



# Planning Commission Report

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**Meeting Date:** February 9, 2012

**Subject:** 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard & 9817 Wilshire Boulevard- Gateway Project: Review of the Draft Gateway Overlay Zone Objectives and Development Standards

**Continued from January 26, 2012**

**PROJECT APPLICANT:** Jeffrey Wilson, Maynard Brittan and Jeff Mirken

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

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the City Council recommending adoption of an Overlay Zone and General Plan Amendment

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## REPORT SUMMARY

This report is to memorialize the Planning Commission discussion on the proposed overlay zone objectives and development standards on January 26, 2012.

## BACKGROUND

At meeting of January 26, 2012, the Planning Commission conducted a site visit, reviewed the proposed overlay zone and continued the matter to February 9, 2012. The staff report dated January 26, 2012 is attached for reference.

## PROPOSED OVERLAY ZONE

The following were discussed at the January meeting:

### Objectives

The following concepts were added to overlay objectives:

- Active transportation
- Pedestrian connectivity
- Increase green space

Attachment(s):

- A. Staff Report dated January 26, 2012

Report Author and Contact Information:

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### Development Standards

- Permitted Uses: Museum and boutique hotels to be studied by the EIR consultant for any anticipated impacts.
- T-1 zone Development: 0.5 FAR One-story, 18' high with a 30' setback along North Santa Monica Boulevard,
- Combined Development:
  - FAR: 1.5 overall FAR (2.0 for C-3 zone properties). The FAR will be informed by sensitivity study.
  - Height for combined development: 3-stories, 45' high, measured from highest point of grade,
  - Setback for combined development: 17' average setback along North Santa Monica Boulevard (accepted by majority of the Commission).

### Discussion items

- Review of the development standards that were previously provided. Staff requests guidance on:
  - Wilshire Boulevard setback,
  - parking,
  - Green space,
  - Modulation,
  - Loading,
  - Consideration for additional height for Parcel 2 by providing additional setback along North Santa Monica Boulevard.

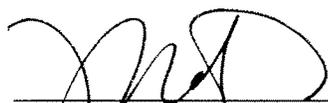
The draft sensitivity study will be available at the meeting for the Commission consideration.

### NEXT STEPS

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

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the city Council recommending adoption of an Overlay Zone and General Plan Amendment

### Report Reviewed By:



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Jonathan Lait, AICP

## Attachment A



# Planning Commission Report

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PROJECT APPLICANT: Jeffrey Wilson, Maynard Brittan and Jeff Mirken

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

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## REPORT SUMMARY

This report transmits draft overlay zone objectives and development standards for the subject properties for further discussion and recommendation to the City Council.

## BACKGROUND

At its meeting of November 22, 2011, the Planning Commission reviewed the proposed overlay zone objectives and standards and made recommendation on the proposed overlay zone.

On December 19, 2011, the Planning Commission held a public hearing to consider a resolution denying the Development Plan Review application for the proposed project on Parcel 2 located at 9848 Wilshire Boulevard. However, after discussion, the Planning Commission continued a formal action on the proposed project until the conclusion of the overlay zone discussion.

In addition, at the request of Mr. Jeff Wilson and Mr. Maynard Brittan, the discussion about 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 allow surface parking use for the Parcel 1 and Parcel 2 properties was postponed to a future meeting. This item will return to the Commission as a noticed public hearing at a later date.

## PROPOSED OVERLAY ZONE

The following objectives were previously reviewed and modified by the Planning Commission.

**Attachment(s):**

- A. Applicant letter
- B. Staff Report dated November 22, 2011

**Report Author and Contact Information:**

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### Overlay Objectives

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

The following development standards were reviewed by the Commission and require further discussion.

#### **1. Permitted Uses:**

Any permitted uses in the C-3 Zone including:

- Office
- Retail & restaurants
- Galleries
- Museums
- Boutique 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**

- a. T-1 zone Properties: one-story, 18 feet in height.
- b. A combined development of T-1 zoned and C-3 zoned properties, the maximum height discussed was three-stories and 38' to 45' depending on whether height is measured from the highest or lowest grade elevation.

**4. Floor Area Ratio**

- a. C-3 Zoned properties: 2.0:1 maximum allowable density (unchanged by overlay zone)
- b. T-1 Zoned properties: the maximum floor area ratio considered ranged from 0.5:1, 1.0:1 or 1.5:1,
- c. Combined development of C-3 and T-1 Zones: the maximum floor area ratio considered ranged from 1.5:1 to 1.75:1.

**5. Required Setbacks**

- 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**

- a. T-1 zoned properties development only: One space per 200 sq.ft. of floor area
- b. C-3 zoned properties and T-1 Zone combined development: the required parking ratio ranged from one space per 250 sq.ft. floor area and 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.

## **DISCUSSION**

### **Overlay Zone**

The Planning Commission discussed the proposed standards for the future development on the subject properties and suggested variable options as development standards. Staff requesting guidance on the following issues:

1. Use: The EIR prepared for the project did not consider some of the suggested uses such as museum or hotel developments on the project sites. If these are the uses the Planning Commission wants allowed on these parcels, additional environmental analysis is required.
2. Height: the recommended heights are varied from 38' to 45' with different datum points for height measurements. Staff seeks clarification on proposed height and recommends following a methodology used elsewhere in the City, which is measured from highest grade.
3. Floor area: Staff seeks clarification on the FAR calculation for a development that includes a T-1 Zone property and two or more adjacent C-3 properties. Specifically, would the increased floor area extend to the entire T-1 lot or only those portions immediately adjacent to the C-3 zoned properties that are part of the proposed development.
4. Setback on North Santa Monica Boulevard;  
The applicant team has expressed concerns with the Planning Commission required setback from North Santa Monica Boulevard. It is anticipated that the applicant will make a presentation regarding the effect of the Planning Commission recommended setback on development of the project site. The North Santa Monica setback discussion will also be informed by the required building separation requirement, set forth in the Building Code, which is described below.
5. Parking ratio and percentage of additional parking: Staff seeks guidance on the parking ratio required for the development of the project site.

### **Building Code Requirements**

The subject T-1 Zone properties are adjacent to existing commercially zoned properties that are developed by one to three story commercial buildings along South Santa Monica Boulevard. All or most of the existing buildings are built on property lines with zero setbacks, and have existing exterior openings on property line. To construct a new building on any of T-1 zoned properties, a minimum 5' setback from the southerly property line of said lots will be required in order to maintain the existing access and the openings on the existing buildings.

Exterior openings on the south elevation of the proposed buildings are subject to provisions of the 2010 California Building Code table 705.8, which stipulates the percentage of the exterior openings that a newly constructed building can have due to the proximity to the property lines. For example at 5' from property line, the exterior unprotected openings for a fully sprinklered building are limited to 25% of the area of the exterior wall. At 10' from property line, the percentage is increased to 45%.

Therefore, any development on the T-1 zoned properties which are adjacent to the existing commercial buildings on South Santa Monica Boulevard are required to adhere to the Building Code distance separation requirement. Staff recommends Planning Commission consider this matter when

contemplating the setback on North Santa Monica Boulevard to allow a viable development on the T-1 zoned properties.

### **Environmental analysis**

The FEIR prepared for the proposal is adequate for a General Plan Amendment and the establishment of an overlay zone; however, at its meeting of November 22, 2011, the Planning Commission requested additional studies to be conducted associated with the proposed overlay zone, including:

1. A sensitivity study regarding the reduced FAR from 2.0:1 to 1.5:1 to confirm the need for Mitigation Measure T-1 (b). Mitigation Measure T-1 (b)d calls for restriping of Spalding Drive to provide a southbound right-turn lane combined with through left-turn lanes and removal of a limited amount of on-street parking.
2. Recommending museum and hotel uses as part of the proposed overlay zone.

### **NEXT STEPS**

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

1. Discuss and provide direction on the proposed overlay zone,
2. Direct staff to update the FEIR and;
3. Direction to staff to prepare resolutions certifying the Final Environmental Impact Report and a resolution to the city Council recommending adoption of an Overlay Zone and General Plan Amendment

Report Reviewed By:

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Jonathan Lait,