic count. (See Exhibit "D".) In the next 25 years, Olympic is bound to get busier. It is less likely people would

want to reside on such a busy street when more quiet locations are available. Further, I don't think developers would construct residential properties on a busy street when the likely returns they could obtain from building on quieter streets would be greater.

4. Upper Floor Retail on Olympic. If a developer decides not to build residential product on the upper floors, then the developer is confronted with the choice to build retail on the upper floors (above ground floor retail). However, retail on upper floors is not usually acceptable to retail customers who want easy access. Second floor retail usually does not do as well as first floor retail. The rental rates for upper floor retail are far less than for first floor. Second floor retail doesn't have acceptance in the marketplace. Moreover, since it is hard to rent out second floor space for retail uses, the developers, in actual practice, usually lease it out for office uses. For example, the strip center at the SW corner of Olympic and LaPeer has mostly office uses on the second floor.

5. Mixed-Use is for Large Projects. The mixed-use projects that have been developed thus far in the City, such as the Whole Foods building, are much larger projects than the infill lots on Olympic. Mixed-use works in larger projects because there is enough money involved that a developer can take the time and effort to resolve the conflicts of interest that are inherent in mixed-use buildings. For example, residential users emphasize reduction of building traffic but retail users want to maximize parking opportunities for their patrons. The smaller developer who is likely to develop Olympic's infill lots are not likely to foresee these conflicts and the large developer may conclude that there are easier projects elsewhere.

6. Retail on Olympic. Retail on Olympic has had a very hard go. The strip center on the SW corner of Palm and Olympic has a succession of tenants who go out of business. Currently, I count 3 out of 11 vacant retail spaces in that Center. On my block, there is a psychic.

7. Planning Goals Not Likely to be Achieved. If a developer concludes that both residential and retail uses don't make sense on the upper floors, then the developer is likely to seek other development opportunities or to just build first floor retail. Based on these considerations, it is doubtful to me that the City will achieve its planning goal.

8. Suggestion to Add Office and Live-Work Uses. I suggest the General Plan continue with the proposed plan to allow mixed-use with the retail/residential combination but to also permit office and live-work uses. This way, the City can achieve its wish to allow the retail/residential mixed-use. However, if that mixed use doesn't take off, as I suspect it won't along Olympic, then there is a "tried and true" fall-back position. The reasons I suggest adding office use and live-work use to the zoning designation are:

A. Office use is already allowed and in place on Olympic. Part of the

Planning Commission

August 14, 2008

Page 3

planning process involves honoring historic uses. Historic uses define neighborhoods. For example, my parcel has been an office building for over 55 years.

B. One stated goal is to reduce traffic. Office uses usually have less traffic than retail uses. The normal office worker drives to the office in the morning and then leaves at the end of the work day, involving 2 trips per car per day. Retail centers have substantially more trips per day.

C. The low density of the residences to the north of Olympic are not as likely to support retail on Olympic. North of Olympic has mostly single family residences. These residents are less likely to walk to retail on Olympic than say the apartment dwellers that populate the residential areas south of Olympic.

D. The City has a problem with people who work out of their homes. These office uses in residential areas generate complaints to the City. If there were an area where residents could live and work, the City could tell the home office worker that the City provides a place for this activity and thus help preserve the residential character of the residential areas now populated by home offices.

E. It is desirable for the City to provide some affordable office space for residents. The existing office space along Olympic is cheaper than office space in the Triangle or in Century City. I am a resident of Beverly Hills and I very much like the opportunity to both live and work in the City. Moreover, by having cheaper office space, the City has been able to retain desired tenants. For example, I know the City cares deeply that talent agencies such as ICM have exited the City. When ICM left the City, the principals of ICM's voice over department established a business in my office building, Danis, Panero and Nist. By having this office space on Olympic, the City was able to retain at least part of one of these desirable talent agencies.

F. One goal of the General Plan has been to increase density but the re-classification along Olympic is actually a reduction of density.

Thank you for your consideration.

Very truly yours,



DAVID A. LAPIN

Planning Commission
August 14, 2008
Page 4

enclosures
LT Planning Commission 081208.wpd

cc: Anne Browning-McIntosh, Interim Director of Community Development
Chairman Noah Furie

Exhibit "A"

Photo of 9201 W. Olympic



Exhibit "B"

Zoning Map for C-3T-2 and Excepts from Zoning Code Re C-3T-2

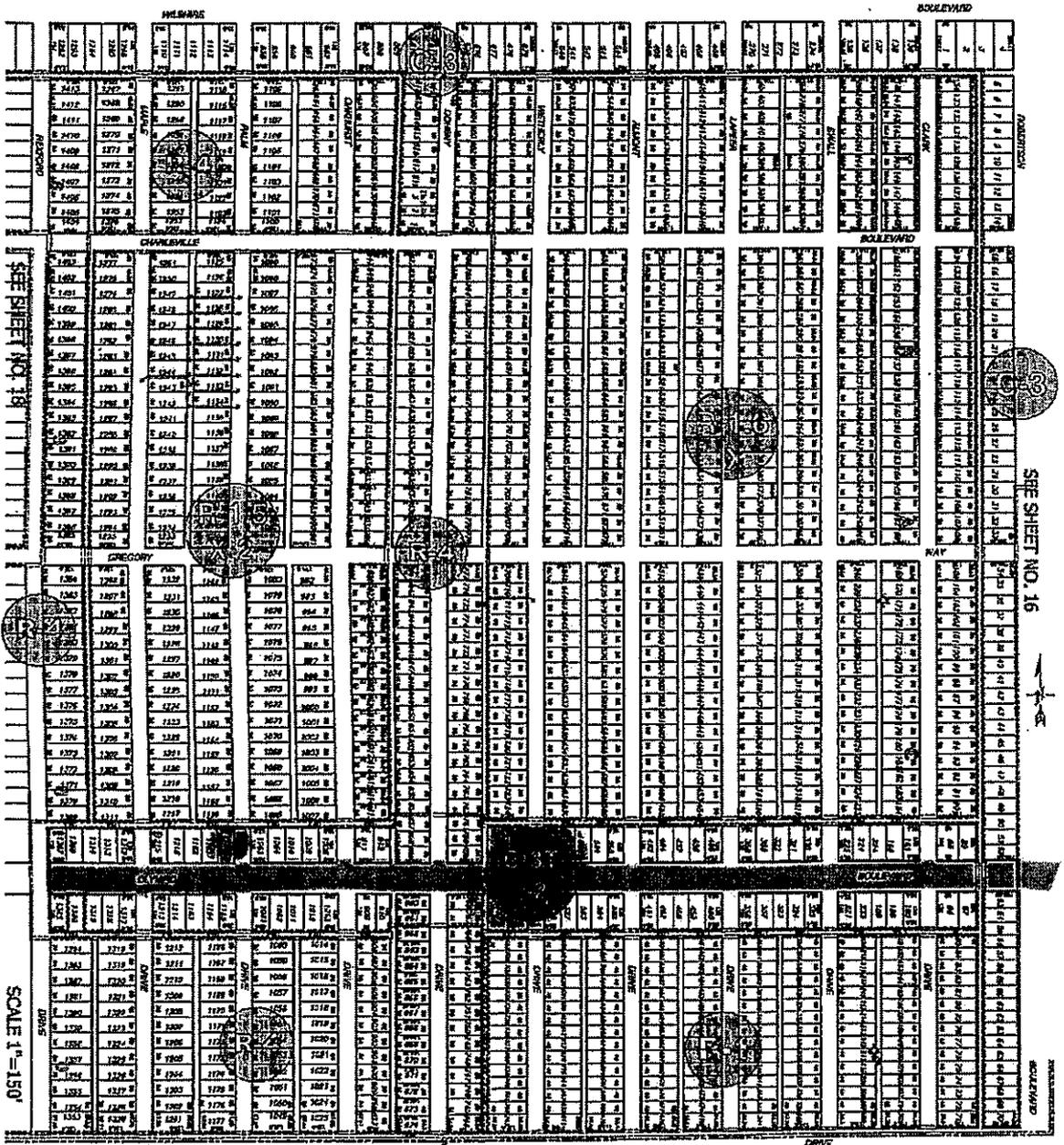
[See attached.]

AMENDED BY ORDINANCE 86-0-188-4, EFFECTIVE JANUARY, 1, 1987

CITY OF BEVERLY HILLS OFFICIAL ZONING MAP, JANUARY, 1982

SEE SHEET NO. 13

SEE SHEET NO. 14



SCALE 1" = 150'

Note: Dimensions of lots along Robertson Blvd are in accordance with the 10' setback as per Ord. No. 327, Jan. 19, 1938

SEE SHEET NO. 16

SHEET NO. 17

ARTICLE 16.3. COMMERCIAL-TRANSITION ZONE (C-3T-2)

10-3-1631: ZONE C-3T-2 CREATED:

There is hereby created a commercial-transition zone (C-3T-2) to provide for compatible transitions between certain areas where residential and commercial uses abut each other. (Ord. 86-O-1985, eff. 1-1-1987)

10-3-1632: USES AND RESTRICTIONS:

All uses permitted and conditionally permitted in the C-3 zone shall be permitted and conditionally permitted, respectively, in the C-3T-2 zone pursuant to the procedures set forth in article 16 of this chapter. The following additional restrictions shall also be applicable:

A. All provisions of article 19.5 of this chapter;

B. The height of any building or structure shall not exceed two (2) stories or thirty five feet (35'), whichever is less, and the density shall not exceed 1.33 to one (1.33:1), with the exception that the planning commission, pursuant to the criteria for a conditional use permit set forth in article 38 of this chapter, and without a mandatory environmental impact report, may approve a structure not exceeding three (3) stories or forty five feet (45') and/or a density not exceeding two to one (2:1), provided the development complies with the following conditions:

1. An additional setback shall be required from the rear property line; provided, further, such additional setback shall not exceed thirty three percent (33%) of the lot depth for any portion of the structure below two (2) stories and shall not exceed fifty percent (50%) of the lot depth for the third story.

2. The design of the facade and the structure facing residential uses shall be harmonious with the adjacent residential character in architectural style, color, and material.

3. Landscaping or other park like amenities shall be required within the rear setback in conjunction with the design for loading, parking, trash removal, and access to and from the site.

4. Appropriate restrictions shall be imposed upon the use of the structure, including the hours of operation, additional parking, and parking restrictions in order to assure adequate on site parking and to limit the types of uses creating problems of noise, odor, or glare.

5. The intensity of use shall not exceed either sixteen (16) vehicle trips per hour, or two hundred (200) vehicle trips per day for each one thousand (1,000) gross square feet of floor area for uses as specified in the most recent edition of the Institute of Traffic Engineers' publication entitled "Trip Generation", and if the use is not specified in such publication, the vehicle traffic generation for the proposed use shall be designated by the director of transportation.

C. All restrictions applicable to the C-3 zone. (Ord. 86-O-1985, eff. 1-1-1987; amd. Ord. 91-O-2133, eff. 12-5-1991)

ARTICLE 16. COMMERCIAL ZONE (C-3)

10-3-1601: USES PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone C-3 shall be used for any purpose other than the following:

Cabaret within the business triangle subject to the provisions of section 10-3-1620 of this article. For the purposes of this use, "business triangle" shall mean the area bounded by the centerline of Wilshire Boulevard, the centerline of Santa Monica Boulevard, south roadway, and the centerline of the alley between Canon Drive and Crescent Drive.

Cafe.

Carpenter shop.

Cinema or theater.

Conservatory.

Dancing academy.

Dressmaking or millinery store.

Exercise club.

Library.

Lunchroom.

Office.

Paint, paperhanger, or decorating shop or store.

Parking garage.

Photography gallery.

Plumbing shop.

Private training center of no more than two thousand (2,000) square feet of floor area.

Roofing or plastering store or office.

Shop for the conducting of wholesale or retail business.

Store.

Studio.

Tailor.

Upholsterer.

Any similar use. (1962 Code § 10-401; amd. Ord. 69-O-1349, eff. 7-1-1969; Ord. 69-O-1357, eff. 10-16-1969, retroactive to 10-1-1969; Ord. 80-O-1770, eff. 10-2-1980; Ord. 91-O-2133, eff. 12-5-1991; Ord. 94-O-2205, eff. 8-5-1994; Ord. 02-O-2409, eff. 11-8-2002)

10-3-1602: BUILDING RESTRICTIONS:

No building, structure, or improvement shall be erected, constructed, established, altered, or enlarged in zone C-3 which is designed, arranged, or intended to be used or occupied, and no building now existing or hereafter to be constructed in zone C-3 shall be used or occupied for any purpose other than as:

Cafe.

Carpenter shops.

Church.

Clubhouse.

Commercial garages.

Conservatories.

Dancing academies.

Dressmaking or millinery shops or stores.

Hotel.

Library.

Lunchroom.

Offices.

Paint, paperhanger, and decorating stores.

Photographic galleries.

Places of amusement.

Playground.

Plumbing shops.

Roofing or plastering stores or offices.

School.

Store or shop for conducting wholesale or retail businesses.

Studios.

Tailors.

Upholsterers.

Other similar enterprises and institutions, except as in this chapter otherwise provided. (1962 Code § 10-402, amd. Ord. 80-O-1770, eff. 10-2-1980)

10-3-1603: BUSINESSES EXCLUDED:

The following uses shall be prohibited in the C-3 zone:

Adult hotels/motels and sexual encounter centers as defined in section 10-3-2771 of this chapter.

Automatic machine self-service type laundries containing more than five (5) machines of the usual household type or larger.

Car washes employing more than four (4) employees or involving machinery other than water treatment equipment as necessary to comply with local, state and federal law, but excepting car washes that are conditionally permitted pursuant to car washes listed in section 10-3-1604 of this article.

Dyeing establishments.

Hospitals in which patients are permitted to remain overnight.

Machine laundries.

Public and private stables.

Rug cleaning establishments.

Sanitariums in which patients are permitted to remain overnight.

Self-service laundries.

Sheet metal shops.

Steam laundries.

Undertaking establishments. (1962 Code § 10-404; amd. Ord. 69-O-1349, eff. 7-1-1969; Ord.

69-O-1357, eff. 10-16-1969, retroactive to 10-1-1969; Ord. 91-O-2133, eff. 12-5-1991; Ord. 94-O-2212, eff. 9-9-1994; Ord. 98-O-2301, eff. 7-2-1998; Ord. 9-O-2336, eff. 11-4-1999)

10-3-1604: CONDITIONALLY PERMITTED USES:

The following uses shall be permitted in the C-3 zone only if authorized by a conditional use permit issued pursuant to the provisions of article 38 of this chapter:

Amusement parks.

Brewing or manufacture of alcoholic beverages that is ancillary to a dining or bar use or is ancillary to a retail store that sells alcoholic beverages.

Car washes that:

- A. Are enclosed in a building;
- B. Exclusively serve a business whose operation is primarily devoted to the sales, long term leasing or rental of automobiles or other motorized vehicles;
- C. Are located on the site of the business being served; and
- D. Do not exceed twenty feet (20') in width or forty feet (40') in length.

When reviewing the conditional use permit application for such car washes, the planning commission shall consider the conditional use permit criteria set forth in section 10-3-1613 of this article.

Childcare uses licensed pursuant to state law.

Drive-up, drive-in and drive-through facilities, subject to the provisions of section 10-3-1612 of this article.

Educational institutions.

Hotels, subject to the provisions of article 28.6 of this chapter.

Mini-shopping centers, subject to the provisions of section 10-3-1611 of this article.

Museums.

Nightclubs within the business triangle, subject to the provisions of section 10-3-1619 of this article. For the purposes of this use, the "business triangle" shall mean the area bounded by the centerline of Wilshire Boulevard, the centerline of Santa Monica Boulevard, south roadway, and the centerline of the alley between Canon Drive and Crescent Drive.

Off site parking pursuant to section 10-3-2733 of this chapter.

Private training centers of more than two thousand (2,000) square feet of floor area.

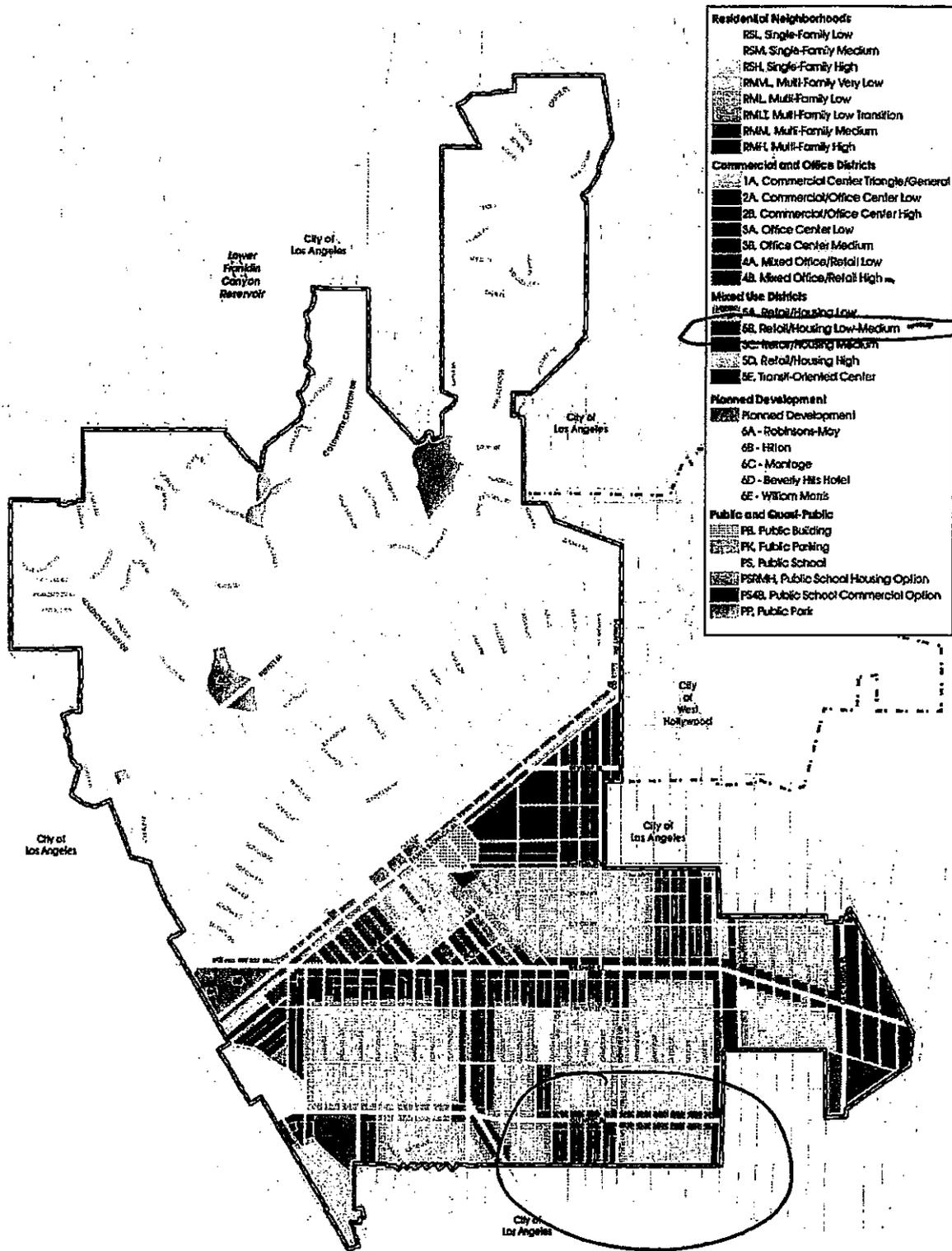
Exhibit "C"

General Plan Map and Zoning Classification for Olympic

[See attached.]

BEVERLY HILLS LAND USE

Beverly Hills General Plan



Source: PBS&J, 2008



0 500 1,000 2,000 Feet

Figure LU 1

LAND USE

furniture, distinctive paving, pedestrian-oriented lighting, and signage. *(Imp. 3.1, 3.6)*

Goal LU 31

North Robertson Boulevard Retail District. A pedestrian-oriented retail corridor dominated by designer and specialty stores comparable to those located on North Robertson Boulevard in the City of Los Angeles.

Policies

- LU 31.1 Uses.** Accommodate the re-use of existing and infill of existing development for uses that sustain and enhance the retail character of Robertson Boulevard, emphasizing designer and related industries characteristic of the northern sections of the Boulevard in the cities of Los Angeles and West Hollywood. *(Imp. 2.1, 5.2)*
- LU 31.2 Uses—Shared Parking Structures.** Develop public and private shared parking structures in addition to or in-lieu of individual on-site facilities and require that their ground floor to be occupied by retail uses that induce pedestrian activity. *(Imp. 2.1, 3.1, 3.7)*
- LU 31.3 Architectural Design and Scale.** Require that buildings be designed or convey the character of individual pedestrian-oriented storefronts, characteristic of existing retail establishments. *(Imp. 2.1, 2.2)*
- LU 31.4 Streetscape Amenity.** Implement streetscape amenities that complement the existing pedestrian character of the street, which may include tree canopy, landscape plantings, well-designed furniture, distinctive paving, pedestrian-oriented lighting, and signage. *(Imp. 3.1, 3.6)*

Goal LU 32

Olympic Boulevard Mixed-Use Village (east of Rexford Drive). A pedestrian-oriented mixed-use village providing opportunities for residents to live above ground floor shops and reduce automobile commutes, pollution, and energy consumption.

Policies

- LU 32.1 Uses.** Accommodate the re-use of existing and infill of existing development for uses that sustain and enhance the retail character of Olympic Boulevard and provide the opportunity for the development of housing on their upper floors enabling residents to access local commerce and services and reduce automobile use. *(Imp. 2.1)*
- LU 32.2 Development Density and Scale.** Provide the opportunity for and incentives for the development of housing above ground level retail uses enabling residents to access local commerce and services and reduce automobile use. *(Imp. 2.1)*



CHAPTER 2: COMMUNITY CONSERVATION AND DEVELOPMENT

- LU 32.3 Site Planning and Architecture.** Prohibit the development of retail "strip malls" with buildings setback from the street with surface parking lots. *(Imp. 2.1)*
- LU 32.4 Streetscape Amenities.** Implement streetscape amenities that enhance the pedestrian character of the street, which may include tree canopy, landscape plantings, pocket parks, well-designed furniture, distinctive paving, pedestrian-oriented lighting, and signage. *(Imp. 3.1, 3.7)*



CHAPTER 2: COMMUNITY CONSERVATION AND DEVELOPMENT

Table LU 1 Land Use Classifications

| Category | | Symbol | Uses | Density/Intensity |
|--------------------------------------|--|---|--|-------------------|
| Office Center | Low | 3A | Administrative, corporate, professional, financial, and medical offices; limited retail uses permitted on ground floor | 2.0 FAR |
| | | | <i>Maximum incentive for key industries in accordance with conditions specified by Footnote A</i> | +0.5 FAR |
| | Medium | 3B | Administrative, corporate, professional, financial, and medical offices; limited retail uses permitted on ground floor | 2.0 FAR |
| | | | <i>Maximum incentive for key industries in accordance with conditions specified by Footnote A</i> | +1.0 FAR |
| Mixed Office/Retail | Low | 4A | Administrative, corporate, professional, financial, and medical offices; retail uses; and/or buildings integrating office uses with retail on the first floor. | 2.0 FAR |
| | | | High | 4B |
| | <i>Maximum incentive for key industries in accordance with conditions specified by Footnote a.</i> | +2.0 FAR to maximum increase of 890,000 sq. ft. | | |
| | Mixed-Use Districts | | | |
| Retail/Housing | Low | 5A | Parcels may be developed exclusively for retail uses or buildings containing retail on ground level and housing on the upper levels | 2.0 FAR |
| | | | Low-Medium | 5B |
| | <i>Maximum incentive for housing</i> | +0.5 FAR | | |
| | Medium | 5C | Same as "Retail/Housing-Low" | 2.0 FAR |
| | | | <i>Maximum incentive for housing</i> | +1.0 FAR |
| | High | 5D | Same as "Retail/Housing-Low" | 2.0 FAR |
| <i>Maximum incentive for housing</i> | | | +2.0 FAR | |
| Transit-Oriented Center | | 5E | Parcels may be developed exclusively for retail or office uses or buildings containing a mix of retail, office, and residential units. | 2.0 FAR |
| | | | <i>Maximum incentive for key industries and housing in accordance with conditions specified by Footnote a.</i> | +3.0 FAR |

Exhibit "D"

Beverly Hills Traffic Counts

[See attached.]



Welcome to The City of Beverly Hills

[HOME](#)
Homepage

[CITY SERVICES](#)
City Services

[ATTRACTIONS](#)
Attractions

[DOING BUSINESS](#)
Parking, Traffic and Transportation

[GOVERNMENT](#)
Traffic Flow on Beverly Hills Streets

[ABOUT BEVERLY HILLS](#)
I WANT TO...

[SEARCH](#)
Search...

Traffic Flow

24-Hour Traffic Volumes on Major Streets in the City of Beverly Hills

| Street Name | Direction | ADT* |
|------------------------|------------|--------|
| Benedict Canyon Drive | Southbound | 9,000 |
| Benedict Canyon Drive | Northbound | 8,900 |
| Beverly Boulevard | Both ways | 30,500 |
| Beverly Drive | Southbound | 11,600 |
| Beverly Drive | Northbound | 12,000 |
| Brighton Way (one way) | Westbound | 3,502 |
| Burton Way | Westbound | 13,160 |
| Burton Way | Eastbound | 16,240 |
| Canon Drive | Southbound | 5,800 |
| Canon Drive | Northbound | 6,200 |
| Coldwater Canyon Drive | Southbound | 14,700 |
| Coldwater Canyon Drive | Northbound | 13,950 |
| Dayton Way (one way) | Eastbound | 5,500 |
| Doheny Drive | Northbound | 8,600 |
| Doheny Drive | Southbound | 9,600 |
| La Cienega Boulevard | Southbound | 22,300 |
| La Cienega Boulevard | Northbound | 23,900 |
| Olympic Boulevard | Eastbound | 25,600 |
| Olympic Boulevard | Westbound | 26,600 |



| | | |
|------------------------------|------------|--------|
| Robertson Boulevard | Northbound | 14,800 |
| Robertson Boulevard | Southbound | 13,400 |
| Rodeo Drive | Southbound | 4,900 |
| Rodeo Drive | Northbound | 3,800 |
| Santa Monica Boulevard South | Westbound | 16,100 |
| Santa Monica Boulevard South | Eastbound | 17,400 |
| Sunset Boulevard | Westbound | 21,500 |
| Sunset Boulevard | Eastbound | 19,300 |
| Wilshire Boulevard | Eastbound | 22,200 |
| Wilshire Boulevard | Westbound | 22,300 |

Contesting a Parking Citation
 Monthly Parking
 Overnight Parking
 Exemptions

Overnight Parking Guidelines
 Parking Enforcement

This ADT (Average Daily Traffic) data is based on the latest traffic counts available.

| | | | | |
|-----------------------------|----------|-----------|-----|-----------------|
| Parking Permit Forms | AUG 14 | NEWS ROOM | JOB | VIDEO ON DEMAND |
| City Parking Structures | | | | |
| Play Parking Citation | | | | |
| Residential Parking Permits | CALENDAR | | | |
| Taxi Service | | | | |

Traffic Flow on Beverly Hills
 Streets
 Valet Parking Permits
 Tour Bus Zones

