



Planning Commission Report

Meeting Date: December 19, 2011

Subject: **GATEWAY PROJECT (9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard):** Resolution to Deny the Development Plan Review Application for 9848 Wilshire Boulevard and Review of the Draft Overlay Zone Objectives and Development Standards

PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission to take the following actions:

1. Adopt the resolution denying a Development Plan Review for the 9848 Wilshire Boulevard property;
 2. Review and provide direction on the proposed overlay zone objectives and Development Standards;
 3. Continue the public hearing to a future date.
-

REPORT SUMMARY

This report transmits a resolution denying the Development Plan Review for the 9848 Wilshire Boulevard property and a draft outlines of overlay zone objectives and development standards for the subject properties. The project applicants, Maynard Brittan and Jeff Mirkin, have submitted a request for a continuance to a future Planning Commission meeting in 2012. The e-mails requesting a continuance is attached for the Planning Commission consideration.

BACKGROUND

On November 22, 2011, the Planning Commission held a public hearing to discuss the proposed overlay zone objectives and development standards. The Planning Commission also reviewed the proposed project on Parcel 2 located at 9848 Wilshire Boulevard. After receiving public testimony, presentation from the project applicants, reviewing the proposed overlay zone and proposed project on Parcel 2, directed staff:

1. To prepare a resolution denying the Development Plan Review for the 9848 Wilshire Boulevard Project (parcel 2), and;
2. To refine the proposed overlay zone objectives and development standards; and,
3. Continued the discussion of the overlay objectives and development standards to December 19, 2011.

In addition, the Commission discussed a zone change to apply the Transportation Overlay (T-O) zoning designation to the properties located at 9848 Wilshire Boulevard and 9900 Santa Monica Boulevard to

Attachment(s):

- A. Continuance requests
- B. Staff Report dated November 22, 2011

Report Author and Contact Information:

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allow surface parking use for the Parcel 1 and Parcel 2 properties. This item will return to the Commission as a noticed public hearing at a later date.

The resolution denying the Development Plan Review is attached for the Planning Commission consideration.

PROPOSED OVERLAY ZONE

The Planning Commission reviewed the proposed overlay zone objectives and standards and made the following recommendation:

Overlay Objectives

At its meeting of November 22, 2011, the Planning Commission reviewed staff's suggested overlay objectives and recommended the following changes identified below:

1. Development within the Overlay Zone is consistent with the elements of the City's General Plan;
2. The scale and massing of the development within the Overlay Zone is compatible with the character of Santa Monica Boulevard South Road Way and Santa Monica North Roadway through appropriate height limits, floor area ratios, modulation, and setbacks;
3. Development within the Overlay Zone will contribute to and enhance the character of the neighborhood and foster an appropriate mix of uses including a pedestrian friendly environment in the vicinity of the development;
4. Development within the Overlay Zone provides an appropriate amount of parking in consideration of the existing parking shortage in the vicinity of the development and the proposed uses;
5. Development within the Overlay Zone promotes the garden quality of the City through appropriate green space and pedestrian amenities including walkways and paths;
6. Development within the Overlay Zone does not result in detrimental impacts to existing or anticipated development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
7. Development within the Overlay Zone incorporates adequate land dedications that may be needed for possible future transportation improvements;
8. Development within the Overlay Zone incorporates iconic architecture to enhance this gateway to the City; and
9. Development within the Overlay Zone includes public benefits.

Development Standards

In addition to the draft objectives identified above, draft development standards were presented to the Commission for its review and discussion at the meeting of November 22, 2011. The Planning Commission discussed the following development standards at the meeting and continued the matter for additional discussion to the December 19 meeting. The following are suggested development standards by the Commission for further discussion and recommendation to the City Council.

1. Permitted Uses:

Any permitted uses in the C-3 Zone including:

- Office
- Retail & restaurants
- Galleries
- Museums
- Boutiques Hotels
- Residential uses above ground floor (rental)

2. Prohibited Uses

- All uses prohibited in C-3 Zone including medical office and night clubs

3. Height/Story Restriction

The Planning Commission discussed the proposed height restriction for the future development on the subject properties. After lengthy discussion, the following options were suggested by the Commission for further discussion at this meeting:

- a. Maximum height for the proposed development within the Gateway Overlay Zone shall not exceed 3-stories, 38' in height, measured from the highest point of grade.
- b. Maximum height for T-1 Zone properties shall be one-story, 18' in height. A Joint development of T-1 zoned and C-3 zoned properties, the maximum height shall be 45-feet, measured from the lowest point grade at South Santa Monica.
- c. Maximum height for the proposed development within the Gateway Overlay zone shall be 3-stories, 45-feet high, measured from highest point of grade.

4. Floor Area Ratio

The Planning Commission discussed the floor area restriction for the proposed Gateway Overlay Zone at the meeting and suggested the following options:

- a. The maximum allowable density shall be 2.0:1 for C-3 zoned properties, and 1.5:1 for T-1 zoned properties, with a maximum of 1.75:1 FAR for the combined C-3 and T-1 zoned properties;
- b. The maximum allowable density for C-3 zoned properties shall be 2.0:1 and 1.0:1 for T-1 zoned properties, with a maximum of 1.5:1 FAR for the combined C-3 and T-1 zoned properties.

- c. The maximum allowable density for C-3 zoned properties shall be 2.0:1 and 0.5:1 for T-1 zoned properties, with a maximum of 1.5:1 for the combined C-3 and t-1 Zoned properties.

5. Required Setbacks

The Planning Commission suggested the following setbacks for the development within the Gateway Overlay Zone:

- a. Setback on North Santa Monica Boulevard: Average 25' with a minimum of 15-feet as measured from the curb,
- b. Setback on Wilshire Boulevard: 20' with green space

6. Green space

Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone.

7. Dedication

Dedication required for roadway improvements shall be provided as identified in a Planned Development Permit, consistent with the objectives contained in the Overlay Zone.

8. Required Parking

The Planning Commission suggested the following parking standards:

- a. Development of T-1 zoned properties only: One space per 200 sq.ft. of floor area
- b. C-3 zoned properties and T-1 Zone combined development: One space per 250 sq.ft. floor area
- c. One space per 350 sq.ft. with requirement for additional parking to make up for the parking deficiency in the area and in order to remove the on-street parking along South Santa Monica Boulevard to widen the sidewalk and to promote pedestrian activity in the area.

9. Loading Facilities

Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone.

Process

Under the simplified scenario discussed here, entitlement processing would be multi-phased and separated into two steps, the first to create an overlay zone and the second to apply the overlay to a specific parcel and development project. Each step is discussed below.

Step 1: Creation of Overlay Zone

Under a multi-phased approach, the first steps would be:

General Plan Amendment to change the existing Railroad land use designation.

Creation of a Gateway Overlay Zone:

- Specific Objectives; and
- Development Standards
- Require Planned Development

Step 1 could be accomplished within the construct of the existing zone change applications and the EIR pending before the Planning Commission.

Step 2: Application of the Overlay to Specific Parcels

Subsequent to the creation of an appropriate Overlay Zone by the Planning Commission and City Council, individual property owners would be required to submit applications:

- To apply the Overlay Zone to their specific parcel;
- For a Planned Development Permit to ensure that proposed development is consistent with the standards and objectives of the Overlay Zone; and
- For environmental analysis to evaluate and document potential environmental effects that might result from a specific development proposal, consistent with the requirements of CEQA.

Under this approach, Step 2 would occur sometime in the future, when a property owner proposes a project consistent with the objectives and standards identified in the Overlay Zone.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

1. Adopt the resolution denying a Development Plan Review for 9848 Wilshire Boulevard property (Parcel 2);
2. Review and provide direction on the proposed overlay zone objectives and development standards;
3. Continue the public hearing to a future date or;
4. Continue the entire matter to a future date.

Report Reviewed By:

David Reyes, Principal Planner

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS DENYING A REQUEST FOR A DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF A NEW FOUR-STORY, COMMERCIAL BUILDING CONTAINING 90,000 SQUARE FEET FLOOR AREA AND 307 PARKING SPACES AT 9848 WILSHIRE BOULEVARD

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

Section 1. Wilco, LLC, (Jeffery Wilson) property owner (hereinafter referred to as the “Applicant”), has submitted application requesting approval for a Development Plan Review to allow construction of a four-story, sixty six foot, eight inch tall height commercial building containing approximately 90,000 square feet of floor area and 307 parking spaces to be located at 9848 Wilshire Boulevard (the “Project”).

Section 2. The 1.15-acre property (also referred to as Parcel 2 of the Gateway parcels) consists of four assessor’s parcels and is located just south of Wilshire Boulevard. The largest of the parcels of the subject property is zoned T-1 (Transportation) and fronts on North Santa Monica, and the smaller parcels are zoned C-3 (commercial), two of which are front on South Santa Monica Boulevard and one fronts on both South Santa Boulevard and Wilshire Boulevard. The T-1 zone property is vacant and undeveloped, although the northeastern portion is currently used for surface parking. The C-3 zoned properties are developed with three one-story commercial buildings totaling approximately 9,633 square feet. Primary access to the existing commercial uses is currently taken from South Santa Monica Boulevard. The property has approximately 590 feet of frontage on

North Santa Monica Boulevard, 95 feet of frontage on Wilshire Boulevard and 283 feet of frontage on South Santa Monica Boulevard.

Section 3. The Applicant's proposal includes three levels of subterranean garage accessed from South Santa Monica Boulevard and Charleville Boulevard. As proposed, the project would be setback 6-feet from Wilshire Boulevard and 116-feet from the westerly edge of the project.

Section 4. By separate application, the Applicant and two other separate property owners of T-1 Zoned properties requests a General Plan Amendment and application of the C-3 zoning to all three "T" zoned properties to allow commercial development, including development of retail, office and parking uses. The applications required the preparation of an EIR pursuant to the California Environmental Quality Act. The Project cannot be approved without the requested amendments to the zoning and general plan. After numerous public hearings and subcommittee meetings, the Planning Commission determined not to support the application of C-3 Zone Standards to the subject properties, including the project site. Rather than the C-3 standards, the Planning Commission is in process of considering an Overlay Zone with specific objectives and standards to guide the future development of the subject properties.

Section 5. The Planning Commission held duly noticed public hearings to consider the Project and the EIR on March 24, 2011 and November 21, 2011. Evidence, both written and oral, was presented at said hearings.

Section 6. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the “EIR”) for the Project to analyze the Project’s potential impacts on the environment. However, pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15061(b)(4), a project that is denied or rejected by the City is exempt from the requirements of CEQA. Accordingly, the Planning Commission finds that the denial of the requested Development Plan Review is exempt from the requirements of CEQA.

Section 7. In considering the application for Development Plan Review, the Planning Commission evaluated the following criteria pursuant to Municipal Code Section 10-3.3104:

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area.
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

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

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

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

Section 8. Based upon the evidence presented, including the staff report and oral testimony, the Planning Commission hereby finds that the proposed plan is not consistent with the General Plan land use designation or the applicable zoning on the subject property including Transportation and Commercial zones. The subject property is located at the gateway to the City and across from the City's Beverly Gardens Park and the Beverly Hilton Hotel Revitalization Project which would include a substantial setback and greenery. Pursuant to the recommendations by the City Council/Planning Commission Liaison meetings, any development within the project site shall provide additional parking for the area, appropriate setbacks with green belt, opportunities for transportation improvements, an iconic architecture and building modulation. The proposed project provide a green space and additional parking to serve the neighborhood; however, as proposed, the Project does not provide an appropriate setbacks along North Santa Monica Boulevard and Wilshire Boulevard to provide substantial greenery and opportunities to transportation improvements. As proposed, the Project would adversely affect existing and anticipated development in the

vicinity, will not promote harmonious development of the area because of the bulk and mass of the proposed structure, inappropriate for the project site and is not in the best interests of the public or the general welfare.

Section 9. Based upon the forgoing, the Planning Commission hereby denies the application for a Development Plan Review for the project.

Section 10. 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:

Daniel Yukelson
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

Attachment A

**Planning Commission Report
of November 22, 2011**



Planning Commission Report

Meeting Date: November 22, 2011

Subject: **GATEWAY PROJECT (9900 Santa Monica Boulevard, 9848 Santa Monica Boulevard & 9817 Santa Monica Boulevard):** Final Environmental Impact Report for a Request for a General Plan Amendment and Zone Change on three T-1 zoned properties and a Development Plan Review for the construction of a new three-story, 45-foot in height office building containing approximately 90,000 square feet of floor area and 274 parking spaces.
PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

Recommendation: That the Planning Commission direct staff to:

1. Review and provide direction on the proposed overlay objectives;
 2. Direct staff to prepare resolutions:
 - a) To certify the FEIR
 - b) Amend the General Plan to allow Commercial –Low Density General; and
 - c) Amend zoning code to allow implementation of the Gateway Overlay Zone;
 - d) Resolution to deny Wilson Project at 9848 Santa Monica Boulevard.
 3. Continue the public hearing to January 26, 2012.
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REPORT SUMMARY

This report transmits the recommendation of the City Council/Planning Commission Liaison meetings regarding this project, provides information about revisions to the Wilson Project and outlines potential overlay objectives and development standards for the properties.

BACKGROUND and SUBCOMMITTEE REPORT

On March 24, 2011, the Planning Commission held a public hearing (Attachment A, Staff Report) to discuss the project and continued the matter to a date uncertain with direction to arrange a Beverly Hills City Council Council/Planning Commission Liaison Committee meeting. On April 19, and August 3, 2011, the Council liaisons (Vice Mayor Brien and Councilmember Bosse) met with Planning Commission Chair Yukelson and Vice Chair Corman and the project applicants to discuss the future development of the three subject parcels.

The Liaison Committee concluded that some development of the properties is appropriate, but the following points should be considered:

Attachment(s):

- A. PC Staff Report dated March 24, 2011
- B. Architectural Plans (under separate cover)
- C. FEIR

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- The C-3 regulations are not the right standards to apply to the future development of these properties;
- Developers of the project site should be encouraged to consolidate the C-3 lots fronting Santa Monica Boulevard South Road Way;
- The three properties may be evaluated independently;
- Development of the site should include ample green space;
- Development of the site should include a generous setback from North Santa Monica Boulevard;
- Development of the site should include adequate modulation, low height and density; however, higher height may be considered based on providing public benefit incentives such as additional parking;
- Development should encourage and promote pedestrian mobility and activity by incorporating uses other than just general office such as restaurant and retail;
- Development should include additional for the area parking;
- Development should consider removing metered parking spaces on Santa Monica South Road Way and placing public parking on the development site;
- Development should provide dedication along Santa Monica North Road Way to provide a bike path along the road;
- Development should incorporate iconic architecture befitting the Gateway location of the properties; and
- Applicants should meet individually with the Planning Commission Subcommittee for additional discussion.

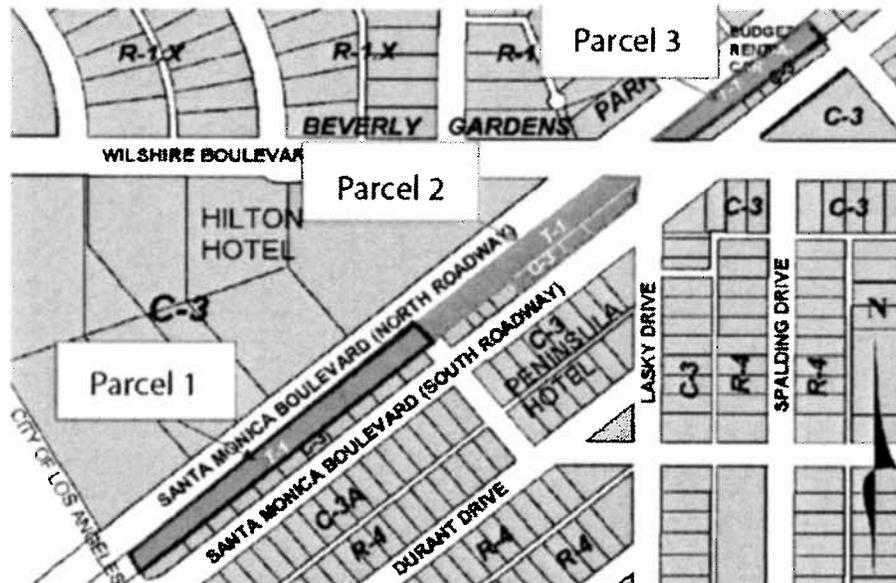
Pursuant to the Liaison committee's direction, the Planning Commission Subcommittee met with the project developers separately on September 14, 2011, September 19, 2011, October, 4, 2011 and October 10, 2011. Three themes emerged from the Planning Commission meetings with individual applicants: 1) some development of the properties may be appropriate; 2) a zone change to the C-3 does not appear provide the appropriate standards to guide development; and 3) draft zoning overlay objectives and standards should be prepared by staff for review by the full Commission.

For reference, the project analyzed in the Environmental Impact Report as well as the Wilson's revised project is described below.

PROJECT DESCRIPTION

The proposed project involves the rezoning of three parcels totaling approximately 3.0 acres from the T-1 (Transportation Zone) to the C-3 (Commercial Zone), a General Plan Amendment to designate all three properties as Commercial - Low Density General, and development of an approximately 90,000-square foot office building on one of the three parcels. Each parcel is separately owned.

Project Location Map



PROJECT ANALYZED IN ENVIRONMENTAL IMPACT REPORT

PARCEL 1 PROPOSED PROJECT: General Plan Amendment to designate the property for Low-Density General Commercial uses and a Rezone to the C-3 classification. Since no development project is proposed, for the purposes of EIR analysis the site was assumed to be developed with a 3-story, 45-foot in height commercial building with a 2:1 Floor Area Ratio containing 112,346 square feet of office floor area and 7,100 square feet of ground floor retail space providing 341 parking spaces.

In order to develop the site to the extent assumed in this analysis, two adjacent parcels that front on South Santa Monica Boulevard would need to be incorporated into the conceptual model project. These parcels would be necessary to give the project sufficient subterranean space to develop a viable parking garage, and to provide pedestrian access opportunities from Little Santa Monica. The subject property owner currently has ownership of two lots on Little Santa Monica, so this is a reasonable assumption.

PARCEL 2 PROJECT REVIEWED IN EIR: General Plan Amendment and Rezone similar to Parcel 1 for portion of property within the T-1 Zone. The project proposes a 3-story, 90,000 square foot office building with four levels of subterranean parking containing 274 parking spaces. As proposed, the project would be setback 6-feet from Wilshire Boulevard and 18-feet from the westerly portion of the project, at the intersection of Wilshire/North Santa Monica/South Santa Monica Boulevards.

PARCEL 3 PROPOSED PROJECT: Similar to Parcel 1, Parcel 3 contemplates a General Plan Amendment and Rezone only – no development project is proposed at this time. For the purposes of analyzing potential impacts of the full buildout of this property under C-3 standards, the EIR assumed incorporation of the adjacent C-3 zoned parcels fronting along Little Santa Monica, which are held under common ownership with Parcel 3. The assumed buildout evaluated in the EIR is a 3-story, 45-foot in

height commercial building with a 2:1 Floor Area Ratio containing 31,307 square feet of ground floor retail floor area and 41,920 square feet of office area located at the second and third floors. The analysis assumed 3-levels of subterranean parking containing 209 parking spaces.

REVISED PARCEL 2 PROJECT

Subsequent to subcommittee meetings with Wilson, a revised project for Parcel 2 has been submitted to staff. Although no formal changes to the applications for Parcels 1 and 3 have been submitted, each of these applicant teams have discussed the possibility of an overlay zone for their respective properties in lieu of the existing applications on file for a C-3 zoning classification.

A revised Parcel 2 Project was submitted to the City Council/Planning Commission liaisons and refined through the Planning Commission meetings with each applicant.

PARCEL 2 REVISED PROJECT: Approval of the revised project would require approval of a General Plan Amendment and zoning text amendment to establish development standards that exceed existing regulations as well as additional environmental review and re-circulation of the Environmental Impact Report. Although the proposed floor area, access locations and configuration of the revised project remain the similar to the original project, the table below identifies the differences, including a newly proposed fourth story:

| Category | Original Project | Revised Project |
|----------------|--|---|
| Floor area | 90,000 sq.ft. of office use | 90,000 sq.ft. of office use and retail |
| Use | Office | Retail (15,523 sq.ft.) & Office |
| FAR | 2.0 | 2.0 |
| Parking | 271 parking spaces in four subterranean levels | 307 parking spaces including 39 compact parking spaces in a three subterranean levels. Garage would extend 9' beyond the property line, under public right-of-way(Santa Monica roadway south and North) |
| Loading | 3 loading within the subterranean garage | 3 loading spaces at grade |
| Height/stories | 42' high, 3-stories | 65', 4-stories |
| Setbacks | North(Side) 0' East(Front) 0' South (side) West(Rear) 18' | North(Side) 6' East(Front) 0' South (Side) 0' West (Rear) 116' |

Revised project plans are provided in Attachment B.

Environmental Assessment

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines¹, and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City prepared an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. As indicated above, the DEIR was previously circulated for public review on November 3, 2008 for the required 45-day public comment period. The Planning Commission's meeting of November 20, 2008 allowed for added public testimony regarding the DEIR. In addition, the Planning Commission provided comments on the adequacy of the document and requested additional analysis to be included in the FEIR (Attachment D).

The FEIR is adequate for the legislative portions of the project, i.e., for a General Plan Amendment and the establishment of an overlay zone, however additional analysis and documentation would be required prior to the approval of a development project. Additional information regarding the FEIR is provided in the March 24 Staff Report (Attachment A).

DISCUSSION

Applications have been submitted by three separate property owners of T-1 zoned land for a zone change to the C-3 Zone and have been in the processing stages for several years and the required EIR has been completed. After numerous public hearings and subcommittee meetings, if the Planning Commission is inclined to support the approval of any entitlements on the site, staff recommends following the procedure identified below. Alternatively, if the Commission is not inclined to support development of the site, staff would request that the Planning Commission direct staff to prepare resolutions denying the project.

ZONE CHANGE/GENERAL PLAN AMENDMENT

Applications for a zone change from the T-1 to the C-3 Zone have been submitted to the City along with corresponding General Plan Amendments. Based on the meetings of the City Council Liaison Committee and Planning Commission Subcommittee, staff does not believe that applying the C-3 Zoning standards to the subject properties would result in development appropriate to the size, location and configuration of these parcels.

Rather, than the C-3 standards, the creation of an Overlay Zone with specific objectives and standards would be a better solution to guide the future development of the subject properties. Moreover, because incorporation of abutting parcels on South Santa Monica Boulevard would be encouraged for any development of the existing T zoned lots, staff would suggest that the proposed Overlay Zone be applicable to all subject properties and all adjacent properties fronting Santa Monica Boulevard South Roadway.

¹ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

Under the simplified scenario discussed here, entitlement processing would be multi-phased and separated into two steps, the first to create an overlay zone and the second to apply the overlay to a specific parcel and development project. Each step is discussed below.

Step 1: Creation of Overlay Zone

Under a multi-phased approach, the first steps would be:

General Plan Amendment to change the existing Railroad land use designation.

Creation of a Gateway Overlay Zone:

- Specific Objectives; and
- Development Standards
- Require Planned Development

Step 1 could be accomplished within the construct of the existing zone change applications and the EIR pending before the Planning Commission.

Step 2: Application of the Overlay to Specific Parcels

Subsequent to the creation of an appropriate Overlay Zone by the Planning Commission and City Council, individual property owners would be required to submit applications:

- To apply the Overlay Zone to their specific parcel;
- For a Planned Development Permit to ensure that proposed development is consistent with the standards and objectives of the Overlay Zone; and
- For environmental analysis to evaluate and document potential environmental effects that might result from a specific development proposal, consistent with the requirements of CEQA.

Under this approach, Step 2 would occur sometime in the future, when a property owner proposes a project consistent with the objectives and standards identified in the Overlay Zone.

OVERLAY OBJECTIVES AND STANDARDS

Overlay Objectives

To further advance a multi-phased approach, staff has identified the following objectives that could be included in a Gateway Overlay Zone:

- Development within the Overlay Zone is consistent with the elements of the City's General Plan;
- The scale and massing of the development within the Overlay Zone is compatible with the character of Santa Monica Boulevard South Road Way and Santa Monica North Roadway through appropriate height limits, floor area ratios, modulation, and setbacks;

- Development within the Overlay Zone will contribute to and enhance the character of the neighborhood and foster an appropriate mix of uses including a pedestrian friendly environment in the vicinity of the development;
- Development within the Overlay Zone provides an appropriate amount of parking in consideration of the existing parking shortage in the vicinity of the development and the proposed uses;
- Development within the Overlay Zone promotes the garden quality of the City through appropriate green space;
- Development within the Overlay Zone does not result in detrimental impacts to existing or anticipated development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.
- Development within the Overlay Zone incorporates adequate land dedications that may be needed for possible future road widening;
- Development within the Overlay Zone incorporates iconic architecture to enhance this gateway to the city; and
- Development within the Overlay Zone includes public benefits.

Development Standards

In addition to the draft objectives identified above, following are draft development standards that could be included within a Gateway Overlay Zone:

| | |
|--------------------------|---|
| Permitted Uses | Office, retail, restaurants, galleries and museums |
| Prohibited Uses | All uses prohibited in C-3 Zone including medical office |
| Height/Story Restriction | No building shall exceed three stories as defined in BHMC 10-3-100. Building height shall not exceed a maximum of 45 feet as defined in BHMC 10-3-100. |
| Floor Area Ratio | Development within the Gateway Overlay zone may have floor area ratio ranging from 0.5:1 to a maximum allowed density of 1.5:1. The actual permitted floor area of any development located within the Gateway Overlay Zone shall be as set forth in an approved Planned Development Permit. However, any project that is proposed solely on property located within the T-1 Zone shall not exceed a floor area ratio of 0.5:1, while a project that incorporates at least three immediately abutting parcels fronting along South Santa Monica Boulevard may be developed with a floor area ratio of up to 1.5:1. |

| | |
|--------------------|---|
| Setbacks | Setbacks shall be provided as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone. Building setbacks along North Santa Monica Boulevard shall be an average of 15-feet as measured before any required land dedication. The minimum setback shall 12-feet. |
| Green space | Any setback located along Santa Monica Boulevard North Roadway shall be landscaped as authorized in a Planned Development Permit, consistent with the objectives contained within the Overlay Zone. |
| Dedication | Dedication required for roadway improvements shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone. |
| Parking | Parking shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone. |
| Loading Facilities | Loading facilities shall be provided as identified in a Planned Development permit, consistent with the objectives contained in the Overlay Zone. |

ANALYSIS

The subject applications have been pending before the City for several years. Although there has been discussion of development of the T-1 parcels for a variety of public uses including parking, bus-only lane, bike path separated from traffic lanes, a green belt or other transportation use, the City Council has not acquired the land or stated any policies that would exercise any of these conceptual public uses.

Various studies have been prepared for the private development of these properties and funded by the property owners, including a Land Use Study and an Environmental Impact Report. There have been numerous public hearings regarding the proposed zone changes, including Ad Hoc and Subcommittee meetings.

While limited development of the property may be appropriate, the C-3 zoning designation is not appropriate because these standards would allow development with a floor area ratio of 2:1, a 3-story, 45-foot height limit and no setback requirements. Given the properties location at one of the City's main entrances adjacent to a major regional intersection and in consideration of the properties' size and configurations, the establishment of an overlay zone with objectives and standards that reflect the Commission's vision of the future development of these properties seems to be the appropriate course of action.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, receive public testimony and:

- Direct staff to prepare a Gateway Overlay Zone and corresponding General Plan Amendment;
- Direct staff to prepare a resolution denying all three applications for a zone change to the C-3 Zone and the development project proposed on Parcel 2.

Report Reviewed By:

David Reyes, Principal Planner

Attachment B

Continuance Requests

Rita Naziri

From: Robert Bird <rbird@budgetsocal.com>
Sent: Thursday, December 15, 2011 3:53 PM
To: Rita Naziri
Cc: Jeff Mirkin; Steve Bird; Alan Liker; mdfrelaw@earthlink.net; wilcojw@gmail.com; Mdawsonlaw@aol.com; David Reyes; ghb@roxburymgt.com; lsilver@ecjlaw.com; Birddotkom@aol.com
Subject: Request for continuance of 12-19-11 meeting

Dear Rita Naziri,

Both Jeff Mirkin and myself, as owners of Parcel #3; 9817 Wilshire Blvd concur with the other property owners of Parcel#1 & Parcel#2 and request a continuance of the Gateway Project which is currently scheduled for the December 19, 2011 Planning Commission meeting.

Please be so kind as to confirm the receipt of our request and further confirm that the continuance has been granted.

Robert Bird
M2B2, LLC &
Budget Rent a Car of Southern California
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(310) 273-4734 Fax
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Rita Naziri

From: Graydon Brittan <ghb@roxburymgt.com>
Sent: Tuesday, December 13, 2011 12:27 PM
To: Rita Naziri
Cc: Maynard Brittan; Mdawsonlaw@aol.com
Subject: request for a continuance...

Dear Ms. Naziri,

Please accept this as our official request for a continuance until after the New Year of the Planning Commission meeting on December 19th to consider our rezoning application for the Roxbury Management property on the 9900 Block of Santa Monica Blvd. I will be out of town and Maynard Brittan will also be unable to attend for personal reasons. We feel it is imperative to be present for these very important meetings.

Thank you,

Graydon Brittan, for
Roxbury Management Company