

**DRAFT**

**PLANNING COMMISSION  
MINUTES OF**

**SEPTEMBER 16, 2010**

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

**PLANNING COMMISSION SPECIAL MEETING  
September 16, 2010  
1:30 and 7:00 PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL**

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

**Commissioners Absent:** None.

**Staff Present:** J. Lait, D. Reyes, R. Naziri, D. Mohan (Department of Community Development); D. Snow (City Attorney's Office).

**APPROVAL OF AGENDA**

*It was noted that a courtesy notice on Item 1 showed two different meeting times so comments on that item would be heard in the afternoon if anyone was present to comment, and the item would be heard at 7pm. The Agenda was approved by order of the Chair.*

**COMMUNICATIONS FROM THE AUDIENCE**

None.

**CONSIDERATION OF MINUTES**

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

- **June 24, 2010**
- **July 8, 2010**
- **July 22, 2010**

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Corman.

That the minutes of June 24 as amended and July 8, 2010 minutes as submitted be adopted.

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

**NOES:** None.

**ABSENT:** None.

**CARRIED.**

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That the minutes of July 22, 2010 be adopted as corrected.

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

**NOES:** None.

**ABSTAIN:** Commissioner Corman.

**ABSENT:** None.

**CARRIED.**

**CONFLICT OF INTEREST CODE**

**2. 2010 Biennial Conflict of interest Code Report – Planning Commission Adopt Revised Conflict of Interest Code**

The Commission accepted the City's revised Conflict of Interest Code as presented and unanimously authorized the Chair to sign a Statement of Review to be forwarded to the City Clerk.

**OLD BUSINESS**

- 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. STAFF RECOMMENDS THIS ITEM BE CONTINUED TO SEPTEMBER 23, 2010 (Rita Naziri, Senior Planner).  
**This item is continued from the July 8, 2010 Meeting.**

Consideration of this item was continued to the meeting scheduled to be held on September 23, 2010 at 3:00pm by order of the Chair.

**4. 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. STAFF RECOMMENDS THIS ITEM BE CONTINUED TO OCTOBER 14, 2010. (Michele McGrath, Senior Planner).

**This item is continued from the July 22, 2010 Meeting**

Consideration of this item was continued to the meeting scheduled on October 14, 2010, by order of the Chair.

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

**5. 121 San Vicente Boulevard (Applicant: Mike Ahmar)**

Request for a Development Plan Review Permit and Variances to permit the construction of a new 40,050 square foot, 45-foot tall, medical and general office building with four levels of subterranean parking containing 183 parking spaces. The variances are requested to permit parking in a tandem configuration and to exclude the ground level parking/circulation areas from the definition of floor area. The project also requires consideration of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (Rita Naziri, Senior Planner).

**This item is continued from the July 8, 2010 Meeting**

The applicant team consisting of M. Amar, A. Megerdooian, K. Stockton, and A. Alexander, addressed the Commission. Public Comment was received from J. Foust, and R. Calad; A. Tseng submitted a letter and summarized the objections it contained.

After discussion, the Commission directed staff to prepare a resolution approving the project with minor modifications to the parking and internal circulation for consideration at the October 14, 2010 meeting.

**6. Adoption of CEQA 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. (Aaron Kunz, Assistant Director of Transportation).

**This item is continued from the July 22, 2010 Meeting**

The Commission requested an amended resolution modifying local thresholds of significance related to traffic impacts for consideration and adoption be prepared. The revised standards reflect City Council direction to make local thresholds more consistent with surrounding jurisdictions. The standards will be presented to the City Council at an upcoming meeting.

The Commission recessed at approximately 5:25pm. The Commission reconvened at 7:00pm with all Commissioners present.

- 7. Jim Falk Lexus; 9230 Wilshire Boulevard** (Applicant: Mitchell Dawson)  
Request for a General Plan Amendment, Zone Change (Overlay Zone); Conditional Use Permit; Alley Vacation and Encroachment Permit to allow the demolition of the existing 24,069 square foot, 34-foot tall Jim Falk Lexus Dealership and subsequent replacement with a new 56-foot tall (60-feet to the top of parapet and 69-feet to the top of the stair tower), 103,746 square foot dealership containing 147 parking spaces and 102 vehicle storage spaces within a four-level building with one level of subterranean parking. The new dealership is proposed to have 72 service bays and 3 detail bays. (David Reyes, Principal Planner)

The public hearing was opened and continued to a date uncertain. The applicant team included M. Dawson, R. Billin, and R. Anderson. Public comment was received from P. Katz, R. White, and A. Mahgerefteh. The Commission offered comments on the draft EIR and the project. Staff noted the public comment period for the draft EIR ends on October 18, 2010.

### **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**

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

- 8. Upcoming Meeting Schedule**

**THE MEETING WAS ADJOURNED AT 10:15PM.**

**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF OCTOBER, 2010.**

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Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT**

**PLANNING COMMISSION  
MINUTES OF**

**SEPTEMBER 23, 2010**

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

**PLANNING COMMISSION SPECIAL MEETING\*  
September 23, 2010  
\*3:00 PM (SPECIAL START TIME)**

**MINUTES**

**OPEN MEETING**

**ROLL CALL**

**Commissioners Present:** Cole, Corman, Furie, Vice Chair Yukelson (arrived at 3:05pm), and Chair Bosse.

**Commissioners Absent:** None.

**Staff Present:** J. Lait, D. Reyes, R. Naziri, 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.

**INFORMATION ITEM**

**State Required Adoption of Building Code 2010**

Oral presentation by the Assistant Director of Community Development / City Building Official, George Chavez regarding the upcoming 2010 California Building Standards Code, California Code of Regulations, Title 24 Ordinance presentation to the City Council on the October 5, 2010 meeting. The 2010 California Building Standards Code and local amendments will be effective beginning January 1, 2011

An oral presentation was made by Building Official Chavez and Building Inspector DeAnda, followed by questions and answers.

**OLD BUSINESS**

1. **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. (Rita Naziri, Senior Planner).  
**This item is continued from the September 16, 2010 Meeting.**

Staff noted that several comments had been received via email and provided copies to the Commission.

Attorney M. Fischer was present representing the applicant and to answer any questions.

Public comments opposed to the proposed project were made by: Jocelyne Siegel, David Siegel, Meshcot Ahmadi, Nasser Saghian, and Irving Pardo.

**ACTION:**

Moved by Commissioner Cole and seconded by Commissioner Furie.

An amended Resolution certifying the final Environmental Impact Report, adopting findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program was adopted.

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

**NOES:** Commissioner Corman.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

**ACTION:**

Moved by Commissioner Furie and seconded by Commissioner Yukelson.

That the Planning Commission adopt an amended resolution conditionally approving Tentative Tract Map No. 70035, a Density Bonus Permit, an R-4 Permit and a Development Review Plan to allow construction of a 14-residential condominium structure on the property located at 9936 Durant Drive.

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

**NOES:** Commissioner Corman.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

### **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. Medical (Bosse/Yukelson)
- c. Other contemplated subcommittees

### **COMMUNICATIONS FROM THE COMMISSION**

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

**2. Upcoming Meeting Schedule**

**3. Active Case List**

**THE MEETING WAS ADJOURNED AT 4:25 PM.**

**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF OCTOBER, 2010.**

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Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary

**DRAFT**

**PLANNING COMMISSION  
MINUTES OF**

**OCTOBER 14, 2010**

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

**PLANNING COMMISSION MEETING  
October 14, 2010  
1:30 PM**

**MINUTES**

**OPEN MEETING**

**ROLL CALL AT 1:35 PM**

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

**Commissioners Absent:** None.

**Staff Present:** J. Lait, D. Reyes, R. Gohlich, R. Naziri, M. McGrath, G. Chavez, J. DeAnda, 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**

A member of the audience requested the opportunity to comment on the item listed as Tab 4 due to time constraints which would not allow him to remain until that item was heard. Comment was heard from J. Seligman in support of the proposed project.

**CONSENT ITEMS**

**1. Adoption of CEQA Traffic Thresholds**

Adoption of a resolution approving 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 (Aaron Kunz, Assistant Director of Transportation). **Resolution requested at September 16, 2010 meeting – Public Hearing is Closed.**

**ACTION:**

Moved by Commissioner Yukelson and seconded by Commissioner Corman.

An amended resolution adopting traffic thresholds of significance for traffic impacts was adopted.

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

**2. 121 San Vicente Boulevard (Applicant: Mike Ahmar)**

Adoption of a resolution approving a Development Plan Review Permit and Variances to permit the construction of a new 40,050 square foot, 45-foot tall, medical and general office building with four levels of subterranean parking containing 183 parking spaces. The variances are requested to permit parking in a tandem configuration and to exclude the ground level parking/circulation areas from the definition of floor are. The Commission will also consider a resolution adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (Rita Naziri, Senior Planner). **Resolution requested at September 16, 2010 meeting – Public Hearing is Closed**

**ACTION:**

Moved by Commissioner Yukelson and seconded by Commissioner Furie.

The resolution conditionally approving a Development Plan Review for construction of a Commercial Building for Medical and General Office Uses and Four levels of Subterranean Parking; conditionally granting Variances to allow Tandem Parking Spaces and Exclusion of the Ground Floor Parking Areas from the Floor Area calculation; and adopting a Mitigated Negative Declaration was adopted.

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

**OLD BUSINESS**

**3. 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.

Public Comment was heard from Yvonne Cross in support of the proposed zoning change and requesting relief for her property under the proposed action.

The Commission requested a resolution with an amended Ordinance in redline/strikeout be returned for consideration at the October 28, 2010 meeting. The Public Hearing remains open.

**ACTION:**

Moved by Commissioner Furie and seconded by Vice Chair Yukelson.

Consideration of this item was continued to the meeting to be held October 28, 2010. The public hearing remains open.

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** None.

**CARRIED.**

**NEW BUSINESS**

**4. 9465 Wilshire Boulevard/Equinox Fitness Club (Applicant: Murray Fischer)**

Request for a Conditional Use Permit to allow an approximately 37,000 square foot exercise club to be located on the ground floor of a building located within the Business Triangle, occupy more than 25 feet of street frontage within the pedestrian Oriented Area, and utilize shared parking facilities in order to satisfy the parking requirements set forth in the Municipal Code. (Ryan Gohlich, Associate Planner).

Commissioner Corman recused himself from this item and left the meeting.

Public Comment was heard from M. Egerman, G. Weiss, K. Pucci, T. Elliott, R. Norton and J. Luchs read a statement for B. Meyer. The Chair read comments received from G. Weiss.

**ACTION:**

Moved by Commissioner Furie and seconded by Vice Chair Yukelson.

Consideration of this item was continued to the meeting scheduled to be held on November 23, 2010. The public hearing remains open.

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

**NOES:** None.

**RECUSED:** Commissioner Corman.

**ABSENT:** None.

**CARRIED.**

Commissioner Corman returned to the meeting.

5. **9001 Wilshire Boulevard (Applicant: Beverly Hills Surgery Center)**  
Request for an overnight stay permit to allow stays of less than 24 hours in a specialty clinic, for ambulatory surgical care patients who may need additional recovery time from surgery performed earlier in the day. The request is to allow no more than four (4) patients to remain overnight at any one time. No patients would not be admitted or discharged during overnight hours (10 PM to 6 AM).

**ACTION:**

Moved by Commissioner Furie and seconded by Vice Chair Yukelson.

The amended resolution conditionally approving an overnight stay permit for the Beverly Hills Surgery Center at 9001 Wilshire Boulevard was adopted.

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

**NOES:** None.

**ABSTAIN:** Chair Bosse

**ABSENT:** None.

**CARRIED.**

## **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. Medical (Bosse/Yukelson)
- d. Other contemplated subcommittees

## **INFORMATION ITEM**

### **6. State Required Adoption of Building Code 2010**

Continued oral presentation by the Assistant Director of Community Development / City Building Official, George Chavez regarding the upcoming 2010 California Building Standards Code, California Code of Regulations, Title 24 Ordinance presentation to the City Council on the October 18, 2010 meeting. The 2010 California Building Standards Code and local amendments will be effective beginning January 1, 2011.

The Commission provided comments on the City's Green Building requirements to be presented by staff to the City Council when this item is presented at the Council meeting on October 18, 2010.

## **COMMUNICATIONS FROM THE COMMISSION**

## **COMMUNICATIONS FROM THE CITY PLANNER**

### **7. Upcoming Meeting Schedule**

### **8. Active Case List**

**THE MEETING WAS ADJOURNED AT 6:25 PM.**

**PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF October, 2010.**

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Lili Bosse, Chair

Submitted by Jonathan Lait, Secretary