

DRAFT
PLANNING COMMISSION
MINUTES OF
JUNE 24, 2010

**CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, California 90210
Council Chambers**

**PLANNING COMMISSION MEETING
JUNE 24, 2010
1:30 PM**

MINUTES

OPEN MEETING

ROLL CALL AT 1:30 PM

Commissioners Present: Corman, Cole, Furie, Vice Chair Yukelson and Chair Bosse.

Commissioners Absent: None.

Staff Present: J. Lait, D. Reyes, R. Gohlich, M. McGrath, P. Noonan, J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

APPROVAL OF AGENDA

The Agenda was approved by order of the Chair.

COMMUNICATIONS FROM THE AUDIENCE

None.

PROJECT PREVIEW

1. Residences at Saks 5th Avenue

A proposed new 44-unit condominium project located at 125 South Camden Drive.

The Commission heard a presentation from the applicant. The Commission offered comments related to the existing surface parking, proposed requests to exceed height, surrounding residential character, alley vacations and the establishment of a new east/west alignment at the south end of the project site.

Public Comment was heard from Joe Tilem, representing Barney's, and Valerie Wisot, a neighbor.

NEW BUSINESS

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

2. View Preservation

Consideration and recommendation to the City Council of a proposed ordinance of the City of Beverly Hills amending various sections of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding the restoration and maintenance of certain defined views from single-family residential property in the Trousdale Estates area of the City substantially impaired by certain foliage maintained on other private property. (Senior Planner: Michele McGrath).

Senior Planner McGrath summarized the staff report and it was made a part of the record.

Public comment was heard from Alan Berlin; Frieda Berlin; Karen Platt; Greg Amsterdam; Jeff Swain; Richard Kahn; Mary Levin Cutler,; Rosa Navi; Janet and Don Ravani; Jon Mackin; Cyrus Massoudi; Marjorie Lord Volk; Alan Iezman; Steve Rome; Mansour Matloob; Tina Sinatra; Jerry Muchin, representing Helen Rosin; Mojgan Yaghoubzadeh; June Dowad; Stephanie Splevin; and Charles Neuer for Carolyn Artie; Dr. Charles Flack and Parviz Ezhari. Comments included requests for the City to trip public trees.

Commissioners Cole and Corman reported on meetings of the Subcommittee.

The Commission requested staff incorporate revisions as discussed at the meeting into a draft ordinance to be returned to the Planning Commission. The Commission concurred that since the proposed Ordinance would affect many residents, an additional noticed hearing should be held after the vacation season ends.

Consideration of this item was continued by order of the chair to a date not certain. The public hearing remains open and a notice will be mailed when it is scheduled.

3. Traffic Thresholds

Approval of revised traffic thresholds of significance for the purposes of evaluating traffic related impacts of projects subject to the California Environmental Quality Act. The Planning Commission's action will be forwarded to the City Council. (Assistant Director of Transportation: Aaron Kunz).

Consideration of this item was continued to the meeting scheduled to be held on July 22, 2010, by order of the Chair.

STUDY SESSION

4. Housing Element

Discussion and direction to staff regarding Draft Programs of the update to the City's Housing Element. (Associate Planner: Peter Noonan).

The staff report was summarized by Associate Planner Noonan.

The Commission commented on the draft.

Consideration of this item was continued to the meeting scheduled to be held on July 8, 2010, by order of the Chair.

SUBCOMMITTEE REPORTS

Consideration and/or establishment of new policy or project-related Planning Commission subcommittees and reports from existing subcommittees:

- a. 9936 Durant Drive (Furie/Yukelson)
- b. 9230 Wilshire Boulevard - Lexus Dealership (Bosse/Furie)
- c. Hillside / Trousdale - View Preservation (Cole/Corman)
- d. Other contemplated subcommittees

COMMUNICATIONS FROM THE COMMISSION

COMMUNICATIONS FROM THE CITY PLANNER

5. Upcoming Meeting Schedule

6. Active Case List

THE MEETING WAS ADJOURNED AT 6:05 PM.

PASSED AND APPROVED THIS 16th DAY OF SEPTEMBER, 2010.

Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

DRAFT

**PLANNING COMMISSION
MINUTES OF**

JULY 8, 2010

CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, California 90210
Council Chambers Room 280-A

PLANNING COMMISSION MEETING
JULY 8, 2010
1:30 PM
MINUTES

OPEN MEETING

ROLL CALL AT 1:30 PM

Commissioners Present: Corman, Cole, Furie, Vice Chair Yukelson (arrived 1:40pm) and Chair Bosse.

Commissioners Absent: None.

Staff Present: D. Reyes, R. Naziri, G. Millican, R. Gohlich, P. Noonan, D. Mohan (Department of Community Development); D. Snow (City Attorney's Office).

APPROVAL OF AGENDA

The Agenda was approved by order of the Chair.

COMMUNICATIONS FROM THE AUDIENCE

None.

Bus Tour

The Chair announced the Commission would recess to the bus tour and noted that members of the public could attend if they chose to.

The Commission visited the Avalon Hotel located at 9400 Olympic Boulevard. Commissioner Yukelson was present.

The Commission reconvened from the bus tour at 2:20pm and all five were present.

NEW BUSINESS

1. ADOPTION OF MINUTES

Adoption of Planning Commission Minutes for the meetings of March 11, March 25, April 8, April 22, May 13, May 27, 2010, and June 10, 2010.

ACTION:

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That the minutes of March 11, March 25, April 8, April 22, May 13, May 27, 2010, and June 10, 2010, be adopted as amended.

AYES: Commissioners Cole, Corman, Furie, and Vice Chair Yukelson.

NOES: None.

ABSENT: None.

CARRIED.

DISCUSSION ITEMS

2. Hazard Mitigation Plan

Consultant Viviana Franco presented this item to the Commission. She began by briefly reviewing the City's 2004 Hazard Mitigation Plan, describing the purpose of the plan, and explaining the plan's mission. Ms. Franco explained mitigation strategies and how they pertain to obtaining funds to implement the strategies. Ms. Franco noted that representatives from each City department worked on the updated version of the plan. The remaining timeline for finalizing the Hazard Mitigation Plan includes presenting to other Commissions in June, obtaining feedback and final revisions in July, and finally approval of the plan by City Council in late August. Commissioners were asked to review the draft plan and provide feedback to Ms. Franco.

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

3. 9936 Durant Drive (Applicant: Murray Fischer)

Request for a Development Plan Review, Density Bonus Permit, R-4 Permit, Tentative Tract Map and certification of an Environmental Impact Report for a the construction of a new 14-unit condominium project. (Senior Planner: Rita Naziri). **This item is continued from the May 27, 2010 Meeting and the Public Hearing remains open.**

The Commission heard a staff report from Senior Planner Naziri, Attorney M. Fischer spoke on behalf of the applicant, and resident S. Katz expressed opposition to the proposed project due to concerns for the impact to a possible historical district.

A majority of the Commission concurred that the opportunity for affordable housing units would override the loss of a potential historical resource. Commissioner Corman dissented.

ACTION:

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That staff prepare appropriate resolutions to memorialize the Commission's findings on the EIR, the DPR, the tentative tract map, the Density Bonus findings, the R-4 Permit findings, and the overriding considerations based on the affordable units being deeded to the City free and clear, not just deed-restricted; and that the HOA fee on the affordable units will not exceed \$150 per month, be prepared and brought back to the Commission for consideration.

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

NOES: Commissioner Corman.

ABSENT: None.

CARRIED.

4. 121 San Vicente Boulevard (Applicant: Ken Stockton)

Request for a Development Plan Review Permit and a Variance from parking regulations (to allow tandem parking) to permit the construction of a new three-story, 45-foot in height Commercial building containing approximately 40,750 square feet of floor area over a four-level, subterranean parking garage with 185 parking spaces. (Senior Planner: Rita Naziri)

This item is continued from the May 27, 2010 Meeting and the Public Hearing remains open.

The staff report was summarized by Senior Planner Naziri. Architect K. Stockton, Attorney A. Alexander, Developer Mike Ahmar, Parking Consultant R. Calard of Austin Faust & Associates, Inc., and Parking Consultant A. Megerdooomian of International Parking Design, Inc., spoke on behalf of the applicant. Public comment opposing the proposed project due to traffic concerns was received from A. Berkoff, representing 117 N. Gale Homeowner's Association.

After discussion, the Commission noted that there are concerns about the percentage of tandem spaces proposed and garage internal circulation. The applicant was requested to study the parking layout to reduce the number of tandem spaces, provide additional parking at the ground level, and reconfigure the loading area. Consideration of this item was continued by order of the chair to a date not certain. The public hearing remains open and a notice will be mailed when it is scheduled.

5. **9360 Wilshire Boulevard/Thompson Hotel** (Applicant: Mitch Dawson)
A request for a Zone Text Amendment to Section 10-3-2868 of the Beverly Hills Municipal Code regarding the seating capacity of restaurants in hotels outside the Business Triangle, and conditionally approving a Conditional Use Permit that restricts hotel operations, a Development Plan Review permit that allows outdoor dining and a rooftop gymnasium, an Extended Hours Permit and modification of an existing variance. **This item is continued from the June 10, 2010 Meeting and the Public Hearing is closed.**

Associate Planner Gohlich summarized the staff report. Attorney M. Dawson commented on the proposed resolution renewing the CUP and DPR.

ACTION:

Moved by Chair Bosse and seconded by Commissioner Furie.

That the Commission adopt a resolution recommending that the City Council of the City of Beverly Hills adopt an Ordinance amending restaurant seating regulations applicable to hotels located outside the business triangle.

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

NOES: None.

ABSENT: None.

CARRIED.

ACTION:

Moved by Chair Bosse and seconded by Commissioner Cole.

That the Commission adopt an amended resolution conditionally approving renewal of a Conditional Use Permit and Development Plan Review Permit and conditionally approving a Conditional Use Permit, Development Plan Review

Permit, Extended Hours Permit and variance to allow modifications to Hotel Dining and Rooftop Uses on the property located at 9360 Wilshire Boulevard. The Planning Commission shall re-review the permit six months from the date of implementation of all conditions of approval.

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

NOES: None.

ABSENT: None.

CARRIED.

The Chair noted that decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office and an appeal fee would apply.

6. 9400 Olympic Boulevard (Applicant: Mitch Dawson)

Request for a modification of an existing Conditional Use Permit and Extended Hours Permit to: 1) reduce the amount of off-site parking required; 2) allow the hotel to charge competitive valet parking rates (valet is currently for patrons of hotel and restaurant); and 3) to allow alcohol to be served until 1 AM.

The staff report was summarized by Associate Planner Millican. Attorney M. Dawson spoke on behalf of the applicant. Public Comment was received from L. Jones and S. Webb.

The Public Hearing was closed.

ACTION:

Moved by Commissioner Cole and seconded by Commissioner Corman.

That the Commission adopt an amended resolution conditionally approving revisions to the Conditional Use Permit including charging for parking, modifying the parking supply, and allowing extended hours on Sunday evenings to allow the restaurant including the bar and dining area, the open air dining area, and the pool side lounge area to receive patrons, including hotel guests, up until 11pm nightly.

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

NOES: None.

ABSENT: None.

CARRIED.

Assistant Attorney Snow noted that decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office and an appeal fee would apply.

TAKEN OUT OF ORDER:

PROJECT PREVIEW

8. Nessah Temple (Applicant: Steve Webb)

A project preview for a new private school, Nessah Hebrew Academy, proposed to be contiguous to the existing Nessah Synagogue located on the 100 block of South Rexford Drive, between Charleville Drive and Wilshire Boulevard. The school is proposed to be a 3 and partial 4-story building over three levels of subterranean parking containing 200 parking spaces. The school is proposed to have 16 classrooms that could accommodate 20 students each.

The Commission heard an oral report and a slide show was presented with renderings of the proposed project.

RETURN TO ORDER:

DISCUSSION ITEMS

7. Housing Element

Discussion and direction to staff regarding Draft Programs including review of Potential Sites Inventory Maps for the update to the City's Housing Element. (Associate Planner: Peter Noonan).

This item is continued from the June 24, 2010 Meeting

Associate Planner Noonan summarized the staff report. Public Comment was received from S. Webb, requesting that the timelines be adjusted as presented in the Housing Element.

Consideration of this item was continued to the meeting scheduled to be held on July 22, 2010, by order of the Chair.

SUBCOMMITTEE REPORTS

Consideration and/or establishment of new policy or project-related Planning Commission subcommittees and reports from existing subcommittees:

- a. 9936 Durant Drive (Furie/Yukelson)
- b. 9230 Wilshire Boulevard - Lexus Dealership (Bosse/Furie)
- c. Hillside / Trousdale - View Preservation (Cole/Corman)
- d. Other contemplated subcommittees

COMMUNICATIONS FROM THE COMMISSION

9. Second Unit Survey

Receive and file survey letter to BH residents regarding second units.

Received and filed by order of the Chair.

COMMUNICATIONS FROM THE CITY PLANNER

10. Upcoming Meeting Schedule

11. Active Case List

THE MEETING WAS ADJOURNED AT 7:55 PM.

PASSED AND APPROVED THIS 16th DAY OF SEPTEMBER, 2010.

Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

DRAFT

**PLANNING COMMISSION
MINUTES OF**

JULY 22, 2010

**CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, California 90210
Council Chambers Room 280-A**

**PLANNING COMMISSION MEETING
JULY 22, 2010
1:30 PM**

MINUTES

OPEN MEETING

ROLL CALL AT 1:35 PM

Commissioners Present: Corman, Cole, Furie, Vice Chair Yukelson, and Chair Bosse.

Commissioners Absent: None.

Staff Present: J. Lait, D. Reyes, R. Gohlich, S. Rojeman, I. Nguyen, L. Sakurai, R. Naziri, M. McGrath, G. Millican, D. Jerex, J. Stevens (Department of Community Development); D. Snow (City Attorney's Office).

APPROVAL OF AGENDA

The agenda was approved by order of the Chair.

COMMUNICATIONS FROM THE AUDIENCE

None.

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

- 1. 9601 Wilshire Boulevard "Sports Club LA"** (Applicant: Mark Spino)
Request to extend a Conditional Use Permit for an existing exercise club and modify the parking rates charged to members and guests of the exercise club. (Associate Planner: Ryan Gohlich).

Commissioner Yukelson stated that he is a member of the Sports Club LA and he would recuse himself from deliberations and voting on this item.

Commissioner Furie and Chair Bosse also stated they were members of the Sports Club LA but that this action would not have a financial impact large enough to be subject to the Personal Affects Rule, and they were ready to hear the matter.

Applicant Mark Spino was present and answered questions from the Commission

Resident Laurie Landrie expressed opposition to the proposed modification of the parking fees.

The Commission concurred the parking condition was made on the original application to ensure there would be no impact from operation of the business on the street parking or nearby City lots and there was no change in conditions to support modifying it.

ACTION:

Moved by Commissioner Furie and seconded by Commissioner Cole.

That the Commission adopt an amended resolution conditionally approving an extension of the requested CUP, with no modification to the parking requirements.

AYES: Commissioners Cole, Furie, and Chair Bosse.

NOES: None.

RECUSED: Commissioner Yukelson.

ABSENT: Commissioner Corman.

CARRIED.

2. Medical Land Use Ordinance

Discussion of alternative approaches to regulate medical land uses including a cap on medical floor area, a floating zone and a conditional use permit and consideration of a proposed ordinance amending various sections of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to limit new or expanded medical uses in the City is included for consideration. (Senior Planner: Michele McGrath).

This item is continued from the June 10, 2010 Meeting

Senior Planner McGrath provided a summary of the staff report and it was made a part of the record.

Dr. Malek, a resident and building owner, expressed concern that there is a lack of available medical space and vacant office buildings.

Murray Fischer, a resident, requested the Commission consider medical with retail components such as optometrists who sell frames and glasses.

The Chair appointed a subcommittee of Commissioner Yukelson and herself to work with staff. Consideration of this item was continued to September 8, 2010, by order of the Chair.

3. Traffic Thresholds

Approval of revised traffic thresholds of significance for the purposes of evaluating traffic related impacts of projects subject to the California Environmental Quality Act. The Planning Commission's action will be forwarded to the City Council. (Assistant Director of Transportation: Aaron Kunz).

This item is continued from the June 24, 2010 Meeting

Assistant Director of Transportation Kunz provided a summary of the staff report and answered questions from the Commission.

The Commission requested additional information from staff. Consideration of this item was continued to the meeting scheduled to be held September 8, 2010, by order of the Chair.

DISCUSSION ITEMS

4. Housing Element

Review of draft Housing Element in preparation of submittal to the Department of Housing and Community Development. (Associate Planner: Peter Noonan).

This item is continued from the July 8, 2010 Meeting

The Commission heard a report by Associate Planner Noonan that the Housing element would be submitted to the State for initial review after it was presented to the City Council.

SUBCOMMITTEE REPORTS

Consideration and/or establishment of new policy or project-related Planning Commission subcommittees and reports from existing subcommittees:

- a. 9230 Wilshire Boulevard - Lexus Dealership (Bosse/Furie)
- b. Hillside / Trousdale - View Preservation (Cole/Corman)
- c. Other contemplated subcommittees

COMMUNICATIONS FROM THE COMMISSION

None.

Planning Commission Meeting Minutes
July 22, 2010

COMMUNICATIONS FROM THE CITY PLANNER

None.

5. Upcoming Meeting Schedule

6. Active Case List

THE MEETING ADJOURNED AT 4:30 PM.

PASSED AND APPROVED THIS 16th DAY OF SEPTEMBER, 2010.

Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary