



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

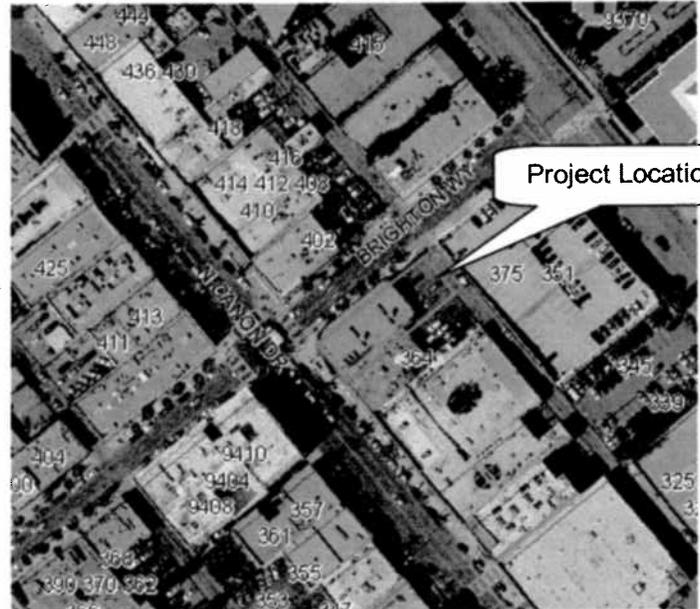
**For the Planning  
Commission Meeting of  
March 25, 2010**

**TO:** Planning Commission

**FROM:** Shena Rojemann,  
Assistant Planner

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

**SUBJECT:** A request for a  
Development Plan Review  
Permit, in conjunction with  
a request to participate in  
the City's in-lieu parking  
program, in association  
with an addition of 570  
square feet of floor area at  
**370 North Canon Drive.**



**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution, conditionally approving the Development Plan Review Permit in conjunction with an in-lieu parking request.

**EXECUTIVE SUMMARY**

The applicant, Murray Fischer, representative of Priscilla of Boston, is requesting a Development Plan Review Permit, in conjunction with a request to participate in the City's In-Lieu Parking program in association with floor area additions to the commercial building located at 370 N Canon Drive.

The application consists of a 570 square foot addition which includes modifications at the first floor and a new partial second story. Pursuant to the Beverly Hills Municipal

Code §10-3-3101<sup>1</sup>, a Development Plan Review permit is required to increase the existing height. The resulting floor area for the building would be 5,144 square feet, less than the maximum permitted by Beverly Hills Municipal Code §10-3-2745<sup>2</sup>.

Pursuant to Beverly Hills Municipal Code §10-3-2730<sup>3</sup>, the 570 square foot addition requires two new parking spaces be provided. Because there is no room on the subject property to provide additional parking, the applicant has requested that the two spaces be provided through the City's in-lieu parking program.

GENERAL INFORMATION	
<b>Applicant</b>	Murray D. Fischer
<b>Project Owner</b>	Avi Tashman, Principal
<b>Zoning District</b>	Commercial Zone – C-3
<b>Parcel Size</b>	7,300 square feet

## **PROJECT DESCRIPTION AND AREA CHARACTERISTICS**

The subject site is located on the southeast corner of the intersection of North Canon Drive and Brighton Way, in the City's Business Triangle. The building is a single tenant building with street addresses on Canon Drive (370 North Canon Drive) and on Brighton Way (9374 Brighton Way). The surrounding commercial buildings range from one to four stories.

The building was previously occupied by Smith & Hawken and is currently vacant. Priscilla of Boston, a couture bridal retailer, will be occupying the space and is requesting the modifications/additions to the building. In addition to the entitlements identified in this report, a request to remodel the exterior of the building has been submitted and is currently undergoing review by the Architectural Commission. On March 17, 2010, the Architectural Commission granted a preliminary approval of the façade changes, with additional details to be reviewed by the Architectural Commission at a future date.

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<sup>1</sup> BHMC §10-3-3101 states that "façade remodeling of existing buildings or structures not increasing the square footage by two thousand five hundred (2,500) square feet or more, or the height of the building or structure" shall be exempt from Development Plan Review.

<sup>2</sup> BHMC §10-3-2745 allows for a maximum floor area ratio not to exceed 2.0 in the C-3 Commercial Zone. The maximum floor area allowed for the subject site would be 14,600 SF (double the lot area of 7,300 SF).

<sup>3</sup> BHMC §10-3-2730 states the for commercial/retail uses, the required parking ratio is one space per 350 square feet of floor area.

The existing single-story building is 15 feet 6 inches in height and 4,574 square feet in floor area. The applicant is proposing modifications and additions to the building. Currently, the building façade, as seen from the intersection of Brighton Way and Canon Drive, is curved back, away from the street. The applicant is proposing to extend the building facade to the property lines and create a squared store front. Extending the façade will create a 109 square foot addition to first floor. Other modifications to the first floor include the introduction of a stairway, elevator and mechanical room for access to the proposed second story.

The project includes a second story addition to the building. As proposed, the addition is located at the rear of the building along the alley, approximately 58 feet from the front façade along North Canon Drive and 28 feet from the building façade along Brighton Way. The second story addition contains 570 square feet of additional floor area<sup>4</sup> and will increase the height of the structure from 15 feet 6 inches to 23 feet. The addition will align with the east and south walls of the existing building. As proposed, the height of the existing structure will also be increased along North Canon Drive and a portion of the elevation along Brighton Way by the addition of a 2 foot 6 inch increase parapet. The total floor area of the building including the first story addition/modification and the second story addition would be 5,144 square feet, well under the maximum floor area permitted by Code.

According to the Beverly Hills Municipal Code §10-3-2730<sup>5</sup>, one parking space is required for every 350 square feet of floor area. Thus, the proposed 570 square foot addition requires 2 parking spaces be provided ( $570/350 = 1.6$  spaces). The site currently contains 10 tandem parking spaces located at the rear of the building. These parking spaces are accessed from the rear alley, which is a one – way, north bound alley. If constructed new, the existing building would require 13 parking spaces ( $4,574 \text{ SF}/350 = 13$  spaces). The property is legally non-conforming as to parking. BHMC §10-3- 4102<sup>6</sup>, states that any building that is nonconforming due to insufficient parking may be enlarged if sufficient parking is provided for such enlargement and the enlargement complies with all other provisions of the Code. Consequently, the applicant is requesting to provide the two required parking spaces through the City's In-Lieu parking program. A parking study has been prepared in conjunction with this

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<sup>4</sup> Gross floor area being added is 683 SF. The Municipal code defines floor area and specifically excludes elevators, stairs and mechanical rooms from the floor area calculation. The floor area as defined by Code, not gross floor area, is 570 square feet and is used to calculate parking requirements and complies with the floor area ratio.

<sup>5</sup> BHMC §10-3-2730 states the for commercial/retail uses, the required parking ratio is one space per 350 square feet of floor area.

<sup>6</sup> BHMC §10-3-4102 states 'Any building that is nonconforming due to insufficient parking may be enlarged, or may be occupied by a use which requires additional parking, if sufficient parking is provided for such enlargement or use and the enlargement or use complies with all other provisions of this code.'

application and has found that allowing two in-lieu spaces would not result in any negative impacts on the existing parking supply within the business triangle.

<b>PROJECT SUMMARY</b>			
<b>Category</b>	<b>Existing</b>	<b>Proposed</b>	<b>Required/Allowed</b>
<b>Lot Area</b>	7,300 sq ft	7,300 sq ft	N/A
<b>FAR</b>	4,574 sq ft	5,144 sq ft	2:1 (not to exceed)
<b>Stories/Bldg. height</b>	1-story/15ft 6 inches	2-stories/23ft	3-stories/45ft
<b>Parking spaces</b>	10 tandem	12 (2 via In-Lieu)	12

**ANALYSIS**

The increase in height and square footage is part of an overall renovation of the older building to accommodate a new retail tenant. As proposed, the project is comparable in scale and mass with the existing built environment. The proposed 570 square foot floor area addition and the increase in building height to 23 feet/two stories are consistent with City’s development standards for a commercial building in the C-3 Commercial Zone.

The applicant has prepared a parking study in conjunction with the request. The study, which has been reviewed by staff, indicates that the required parking can be accommodated in the existing parking structures located within walking distance (500 feet) from the property. The structures are located at the 439 North Canon Drive and 333 North Crescent Drive. The business triangle is pedestrian oriented and walking from either of these structures to the subject building would not result in any impacts. The parking study is included in Attachment A.

**Development Plan Review (DPR)**

- 1) *The proposal is consistent with the General Plan and any specific plans adopted for the area;***

The existing building and proposed remodel conforms to the density and scale limits of the Zoning Code and General Plan guidelines. The maximum height for commercial properties in the C-3 zone shall be three stories or 45’ in height, whichever is less (Section 10-3-2726). With the proposed second story addition and parapet additions,

the maximum height of the building would be 23 feet/two stories, less than the maximum permitted by code. The proposed additions would result in a 570 square foot increase in floor area, well under the maximum allowed per Code (14,600 SF). The continued use of the space would be a retail/commercial business, which is a permitted use in the commercial zone. The project design and building upgrade would enhance the business and contribute to the pedestrian experience. These factors are consistent with the objectives of the General Plan.

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

The subject site is located within the C-3 zoning district which allows a building up to 45 feet or three stories in height, whichever is less. As proposed the building will be a maximum of 23 feet/two stories, lower than the maximum height permitted by code. The project also proposed a 570 square foot addition, bringing the total floor area for the project to 5,144 square feet which is less than the floor area maximum permitted by code (14,600 SF). Furthermore, the proposed second story addition is setback from the front and side facades of the building along Canon Drive and Brighton Way, thus lessening the impact to the public right-of-way. As proposed the project density, height and scale would be within the allowable Code development standards and would be consistent with the surrounding development of the area which consists of buildings ranging from one to four stories in height. Therefore, it is anticipated that the project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

**3) *The nature, configuration, location, density, height and manner of operation of the project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.***

The project site is located in the business triangle commercial zone, on North Canon Drive. There are no residential areas in the immediate vicinity; therefore, the proposed 570 square foot addition in floor area and the increase in the height of the building to 23 feet, are not anticipated to interfere with the use and enjoyment of any residential properties.

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

The proposal involves a façade remodel and upgrade of an existing commercial building, including an addition in floor area and in height. The proposed project will be increasing the floor area by 570 square feet by modifying the first floor and by adding a

second story. The project will not alter any vehicular access to the site, nor the existing parking configuration on the site. Pursuant to the parking study provided by the applicant, the two required parking spaces resulting from the floor area additions can be accommodated by a local public parking garage within a walk-able distance (500 feet) to the subject property. Furthermore, since the building is located in the City's retail core which is designed to allow for passage of traffic while also creating a walk-able environment for pedestrians, it is not anticipated that the proposed project will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

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

The project would be constructed in accordance with the City's Building Code standards, and is consistent with the zoning for the area. Prior to the issuance of building permits, a construction management plan is required for review and approval by the Engineering and Building and Safety Divisions. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed by this management plan. Furthermore, as discussed in Findings 2 and 4 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. Therefore, the project will not be detrimental to the public health, safety and welfare.

In-Lieu Parking

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

The subject site is located on a commercially zoned property within the business triangle of the City. As stated in Finding 2 above, the proposed development is consistent with the commercial development in the area which ranges from one-story to four story buildings. As proposed the 570 square foot addition to the site requires two parking spaces be provided. The parking study prepared by the applicant suggests that the required parking can be accommodated in the existing parking garage located within walking distance (500 feet) from the property. It is anticipated that any patrons who park off-site within the triangle would walk to this location, thus encouraging and reinforcing the pedestrian oriented nature of the City's retail core. Additionally, the in-lieu fee will contribute to the development of additional parking spaces in the area in the future. Therefore, it is anticipated that participation in the in-lieu parking will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

**2) Participation in the in-lieu parking district will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.**

As stated in Finding 3 above and In-Lieu Finding 1 (directly above), the proposal involves the upgrade of an existing commercial building, including an addition in floor area and increase in height. The proposed floor area addition requires that two parking spaces be provided. The existing configuration of the property will remain unchanged, thus not altering any vehicular access to the site. Per the parking study provided, the two required parking spaces can be accommodated by a local public parking garage within walking distance (500 feet) to the subject site. Furthermore, the building is located in the City's business triangle, which is an area of the City that is designed to support harmonious intertwining of pedestrians and vehicles. Thus, it is not anticipated that participation in the in-lieu parking district will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

**3) Participation in the in-lieu parking district will not be detrimental to the public health, safety or general welfare.**

As discussed in Finding 5 above, the project would be constructed in accordance with the City's Building Code standards, and is consistent with the zoning for the area. Prior to the issuance of building permits, a construction management plan is required for review and approval by the Engineering and Building and Safety Divisions. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed by this management plan. As conveyed in In-Lieu Finding 2 (directly above), the parking study prepared by the applicant suggests that the two required parking spaces can be accommodated in a parking structure located within walking distance (500) from the proposed project. This parking structure and the proposed project are both located within the City's business triangle which encourages walking while also managing vehicular traffic. Thus participation in the in-lieu parking district will not be detrimental to the public health, safety or general welfare.

**PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was mailed on March 15, 2010, to all property owners and residential tenants within a 500-foot radius of the property. As of the date of preparation of this report, no letters, emails, or telephone calls were received by staff.

## **ENVIRONMENTAL DETERMINATION**

This 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. Staff has determined that the proposed project qualifies for a Categorical Exemption (Sec. 15303) Class 1(d) “additions to existing structures” under the authority provided by the CEQA Guidelines, and no significant environmental impacts are anticipated.

## **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 request for a Development Plan Review Permit and participation in the City’s In-Lieu Parking Program, subject to the standard conditions found in the attached Resolution in addition to the following conditions:

1. Should the business or activities conducted at the Project site change so that, in the opinion of the Director of Community Development, additional parking is required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of providing additional parking spaces may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in §10-3-3307 of the BHMC.

  
Shena Rojemann, Assistant Planner

### **Attachments:**

- Attachment A – Applicant prepared parking study
- Attachment B – Resolution

Development Plan Review/In-Lieu Parking  
Priscilla of Boston – 370 N Canon Drive  
March 25, 2010

**Attachment A**  
Applicant prepared Parking Study

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**370 NORTH CANON DRIVE  
COMMERCIAL BUILDING  
IN-LIEU PARKING STUDY  
BEVERLY HILLS - CALIFORNIA**

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Prepared for:

**PRISCILLA OF BOSTON  
Beverly Hills, California**

Prepared on:

**March 16, 2010**



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***COCO TRAFFIC PLANNERS, INC.***

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**370 NORTH CANON DRIVE  
COMMERCIAL BUILDING  
IN-LIEU PARKING STUDY  
BEVERLY HILLS - CALIFORNIA**

Prepared for:

PRISCILLA OF BOSTON

Prepared on:

March 16, 2010

Prepared by:

**COCO TRAFFIC PLANNERS, INC.**  
10835 Santa Monica Boulevard, Suite 202  
Los Angeles, California 90025  
Ph: (310) 470-4870 • Fax: (310) 470-0399  
E-mail: ASCOCOENG@AOL.COM



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# **COCO TRAFFIC PLANNERS, INC.**

**TRAFFIC • DESIGN • PARKING • MODELING • URBAN PLANNING**

10835 Santa Monica Blvd., Suite 202 • Los Angeles, California 90025 • Ph: (310) 470-4870 • Fax: (310) 909-8851 • E-mail: info@cocotraffic.com

March 16, 2010

Mr. Michael H. Mirsky, VP Real Estate  
David's Bridal  
1001 Washington Street  
Conshohocken, Pennsylvania 19428

**Subject: 370 NORTH CANON DRIVE EXPANSION PROJECT IN-LIEU PARKING  
ANALYSIS - BEVERLY HILLS, CALIFORNIA**

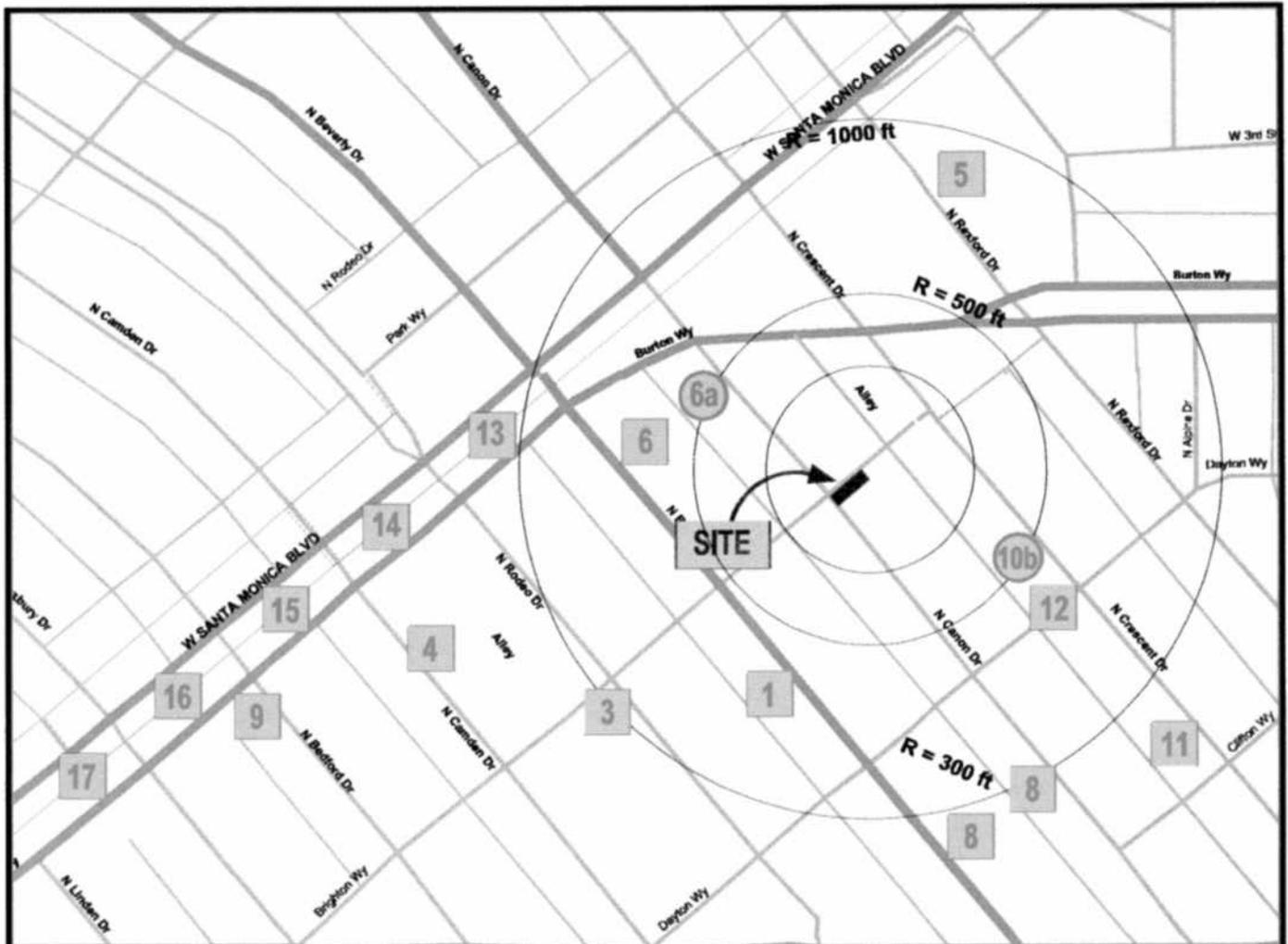
Dear Mr. Mirsky,

As authorized, we have conducted a comprehensive parking analysis associated with your proposed commercial development located at 370 North Canon Drive, in the City of Beverly Hills, California. Specifically, we evaluated the level of occupancy, during one day of the week, and one weekend day, of public parking facilities existing in the vicinity of your development. The purpose of the analysis was to determine the adequacy of those facilities to support your proposed project's parking demand, "in lieu" of on site parking.

The general scope of work was determined through discussions with Mr. David Reyes, Principal Planner of the Engineering and Planning Departments of the City of Beverly Hills. For the purpose of this study it was determined that the parking structures located within a 500 foot radius from your project site should be surveyed during a consecutive Friday and Saturday. This report contains the findings and conclusions of our study with necessary supporting data.

## **PROJECT DESCRIPTION**

The proposed project's site consists of a 7,300 square foot (sf) lot, located at the southeast corner of the intersection of Canon Drive and Brighton Way. It has a 51 foot wide frontage along the east side of Canon Drive, and a depth of about 143 feet along the south side of Brighton Way. The property is adjacent to an alley, which provides access to the site's parking area. Figure 1 shows the location of the subject site on a local basis, and its relationship to the adjacent street system. The location of area public parking facilities also is shown, and the facilities are identified with the same number sequence found in the City's Guide to free parking. The site currently is occupied by a 4,574 (net) sf one-story retail development. The existing development is supported by an on-site surface parking area located behind the building, at the eastern end of the lot, providing ten parking stalls. Access to the parking area is provided by the above mentioned alley, which has a standard 20 foot width.



LEGEND	
	Area City Parking Facility (Garage / Surface Lot)
	Area City Parking Facility Surveyed



**COCO TRAFFIC PLANNERS, INC.**  
 TRAFFIC AND TRANSPORTATION ENGINEERING AND CONSULTING  
 10835 SANTA MONICA BLVD., STE 202, LOS ANGELES CA 90025

# SITE LOCATION MAP

The proposed project consists of the remodeling of the existing retail building, and the development of a mezzanine. The project will add a net total of 570 sf of commercial space, for a total of about 5,144 sf. No change is anticipated in the on-site parking supply, which will maintain the current ten parking stalls located in the parking area behind the building, at the eastern end of the lot.

## **DATA SOURCES**

As indicated in Figure 1, several public parking facilities exist within walking distance from the proposed project's site. Parking accumulation surveys were conducted at two of those facilities, closest to the project's site. The assumption behind this choice is that the proposed project's patrons will be willing to walk a few blocks in order to reach the site. This is a conservative assumption, as the site is located in a prime shopping area of the City of Beverly Hills, known as "the golden triangle", with a shopping center type of operations, and a high level of pedestrian traffic.

The specific location of the parking facilities surveyed is: **a)** 439 North Canon Drive, and **b)** 333 North Crescent Drive. Field investigations were made by our personnel to ascertain the existing parking supply at the subject structures, identified in Figure 1 with a round marker, and the addition of the above letters a) and b) respectively for the 439 North Canon Drive, and the 333 North Crescent Drive. Surveys of available parking stalls were conducted at our direction at the parking structures, between 10:00 AM and 7:00 PM on: Friday, March 12, and Saturday, March 13, 2010. Observations of the facilities' parking occupancies were conducted every 30 minutes.

It should be noted that public parking lots exist within walking distance from the proposed site, along with an extensive supply of curb parking. This means that additional parking supply is available beyond that found within the area public parking facilities. However, since no survey of the additional parking supply was needed or required, our analysis will evaluate a worst case scenario, considering only the capacity of the nearby parking structures. In addition, the City of Beverly Hills currently is developing a parking structure at the intersection of Little Santa Monica Boulevard and Canon Drive thus, within walking distance of the proposed project. This parking structure will further increase the supply of area public parking.

## **SITE PARKING DEMAND**

Studies by the Institute of Transportation Engineers (ITE), ourselves and others have identified generalized factors which relate parking characteristics with the quantity and type of development. These parking generation factors are useful in estimating the total future parking characteristics of a project yet to be constructed and occupied. Judgment is required on the part of the analyst to select the appropriate factors which best match the type of developments contemplated.

Table 1 shows the parking generation factors used in the analysis and the resulting number of parking stalls needed to satisfy the project's parking demand. As reported in Table 1, the proposed project will have a peak parking demand of 14 stalls. This represents the estimated project's peak number of parking stalls occupied. Table 1 also reports the proposed project's parking needs based upon the City of Beverly Hills Parking Code, along with the actual parking supply, reported for comparison purposes.

The City Code requires the proposed development to provide 12 stalls. The proposed project currently is planned to provide 10 parking stalls in the surface parking lot located behind the building. This constitutes a shortage of two parking stalls. In order to comply with the City Parking Code requirements therefore, the development will need to provide two additional parking stalls. As indicated earlier, it is expected that the parking shortage will be addressed through the City of Beverly Hills "in-lieu parking" program, using available parking stalls at existing public parking facilities, located within walking distance of the subject site.

It should be noted that, like most parking codes, the City of Beverly Hills' Parking Code does not distinguish between employees and patrons parking. The code mandated supply of parking stalls is designed to accommodate a development's parking needs both for employees and patrons. The requirements set forth in the code are based upon surveys, conducted by various entities, of actual parking stalls occupied. No distinction is made between employees and patrons' parking demand.

## **PARKING SURVEYS DATA AND ANALYSIS**

The 439 North Canon Drive structure provides a total of 435 parking stalls. The 333 North Crescent Drive structure provides 460 parking stalls. It should be noted that about 15 additional parking stalls become available at the 439 North Canon Drive when the structure is fully occupied. This is achieved through valet parking. The total supply at that location therefore would be 450 stalls. However the subject 15 stalls are not striped, and were not included in our analysis, whose results can be considered more conservative. All parking structures are arm gate controlled with ticket dispensers. The locations analyzed provide parking at no charge for: the first two hours at the Canon structure, and for the first hour at the Crescent structure.

Table 2 shows the results of the parking accumulation surveys conducted at the parking structures on Friday, March 12, 2010. As reported in Table 2, the combined peak parking occupancy at those facilities occurred at 1:00 PM with 676 stalls occupied, out of a total supply of 895 stalls. That is about 76 percent of supply. At that time 219 stalls, or 24 percent of supply were available. Table 2 also shows the individual parking structures peak occupancies, which occurred at different times of the day, but within the 12:30 to 1:30 PM period, which coincides with the lunch period. A graphic rendering of the surveys' results, is shown in the graph following Table 2. It should be noted that the Canon parking structure had a peak occupancy of 423 stalls

**TABLE 1**

**PROJECT PARKING GENERATION  
370 North Canon Drive Commercial Building In-Lieu Parking Study - Beverly Hills**

LAND USE	SIZE	UNIT	LAND USE CODE	MAXIMUM # OF STALLS OCCUPIED		CODE REQUIREMENT		ACTUAL PARKING SUPPLY	
				Pkg Rate	Stalls	Pkg Rate	Stalls	Pkg Rate	Stalls
<b>Proposed Project</b>									
Existing Retail (3)	4.574	KGLA	701	2.65	12.12	2.19	10.00	2.19	10.00
Proposed Expansion (4)	0.570	KGLA	701	2.65	1.51	2.86	2.00	N/A	0.00
<b>Parking Totals</b>				<b>2.72</b>	<b>14</b>	<b>2.33</b>	<b>12</b>	<b>1.94</b>	<b>10</b>
<b>Existing Project</b>									
Retail (3)	4.574	KGLA	701	2.65	12.12	2.19	10.00	2.19	10.00
<b>Parking Totals</b>				<b>2.62</b>	<b>12</b>	<b>2.19</b>	<b>10</b>	<b>2.19</b>	<b>10</b>
<b>Proposed Project Parking Totals</b>					<b>14</b>		<b>12</b>		<b>10</b>
<b>Proposed Project In-Lieu Parking</b>					<b>N/A</b>		<b>N/A</b>		<b>2</b>
<b>Proposed Project Parking Grand Totals</b>					<b>(100%)</b>		<b>(86%)</b>		<b>12</b>

Note: Parking generation factors per ITE Parking Generation - 3rd Edition.

- 1) Pkg Rate is the average number of parking stalls occupied per "SIZE" Unit (i.e. KGLA).
- 2) Stalls is the maximum number of occupied parking spaces associated with the generator.
- 3) The existing legally non conforming section of the retail space was grandfathered with 10 parking stalls.
- 4) The City Code requires a minimum of two parking stalls for any commercial space of 700 sf or less.

**TABLE 2**

**PARKING STRUCTURES ACCUMULATION SURVEY**

Friday, March 12, 2010

370 North Canon Drive Commercial Building In-Lieu Parking Study - Beverly Hills

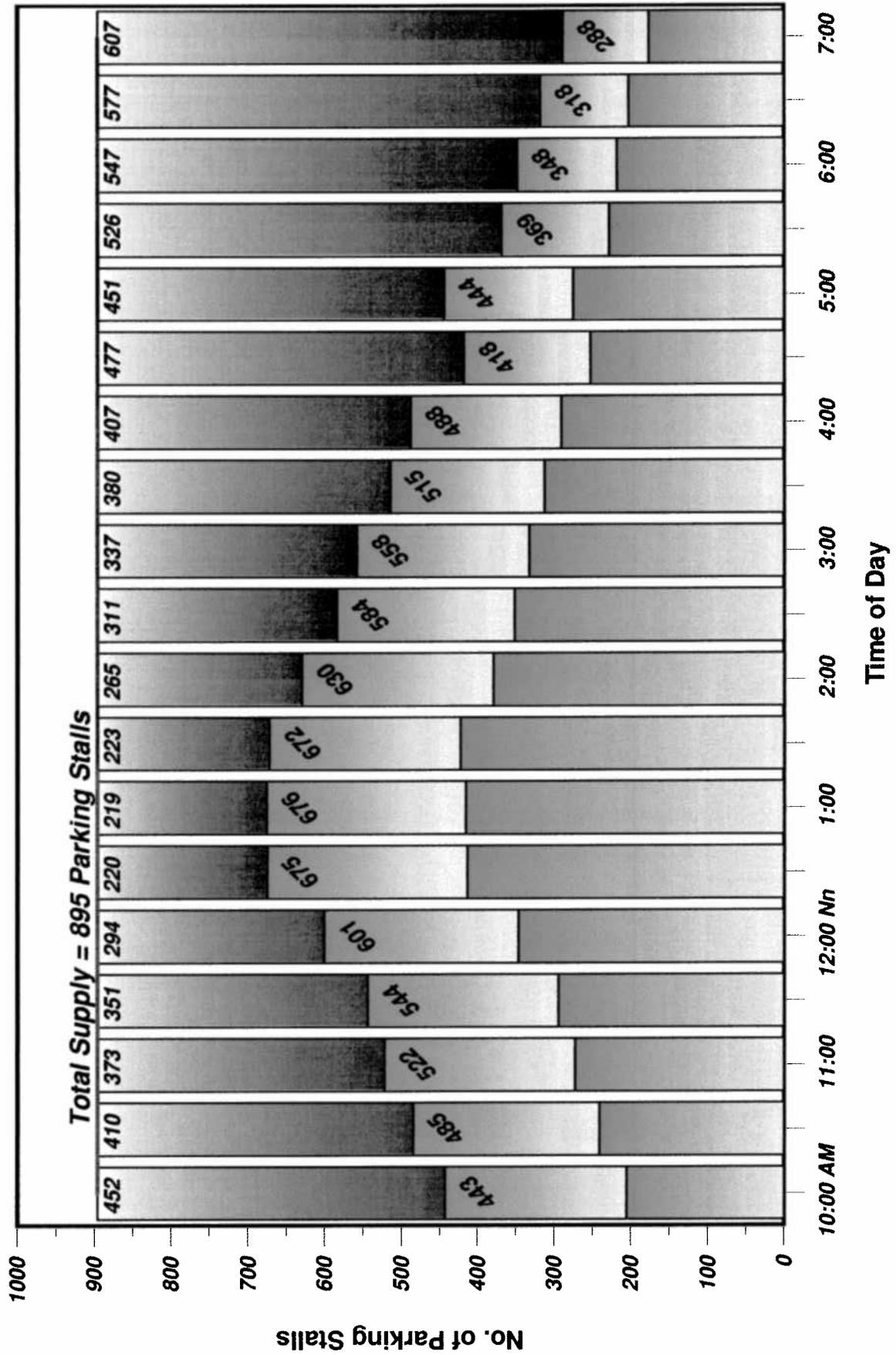
SITE	439 North Canon Drive				333 North Crescent Drive				Structures Grand Total			
	Stalls Occupied	% of Total	Stalls Avlbl	% of Total	Stalls Occupied	% of Total	Stalls Avlbl	% of Total	Stalls Occupied	% of Total	Stalls Avlbl	% of Total
<b>SUPPLY</b>	<b>435</b>		<b>460</b>		<b>895</b>		<b>895</b>					
<b>TIME</b>												
10:00 AM	206	47%	229	53%	237	52%	223	48%	443	49%	452	51%
30	241	55%	194	45%	244	53%	216	47%	485	54%	410	46%
11:00	273	63%	162	37%	249	54%	211	46%	522	58%	373	42%
30	295	68%	140	32%	249	54%	211	46%	544	61%	351	39%
12:00 Nn	347	80%	88	20%	254	55%	206	45%	601	67%	294	33%
30	414	95%	21	5%	261	* 57%	199	43%	675	75%	220	25%
1:00	416	96%	19	4%	260	57%	200	43%	676	* 76%	219	24%
30	423	* 97%	12	3%	249	54%	211	46%	672	75%	223	25%
2:00	380	87%	55	13%	250	54%	210	46%	630	70%	265	30%
30	352	81%	83	19%	232	50%	228	50%	584	65%	311	35%
3:00	333	77%	102	23%	225	49%	235	51%	558	62%	337	38%
30	313	72%	122	28%	202	44%	258	56%	515	58%	380	42%
4:00	291	67%	144	33%	197	43%	263	57%	488	55%	407	45%
30	253	58%	182	42%	165	36%	295	64%	418	47%	477	53%
5:00	276	63%	159	37%	168	37%	292	63%	444	50%	451	50%
30	229	53%	206	47%	140	30%	320	70%	369	41%	526	59%
6:00	218	50%	217	50%	130	28%	330	72%	348	39%	547	61%
30	203	47%	232	53%	115	25%	345	75%	318	36%	577	64%
7:00	176	40%	259	* 60%	112	24%	348	* 76%	288	32%	607	* 68%
<b>PEAK</b>	<b>423</b>	<b>97%</b>	<b>259</b>	<b>60%</b>	<b>261</b>	<b>57%</b>	<b>348</b>	<b>76%</b>	<b>676</b>	<b>76%</b>	<b>607</b>	<b>68%</b>

Note: The asterisk (\*) indicates the occurrence of a parking peak.

# Parking Structures Accumulation - Friday Surveys

370 N. Canon Drive In-lieu Parking Study - Beverly Hills

439 N. Canon 
  333 Crescent 
  Stalls Available 
  Total Supply



at 1:30 PM, and could therefore accommodate by itself up to 12 additional parkers even during the daily peak.

Table 3 shows the results of the parking accumulation surveys of the parking structures, conducted on Saturday, March 13, 2010. As reported in Table 3, the Saturday combined peak parking occupancy at the subject facilities occurred at 2:00 PM with 634 stalls occupied. That constitutes an occupancy of about 71 percent of capacity. At that time 261 stalls, or 29 percent of capacity were available. As indicated in Table 3, the individual parking structures peak occupancies occurred between 12:00 and 2:00 PM, again around lunch time. A graphic rendering of the surveys' results, is shown in the graph following Table 3.

In order to account for the added parking needs associated with the proposed 370 North Canon Drive Commercial Building, the results of the surveys were increased by the two in-lieu parking stalls described above. The stalls were added for the entire day in order to evaluate a worst case scenario. Table 4 is a summary of the Friday parking occupancies for the facilities surveyed, which along with the proposed project's subject two stalls in-lieu parking requirement, constitutes the structures' future peak parking occupancy. Since the weekend occupancy was found to be lower than the weekday, the Saturday condition was not evaluated.

Table 4 basically shows the surveyed facilities' combined peak parking occupancies for the Friday count, with the above mentioned in-lieu parking requirement superimposed. As indicated in Table 4, the proposed project's area public parking facilities will have a peak occupancy of 678 parking stalls, expected to occur around 1:00 PM. At that time the balance of 217 stalls or about 24 percent of supply still will be available. A graphic rendering of the table is shown in the graph following Table 4.

The results of the parking surveys reported above show that the proposed project's parking shortage of two stalls can be readily addressed by the parking supply available at the City of Beverly Hills' public parking facilities surveyed. These were found to have sufficient parking available even during peak parking periods. No significant parking impacts are expected as a result of the development of the proposed 370 North Canon Drive Commercial project. Consequently, it is recommended that the project's "in-lieu" parking application be approved.

\* \* \* \* \*

## **SUMMARY AND CONCLUSIONS**

A commercial building located at 370 North Canon Drive, in the City of Beverly Hills, California has been proposed for renovation, and expansion. The site consists of a 7,300 square foot lot currently occupied by a 4,574 net sf one-story commercial development. The proposed project consists of the remodeling of the existing retail building, and the development of a mezzanine. A net total of 570 sf of commercial space will be added as a result of the proposed project. The total future commercial

**TABLE 3**

**PARKING STRUCTURES ACCUMULATION SURVEY**

Saturday, March 13, 2010

370 North Canon Drive Commercial Building In-Lieu Parking Study - Beverly Hills

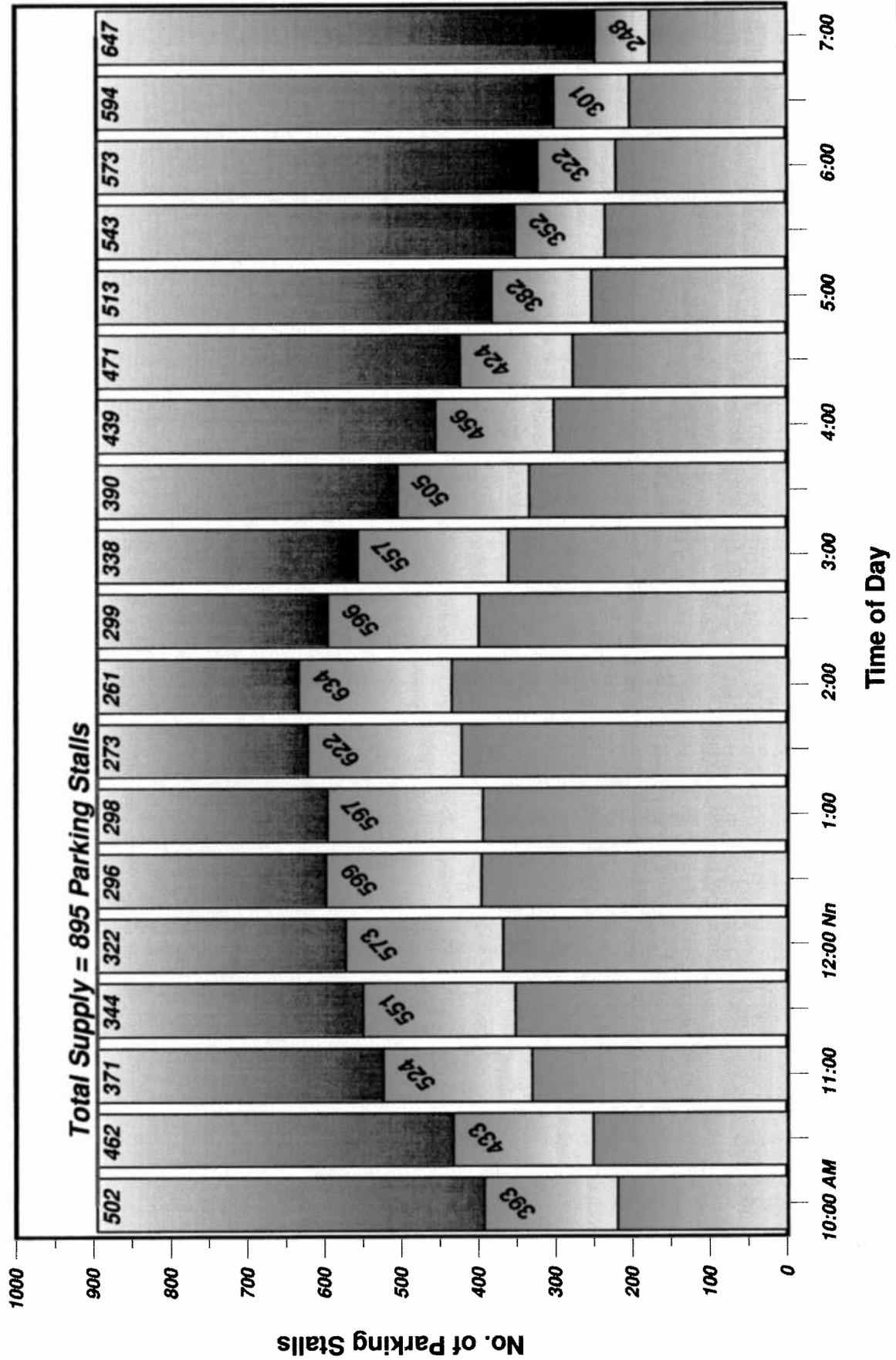
SITE	439 North Canon Drive			333 North Crescent Drive			Structures Grand Total			
	435	Stalls		460	Stalls		895	Stalls		
<b>TIME</b>	Stalls Occupied	% of Total	Stalls Avlbl	% of Total	Stalls Occupied	% of Total	Stalls Occupied	% of Total	Stalls Avlbl	% of Total
10:00 AM	220	51%	215	49%	173	38%	393	44%	502	56%
30	252	58%	183	42%	181	39%	433	48%	462	52%
11:00	331	76%	104	24%	193	42%	524	59%	371	41%
30	353	81%	82	19%	198	43%	551	62%	344	38%
12:00 Nn	369	85%	66	15%	204	* 44%	573	64%	322	36%
30	397	91%	38	9%	202	44%	599	67%	296	33%
1:00	395	91%	40	9%	202	44%	597	67%	298	33%
30	423	97%	12	3%	199	43%	622	69%	273	31%
2:00	435	* 100%	0	0%	199	43%	634	* 71%	261	29%
30	400	92%	35	8%	196	43%	596	67%	299	33%
3:00	362	83%	73	17%	195	42%	557	62%	338	38%
30	334	77%	101	23%	171	37%	505	56%	390	44%
4:00	302	69%	133	31%	154	33%	456	51%	439	49%
30	277	64%	158	36%	147	32%	424	47%	471	53%
5:00	253	58%	182	42%	129	28%	382	43%	513	57%
30	235	54%	200	46%	117	25%	352	39%	543	61%
6:00	221	51%	214	49%	101	22%	322	36%	573	64%
30	203	47%	232	53%	98	21%	301	34%	594	66%
7:00	177	41%	258	* 59%	71	15%	248	28%	647	* 72%
<b>PEAK</b>	<b>435</b>	<b>100%</b>	<b>258</b>	<b>59%</b>	<b>204</b>	<b>44%</b>	<b>634</b>	<b>71%</b>	<b>647</b>	<b>72%</b>

Note: The asterisk (\*) indicates the occurrence of a parking peak.

# Parking Structures Accumulation - Saturday Surveys

267 N. Canon Drive In-lieu Parking Study - Beverly Hills

439 N. Canon
  333 Crescent
  Stalls Available
  Total Supply



**TABLE 4**

**TOTAL FUTURE PARKING FACILITIES FRIDAY ACCUMULATION - SUMMARY**  
**370 North Canon Drive Commercial Building In-Lieu Parking Study - Beverly Hills**

LOCATION	439 N Canon	333 N Crescent	370 N Canon (*)	Total Parking Supply			
SUPPLY	435	460	2	895 Stalls			
TIME START	439 N Canon	333 N Crescent	370 N Canon (*)	Stalls Occupied	Stalls Av/avl	% of Total	% of Total
10:00 AM	206	237	2 *	445	450	50%	50%
30	241	244	2 *	487	408	54%	46%
11:00	273	249	2 *	524	371	59%	41%
30	295	249	2 *	546	349	61%	39%
12:00 Nn	347	254	2 *	603	292	67%	33%
30	414	261 *	2 *	677	218	76%	24%
1:00	416	260	2 *	678 *	217	76%	24%
30	423 *	249	2 *	674	221	75%	25%
2:00	380	250	2 *	632	263	71%	29%
30	352	232	2 *	586	309	65%	35%
3:00	333	225	2 *	560	335	63%	37%
30	313	202	2 *	517	378	58%	42%
4:00	291	197	2 *	490	405	55%	45%
30	253	165	2 *	420	475	47%	53%
5:00	276	168	2 *	446	449	50%	50%
30	229	140	2 *	371	524	41%	59%
6:00	218	130	2 *	350	545	39%	61%
30	203	115	2 *	320	575	36%	64%
7:00	176	112	2 *	290	605 *	32%	68%
<b>PEAK</b>	<b>423</b>	<b>261</b>	<b>2</b>	<b>678</b>	<b>605</b>	<b>76%</b>	<b>68%</b>

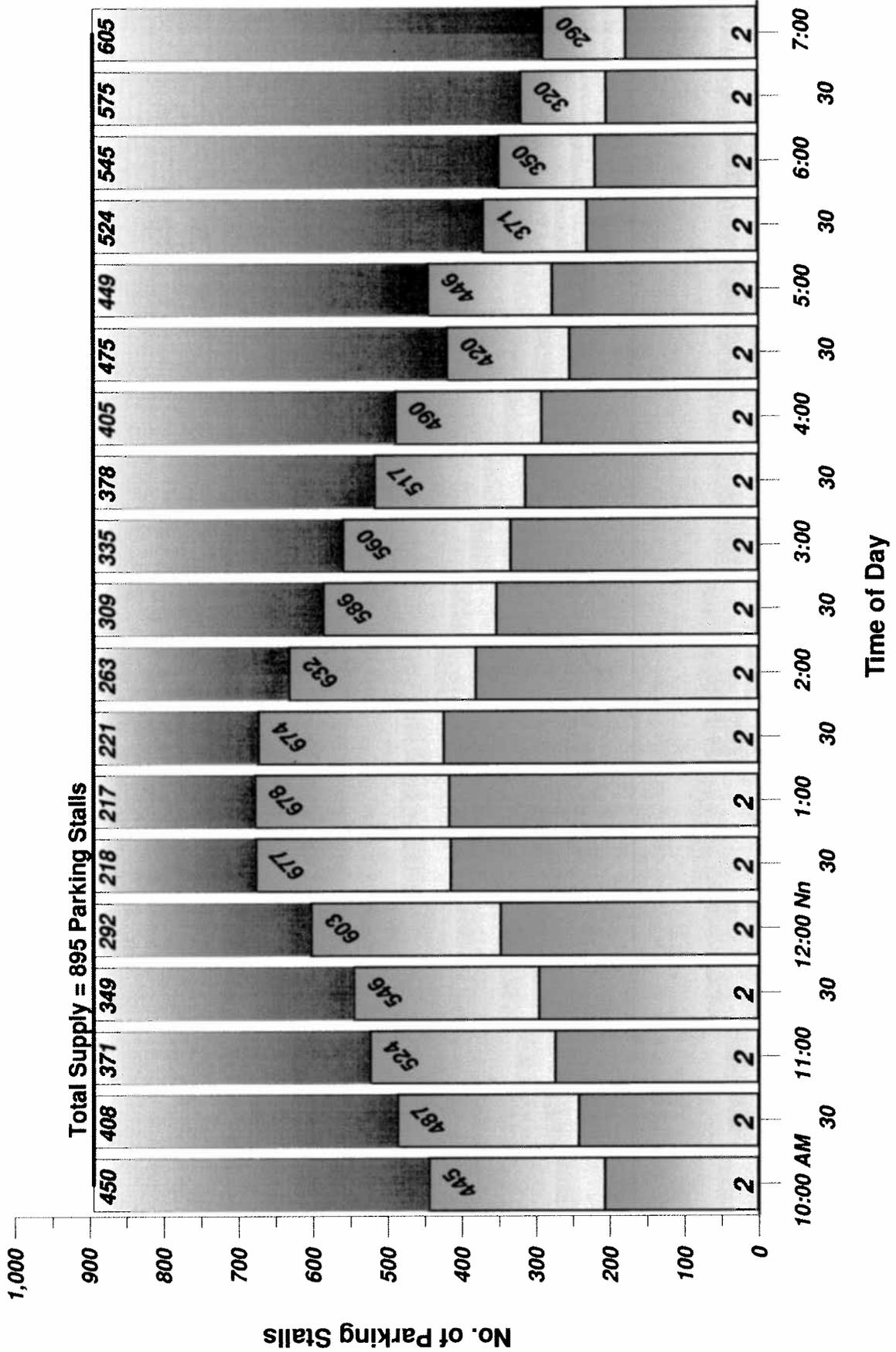
Note: The asterisk (\*) indicates the occurrence of a parking peak.

\* Site In-Lieu parking needs per calculations reported in Table 1.

# Future Parking Structures' Accumulation - Friday Surveys

370 N. Canon Drive In-lieu Parking Study - Beverly Hills

370 N. Canon 
  439 N. Canon 
  333 Crescent 
  Stalls Available 
  Total Supply



**370 North Canon Drive Expansion Project In-Lieu Parking Study - Beverly Hills**

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space will increase to about 5,144 sf. No change is anticipated in the on-site parking supply, which will maintain the current ten parking stalls located in the parking area behind the building, at the eastern end of the lot. The parking area is accessible via a driveway on that alley.

No traffic analysis was conducted since, due to its small size, the proposed development is expected to have a negligible impact upon the surrounding area street system. From a traffic standpoint, it is expected that traffic operations on Canon Drive and vicinity streets will not be adversely effected by the minor increase in traffic volumes generated by the proposed commercial building. No mitigation measures have been deemed necessary therefore, none was proposed.

Based upon the City of Beverly Hills' Parking Code, the parking analysis showed that the future development will require a total of 12 parking stalls. That is a shortage of two parking stalls. Parking accumulation surveys were conducted at two City owned parking structures located within walking a 500 foot radius from the proposed site. The surveys were conducted in order to verify the adequacy of the existing parking structures to accommodate the proposed project's parking needs, and thus allow the project to participate into the City of Beverly Hills' in-lieu parking program.

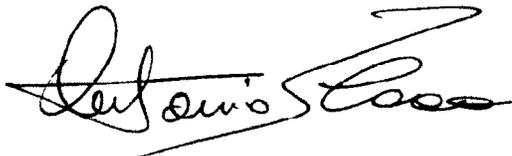
It was found that the proposed 370 North Canon Drive Commercial Building will have a negligible impact upon area public parking supply. The results of the parking surveys conducted show that adequate parking exists within the study area for the proposed development. The project's code requirement of two additional parking stalls can be readily accommodated within the area public structure, without creating undue burden upon available public parking. Consequently, it was recommended that the project's "in-lieu" parking application be approved.

\* \* \* \* \*

Please call me if you have any questions with regard to our study. It has been a pleasure to serve you on this most interesting project.

Very truly yours,

**COCO TRAFFIC PLANNERS, INC.**



Dr. Antonio S. Coco, P.E.  
President

ASC/mp  
#2K1020PK

Development Plan Review/In-Lieu Parking  
Priscilla of Boston – 370 N Canon Drive  
March 25, 2010

**Attachment B**  
Resolution

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW PERMIT, IN CONJUNCTION WITH A REQUEST TO PARTICIPATE IN THE CITY'S IN-LIEU PARKING PROGRAM, IN ASSOCIATION WITH AN ADDITION OF 570 SQUARE FEET OF FLOOR AREA AT 370 NORTH CANON DRIVE.

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

Section 1. Murray Fischer, representative of Priscilla of Boston (collectively the "Applicant"), has applied for a Development Plan Review Permit, in conjunction with a request to participate in the City's In-Lieu Parking program in association with a 570 square foot addition and new partial second story addition to the commercial building at 370 North Canon Drive (the "Project").

Beverly Hills Municipal Code Section 10-3-3101 authorizes the Planning Commission to issue a Development Plan Review Permit to allow an increase in existing height to a commercial building, provided that certain findings can be made. Further, Beverly Hills Municipal Code Section 10-3-27 authorizes the Planning Commission grant the request to participate in the City's In-Lieu Parking program provided certain findings can be made.

Section 2. The 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. Staff has determined that the proposed project qualifies

for a Categorical Exemption (Sec. 15303) Class 1(d) “additions to existing structures” under the authority provided by the CEQA Guidelines, and no significant environmental impacts are anticipated.

Section 3. The Planning Commission conducted a duly noticed public hearing on March 25, 2010, at which time oral and documentary evidence was received concerning the application.

Section 4. The subject site is located on the south east corner of the North Canon Drive and Brighton Way, in the City’s Business Triangle. The building is a single tenant building with street addresses on Canon Drive (370 North Canon Drive) and Brighton Way (9374 Brighton Way). The surrounding commercial buildings range from one to four stories. The building was previously occupied by Smith & Hawken. Priscilla of Boston, a couture bridal retailer will be occupying the space.

The existing building is 15 feet 6 inches in height and 4,574 square feet in floor area. The applicant is proposing modification and addition to the building. The existing façade is curved back, away from the intersection of North Canon Drive and Brighton Way. The new façade will extend to the property lines and create a squared store front. Extending the façade will create a 109 square foot addition to the first floor. Other modifications to the first floor include the introduction of a stairway, elevator, and mechanical room for access to the proposed second story (222 SF). Pursuant the Beverly Hills Municipal Code definition of floor area, the stairway, elevator and mechanical room are exempt from floor area. Thus, resulting in an overall decrease in the area of the

first floor (4,461 SF). The Project includes a second story addition to the building. The addition would be located at the rear of the building along the alley, approximately 58 feet from the front façade along North Canon Drive and 28 feet from the building façade along Brighton Way. The floor area for the second story addition is 507 square feet. The second story addition would increase the height of the building from 15 feet 6 inches to 23 feet. The total floor area of the building including the first story addition/modification and the second story addition would be 5,144 square feet, well under the maximum 14,600 square feet permitted by Code.

Pursuant to Beverly Hills Municipal Code §10-3-2730, one parking space is required for every 350 square feet of floor area. Thus, the 570 square foot addition requires 2 parking spaces be provided. The site currently contains 10 tandem parking spaces located at the rear of the building, off of the alley. The existing parking on the site is legally conforming per Code. Beverly Hills Municipal Code §10-3-4102 states that any building that is nonconforming due to insufficient parking may be enlarged if sufficient parking is provided for such enlargement and the enlargement complies with all other provisions of the Code. Consequently, the applicant is requesting to provide the two required parking spaces through the City's In-Lieu parking program.

Section 5. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-3104 and 10-3-3308, in reviewing the application for the Development Plan Review Permit to allow the increase in height of an existing commercial building and participation in the City's In-Lieu Parking program for two parking spaces, the Planning Commission considered whether the proposed development will have a substantial adverse impact on:

Development Plan Review Permit

- (1) The proposal is consistent with the General Plan and any specific plans adopted for the area;
- (2) The proposed project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.
- (3) The nature, configuration, location, density, height and manner of operation of the project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.
- (4) The proposal will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
- (5) The project will not be detrimental to the public health, safety or general welfare.

In-Lieu Parking

- (6) Participation in the in-lieu parking district will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.
- (7) Participation in the in-lieu parking district will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
- (8) Participation in the in-lieu parking district will not be detrimental to the public health, safety or general welfare.

Section 6. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission, hereby finds as follows:

6.1. As conditioned, the project is consistent with the objectives of the General Plan. The existing building and proposed remodel conforms to the density and scale limits of the Zoning Code and General Plan guidelines. The maximum height for commercial properties in the C-3

zone shall be three stories or 45' in height, whichever is less (Section 10-3-2726). With the proposed second story addition and parapet additions, the maximum height of the building would be 23 feet/two stories, less than the maximum permitted by code. The proposed additions would result in a 570 square foot increase in floor area, well under the maximum allowed per Code (14,600 SF). The continued use of the space would be a retail/commercial business, which is a permitted use in the commercial zone. The project design and building upgrade would enhance the business and contribute to the pedestrian experience.

6.2. As conditioned, the project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The subject site is located within the C-3 zoning district which allows a building up to 45 feet or three stories in height, whichever is less. The building will be a maximum of 23 feet/two stories, lower than the maximum height permitted by code. The project also contains a 570 square foot addition, bringing the total floor area for the project to 5,144 square feet which is less than the floor area maximum permitted by code (14,600 SF). Furthermore, the second story addition is setback from the front and side facades of the building along Canon Drive and Brighton Way, thus lessening the impact to the public right-of-way. Therefore, the project density, height and scale would be within the allowable Code development standards and would be consistent with the surrounding development of the area which consists of buildings ranging from one to four stories in height.

6.3. The project site is located in the business triangle commercial zone, on North Canon Drive. There are no residential areas in the immediate vicinity; therefore, the proposed 570

square foot addition in floor area and the increase in the height of the building to 23 feet, are not anticipated to interfere with the use and enjoyment of any residential properties.

6.4. As conditioned, the project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards. The Project includes a façade remodel and upgrade of an existing commercial building, including an addition in floor area and in height. The project will be increasing the floor area by 570 square feet by modifying the first floor and by adding a second story. The project will not alter any vehicular access to the site, nor the existing parking configuration on the site. Pursuant to the parking study provided, the two required parking spaces resulting from the floor area additions can be accommodated by a local public parking garage within a walk-able distance (500 feet) to the subject property. Furthermore, since the building is located in the City’s retail core which is designed to allow for passage of traffic while also creating a walk-able environment for pedestrians

6.5 As conditioned, will be constructed in accordance with the City’s Building Code standards, and is consistent with the zoning for the area. Prior to the issuance of building permits, a construction management plan is required for review and approval by the Engineering and Building and Safety Divisions. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed by this management plan. Furthermore, as discussed in Findings 2 and 4 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. Therefore, the project will not be detrimental to the public health, safety and welfare.

6.6 As approved, it is not anticipated that the participation in the in-lieu parking will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The subject site is located on a commercially zoned property within the business triangle of the City. The proposed development is consistent with the commercial development in the area which ranges from one-story to four story buildings. The 570 square foot addition to the site requires two parking spaces be provided. The parking study prepared by the applicant indicates that the required parking can be accommodated in the existing parking garage located within walking distance (500 feet) from the property. It is anticipated that any patrons who park off-site within the triangle would walk to this location, thus encouraging and reinforcing the pedestrian oriented nature of the City's retail core. Additionally, the in-lieu fee will contribute to the development of additional parking spaces in the area in the future.

6.7 As approved, the proposal involves the upgrade of an existing commercial building, including an addition in floor area and increase in height. The proposed floor area addition requires that two parking spaces be provided. The existing configuration of the property will remain unchanged, thus not altering any vehicular access to the site. Per the parking study provided, the two required parking spaces can be accommodated by a local public parking garage within walking distance (500 feet) to the subject site. Furthermore, the building is located in the City's business triangle, which is an area of the City that is designed to support harmonious intertwining of pedestrians and vehicles. Thus, it is not anticipated that participation in the in-lieu parking district

will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

6.8 As approved, the project would be constructed in accordance with the City's Building Code standards, and is consistent with the zoning for the area. Prior to the issuance of building permits, a construction management plan is required for review and approval by the Engineering and Building and Safety Divisions. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed by this management plan. The parking study prepared suggests that the two required parking spaces can be accommodated in a parking structure located within walking distance (500) from the proposed project. This parking structure and the proposed project are both located within the City's business triangle which encourages walking while also managing vehicular traffic. Thus participation in the in-lieu parking district will not be detrimental to the public health, safety or general welfare.

Section 7. Based on the foregoing, the Planning Commission hereby grants a Central R-1 Permit and Second Unit Use Permit subject to the following conditions:

1. The project shall be built in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its March 25, 2010 meeting.
2. Should the business or activities conducted at the Project site change so that, in the opinion of the Director of Community Development, additional parking is required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of providing additional parking spaces may be imposed upon

the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in §10-3-3307 of the BHMC.

3. A covenant shall be filed by the owner of record within 60 days of the approval of the second unit permit, in a form approved by the City Attorney, which shall place future buyers on notice of the approved size of the second unit, the required number of off-street parking spaces to be provided for the second unit, that the second unit may not be sold or transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the Official Records of the County of Los Angeles, and a copy of the covenant shall be filed with the City of Beverly Hills Department of Community Development.

4. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the Central R-1 Permit and Second Unit 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 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 Central R-1 Permit and Second Unit Use Permit shall be **null and void** and of **no further effect**. Notwithstanding the foregoing, the Director of 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 Central R-1 Permit or Second Unit Use Permit.

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

\_\_\_\_\_  
Lili Bosse  
Vice Chair 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