Beverly Hills
Planning Division
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Planning Commission Report

Meeting Date: August 12, 2013

Subject: **8701-8707 Wilshire Boulevard**
Development Plan Review
Request for a Development Plan Review to allow a remodel and addition to an existing three-story commercial building located at 8701-8707 Wilshire Boulevard. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.
PROJECT APPLICANT: Andrew Lindley, LAND

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the requested Development Plan Review.

REPORT SUMMARY

The proposed project involves a remodel and addition to an existing three-story commercial buiding located on a corner lot with frontage along Wilshire Boulevard and Hamel Drive. The proposed project would result in an increase in the floor area and height of the existing structure. Due to the increase in height, discretionary review by the Planning Commission is required.

This report analyzes the configuration of the proposed project, with specific analysis of the project's relationship to neighboring residential properties and overall development in the area, and potential parking impacts. Staff's analysis concludes that the proposed remodel and addition is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the proposed remodel and addition of the three-story commercial building.

Attachment(s):
A. Zoning Compliance Table
B. Draft Resolution with staff recommended findings and conditions of approval
C. Neighbor's Letter of Support
D. Public Notice
E. Architectural Plans

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BACKGROUND

File Date	4/4/2013
Application Complete	7/24/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	10/11/2014
Applicant(s)	Andrew Lindley, LAND; David Wick, Wick Architecture & Design
Owner(s)	John Simonian
Representative(s)	Andrew Lindley, LAND; David Wick, Wick Architecture & Design
Prior PC Action	None
Prior Council Action	None
Architectural Review	The project's design was approved by the Architectural Commission on March 20, 2013.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	8701-8707 Wilshire Boulevard
Legal Description	TRACT #4988 LOT 60 (8701 Wilshire Boulevard), TRACT #4988 LOT 59 (8707 Wilshire Boulevard)
Zoning District	C-3 General Commercial
General Plan	General Commercial - Low Density
Existing Land Use(s)	General Office
Lot Dimensions & Area	50 ft. x 152.22 ft. – 7,611 SF (8701 Wilshire Boulevard) 40ft x 139.5 ft. – 5,580 SF (8707 Wilshire Boulevard)
Year Built	1955 – 8701 Wilshire Boulevard, Existing Three-Story Commercial Building Surface parking lot – 8707 Wilshire Boulevard
Historic Resource	None
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1 – Single-family residential (abutting the property line of the project site)
South	C-3 – General Commercial
East	C-3 – General Commercial (across Wilshire Boulevard)
West	C-3 – General Commercial

Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard and Hamel Drive
Adjacent Alleys	None
Parkways & Sidewalks	15'-0" parkway along Wilshire Boulevard, 12'-0" parkway along Hamel Drive
Parking Restrictions	Wilshire Boulevard – No parking between 7am – 10am and 3pm – 7pm, 1 hour metered parking between 10am – 3pm; Hamel Drive – 1 hour metered parking adjacent to the project site, 2 hour parking adjacent to the residential properties from 8am – 8pm, no overnight parking
Nearest Intersection	Wilshire Boulevard and Hamel Drive
Circulation Element	Wilshire Boulevard is an arterial street and Hamel Drive is a local street

Neighborhood Character

The project site is located on the north side of Wilshire Boulevard on a corner lot with frontage along Wilshire Boulevard and Hamel Drive. Wilshire Boulevard is developed with various office, retail, and restaurant uses located in buildings ranging from one to six stories in height along both sides of the street for several blocks east and west of the project site. Hamel Drive to the north of the project site is developed with one- and two-story single-family residential homes. The property located directly to the north of the project site is developed with a one-story single-family residence with a one-story detached accessory structure. Along the western and northern property lines of the project site are existing mature ficus hedges. To the south of the site, along Hamel Drive across Wilshire Boulevard, is the Horace Mann School.

PROJECT DESCRIPTION

The project is located on sites zoned C-3 for general commercial uses and is located adjacent to single-family residential properties to the north. Due to the close proximity to residential zones, the project sites are required to meet the City's development standards for transitions between commercial and residential uses[1]. As proposed, the project is compliant with the required development standards for commercial uses in the transitional area.

Existing Site Configuration. The proposed project involves two project sites, 8701 Wilshire Boulevard and 8707 Wilshire Boulevard. The 8701 Wilshire Boulevard site is developed with an existing three-story commercial building built in 1955. The existing building, which has previously been occupied by general commercial office uses, is configured with twenty-two (22) tandem parking spaces and general office area on the first floor, and general office area on the second and third floors. The existing building

[1] Beverly Hills Municipal Code §10-3-1950 Transition between Commercial and Residential Uses: Sets forth specific development standards and use restrictions for commercial uses which are located adjacent to residential uses.

contains a total of 10,538 square feet of floor area[2] and extends to a maximum height of 37'-5", less than the maximum 45'-0" height established by the Beverly Hills Municipal Code[3]. Based on the BHMC, the existing commercial building has been determined to be legal non-conforming with respect to parking[4]. Historically, the adjacent property at 8707 Wilshire Boulevard has been utilized for parking in conjunction with the existing commercial building, although the two properties are not tied together.

Existing Wilshire Elevation

Existing Hamel Drive Elevation

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[2] Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-100, 'floor area' shall include all areas of floors or levels enclosed by walls except stair and elevator shafts, elevator lobbies, and rooms exclusively housing operating equipment or machinery. The total floor area calculations provided in this report take into consideration the floor area exemptions listed herein.

[3] Pursuant to BHMC §10-3-100, 'height of buildings' in nonresidential zones, certain elements including elevator equipment enclosures and stair enclosures shall be considered exempt from height. The existing building height calculations provided in this report take into consideration these height exemptions.

[4] Pursuant to BHMC §10-3-2730, general office buildings shall be parked at a ratio of 1 parking space per every 350 square feet of floor area. Based on this ratio, the existing commercial building would require a total of 31 non-tandem parking spaces if constructed new today.

Proposed Site Configuration. The proposed project would involve tying the two properties, 8701 and 8707, together and remodeling the existing commercial building. The proposed remodel includes the following elements:

- The building's exterior elevations have been redesigned.

- First floor modifications:
  - Reconfiguring the ground floor office area which would result in an addition of 129 square feet of floor area.
  - Adding a second egress stairway toward the rear of the building which will result in the requirement to relocate four existing parking spaces to the 8707 Wilshire Boulevard site.
  - The parking area will be reconfigured so that two accessible parking spaces (ADA spaces) can be provided onsite.

- Second floor modification:
  - Reconfiguring the second floor layout to accommodate the new stairway toward the rear of the property and an addition at the south west corner of the building which will increase the floor area by 203 square foot.

- Third floor modification:
  - Reconstruction of the third floor which would result in an addition of 1,665 square feet of floor area and would increase the building height from 37'-5" to 42'-2".
  - An exterior deck proposed along the northern portion of the third floor. The deck will be set back 20'-0" from the northern property line.

The proposed modifications would increase the total floor area of the commercial building by 1,997 square feet, resulting in a total floor area of 12,535 square feet which is less than the maximum 26,382 square feet permitted for the proposed project site[5]. The proposed third floor reconstruction would increase the building height by 4'-9", to a maximum of 42'-2", which is less than the maximum 45'-0" permitted by the BHMC. Furthermore, the proposed remodel would require a total of six (6) new code-compliant parking spaces as a result of the proposed floor area additions[6], and the existing twenty-two (22) parking spaces onsite must be maintained or relocated on the site. Therefore, a total of twenty-eight (28) spaces are required. As proposed, eight (8) of the existing legal non-conforming parking spaces will be relocated as a result of the building enhancements and the need to provide accessible spaces (ADA spaces). Consequently, the revised parking area will include fourteen (14) legal non-conforming parking spaces, fourteen (14) new conforming parking spaces, and two (2) surplus compact spaces. A total of 30 parking spaces are proposed, which exceeds the maximum 28 spaces required per code.

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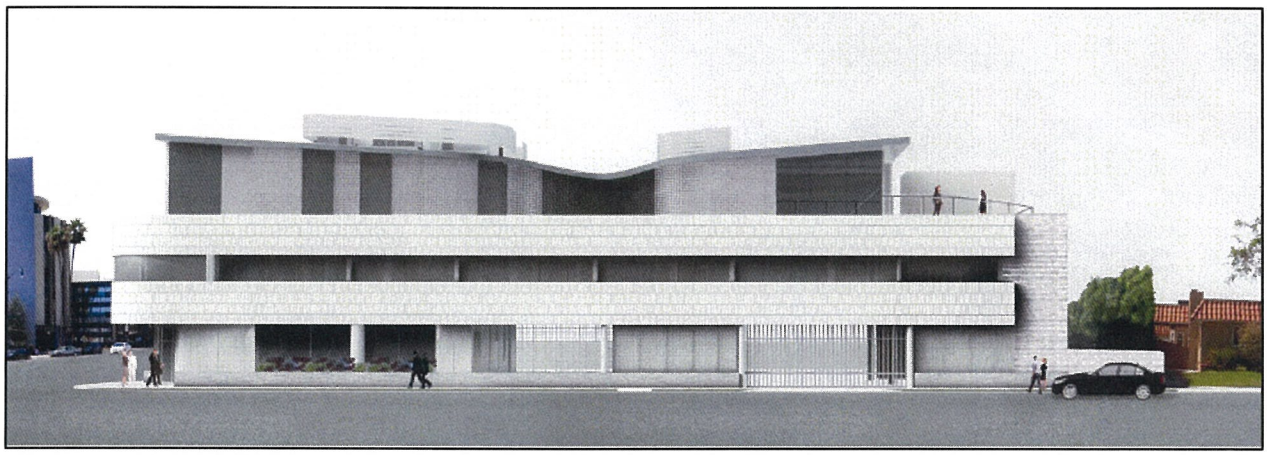
[5] Pursuant to BHMC §10-3-2745, the maximum floor area ratio for buildings located in a non-residential zones shall be 2 square feet of floor area for each 1 square foot of site area. When the two properties at 8701 and 8707 Wilshire Boulevard are tied together, the total site area will be 13,191 square feet. Therefore, the maximum floor area permitted for the site will be 26,382 square feet.

[6] Pursuant to BHMC §10-3-4102, any building that is non-conforming due to insufficient parking may be enlarged if sufficient parking is provided for such enlargement. The proposed 1,997 addition would require one new parking space for every 350 square feet of new floor area, therefore requiring 6 new parking spaces.

Proposed Wilshire Elevation



Proposed Hamel Drive Elevation[7]

[7] The proposed elevations provided in this staff report were originally used for the Architectural Commission's Review of the project. Since that review, the northern portion of the building's third floor has been modified; however, the renderings have not yet been modified to reflect the change. Consequently, the Proposed Hamel Drive Elevation inaccurately indicates that the proposed third floor deck and exit stair shaft will be constructed within the required 20'-0" set back area. The plan set provided to the Planning Commission as part of their review accurately reflects the proposed third floor condition in which all elements on the third floor will be set back 20'-0" from the northern property line. All other aspects of the proposed elevations overall massing and design are accurate.

Requested Permits
The entitlements requested as part of the proposed project are as follows:

> **Development Plan Review.** Pursuant to Beverly Hills Municipal Code §10-3-3100 a Development Plan Review is required when an increase in building height is proposed. Accordingly, the applicant seeks a Development Plan Review in order to construct the proposed project, which would increase the building height from 37'-5" to 42'-2".

ZONING CODE[8] COMPLIANCE

A detailed review of the proposed project's consistency with applicable zoning standards is provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

Agency Review[9]
In reviewing the proposed project, City staff consulted with the Development Services Program, which includes the Building & Safety Division, Fire Department, and Public Works Department, to identify potential issues that should be addressed prior to Planning Commission review. At the time of review, it was identified that a loading space would be required to be provided on the site. Consequently, staff has included a condition requiring that a loading zone be provided on the project site[10].

GENERAL PLAN[11] POLICIES

General Plan policies relevant to the Planning Commission's review of the project include:

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.

- **Policy LU 2.4 Architectural and Site Design.** Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City's distinctive image and complement existing development.

- **Policy LU 11.2 Site Planning and Architectural Design.** Require that commercial and office properties and buildings are planned and designed to exhibit a high level of site and architectural design quality and excellence.

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[8] Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466
[9] Recommended conditions of approval by other departments are provided in the draft resolution.
[10] The proposed parking plan includes two (2) surplus parking spaces which can be removed to accommodate the required loading space.
[11] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment, and other businesses abutting residential neighborhoods are managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.

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 Guidelines, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project qualifies as an addition of less than 2,500 square feet to an existing commercial structure and therefore, is not anticipated to result in any significant environmental impacts.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	8/9/2013	3 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (All Property Owners - 300' Radius, All Property Owners of Single-Family-Zoned Properties – 500')	10 Days	8/2/2013	8/1/2013	11 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	8/9/2013	3 Days

Public Comment

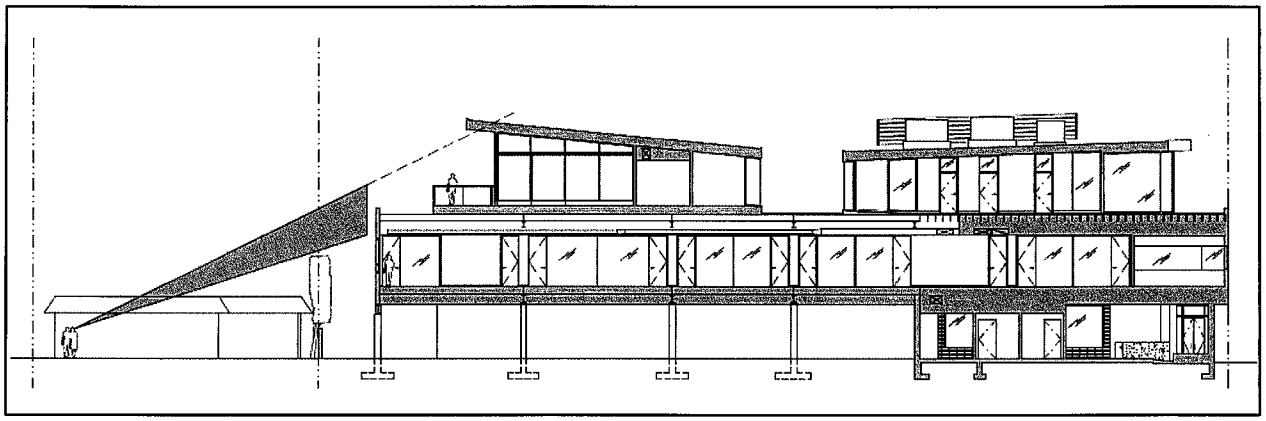
As of the writing of this report staff has received one email from a neighboring residential property owner who expressed support for the project. A copy of the email is provided in Attachment C of this report.

ANALYSIS.

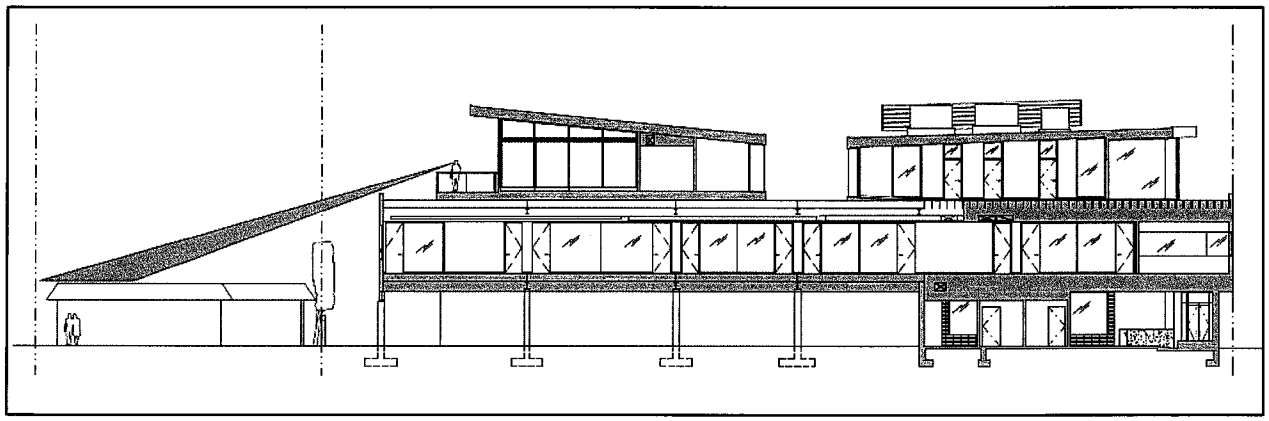
Project approval, conditional approval, or denial is based upon specific findings for the discretionary application requested by the applicant. Draft findings are included in the Draft Resolution in Attachment B of this report and may be used to guide the Planning Commission's deliberation of the subject project. Key issues related to the requested entitlements are discussed as follows:

Neighboring Residential Uses. The subject property is located in a commercial zone that abuts residential properties and, therefore, must comply with the City's requirements for transitions between commercial and residential uses. Consequently, the proposed project includes design features to help shield the proposed building and use from the neighboring residential properties to the north of the subject site. Specifically, the existing first and second floors of the

proposed building will maintain a minimum 10'-0" setback from the north property line. The proposed third floor will be set back 20'-0", which complies with the 20'-0" required setback for this level. Along the northern side of the proposed project, there are existing mature trees that buffer the residential uses to the north from the commercial use. Staff has included a condition that would require the existing mature trees on the project site to be maintained. Due to the existing landscaping that will be maintained and the building's proposed setbacks, views from the proposed project toward adjacent residential properties will be largely obscured, however, will not be fully blocked. Consequently, the Commission may wish to discuss whether additional conditions should be drafted that would further reduce the views down toward adjacent residential properties.



View from the Residential Property to the North toward the Proposed Building



View from Proposed Building toward the Residential Properties to the North

Site Access, Parking, and Loading. The existing site access will not be impacted by the proposed project as vehicles will continue to access the site from the existing driveways on Hamel Drive and Wilshire Boulevard. While the site access will remain unaltered, the onsite parking configuration will be modified. The site currently contains twenty-two (22) legally non-conforming parking spaces. Pursuant to the BHMC the twenty-two (22) spaces must be maintained or relocated on the site. In addition, six (6) parking spaces must be provided as a direct result of the proposed floor area additions to the project. Consequently, a total of twenty-eight (28) spaces must be provided. As proposed, a total of thirty (30) parking spaces are proposed on the site. Of those spaces, fourteen (14) are maintained legal non-conforming spaces, fourteen (14) are new code-compliant spaces, and two (2) are surplus compact parking spaces. During the zoning review for the proposed project, it was identified that one loading space (truck) must also be provided onsite. The proposed site plan does not include the required loading space; however, since the project site contains two (2) surplus compact parking spaces, staff has determined that the required loading space could be provided on the site in-place of the two excess spaces. Consequently, staff has included a condition of approval that would require a loading space be provided on the site, which would reduce the total parking supply to twenty-eight (28) spaces.

Use and Operations. The proposed building is intended to be used for general office, however will contain some retail along the ground floor and a deck along the third floor. The proposed deck would be located along the northern portion of the third floor and is intended to be ancillary to the adjacent private office. Access to the deck would be through the office only. As proposed, the edge of the deck would be set back 20'-0" from the northern property line that abuts a residential property. Along the Hamel Drive elevation, the deck will be set back approximately 7'-0" from the east property line. The deck's design appears to minimize the project's privacy impacts for neighboring residential properties; however, the Commission may wish to discuss whether additional measures should be taken to minimize the potential for privacy impacts.

The proposed general office and retail uses are consistent with other commercial uses in the area. Since the project is located within a commercial zone that abuts residential zones, the proposed project must comply with the operational standards required for businesses within this zone. Consequently, conditions of approval have been provided in the draft resolution that will restrict the operations of the proposed office and retail use.

Aesthetics and Massing. The existing three-story commercial building is consistent with other commercial buildings along Wilshire Boulevard, which range from one to six stories in height. The proposed project would increase the height of the commercial building from 37'-5" to 42'-2"; however, the number of stories will not be increased. Consequently, the building will be consistent with the mass and scale of the existing building and other commercial properties in the area. Furthermore, the proposed project will update the existing building façade and site, which are currently unoccupied and underutilized.

Architectural Review. The façade remodel associated with the proposed project was reviewed by the Architectural Commission on March 20, 2013. The Commission approved the façade remodel contingent upon the approval of a Development Plan Review for the proposed height increase.

Southeast Task Force. On August 7, 2012 during the City Council's Study Session, the Southeast Task Force presented its recommendations for the development of the southeast area of the City defined as the area of the City located southeast area of Wilshire Boulevard and Reeves Drive (both sides of those boundary streets) and all areas east of Robertson Boulevard within the City boundaries. The proposed project is located within this southeast neighborhood. The recommendations from the Task Force were generally related to parking, business attraction/retention, programming, mobility, capital improvement projects, and a desire to attract neighborhood-serving businesses.

The proposed general office/retail use is consistent with other types of uses along Wilshire Boulevard. The proposed remodel and renovation will help to update the existing building as well as the project site, which are currently unoccupied and underutilized. The proposed project appears to be in keeping with the recommendations of the Task Force and, therefore, staff recommends approval of the requested Development Plan Review.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Development Plan Review.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:

Ryan Gohlich, Senior Planner

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ATTACHMENT A
Zoning Compliance Table

REGULATIONS	EXISTING	PROPOSED PROJECT	NOTES
Height	3 stories/37'-5"	3 stories/42'-2"	Height increase requires Development Plan Review
Floor Area	10,538 SF (15,222 SF maximum)	12,535 SF (26,382 SF maximum with lot tie)	
South (Wilshire) Setback	0'-0"	0'-0"	0'-0" required
North (residential side) Setback	10'-0" - 1st & 2nd floors 72'-6" - 3rd floor	10'-0" - 1st & 2nd floors 20'-0" – 3rd floor	Minimum 10'-0" setback required for the 1st and 2nd floors, minimum 20'-0" for the 3rd floor
West (side) Setback	40'-0"	29'-0"	0'-0" required
East (Hamel) Setback	0'-0"	0'-0"	0'-0" required
Parking Space(s)	22 spaces	6 new spaces required (28 total with existing spaces)	30 spaces proposed, however, a loading space that would occupy two parking spaces is required
Loading Space(s)	None	1 truck space (L35' x W12', 10' overhead clearance)	One loading space must be provided onsite

ATTACHMENT B

Draft Resolution with staff recommended findings and conditions of approval

Begins on following page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW TO ALLOW A REMODEL AND ADDITION TO AN EXISTING THREE-STORY COMMERCIAL BUILDING ON THE PROPERTY LOCATED AT 8701-8707 WILSHIRE BOULEVARD.

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

Section 1. Andrew Lindley, agent on behalf of the property owner (collectively the "Applicant"), has submitted an application for a Development Plan Review to allow a remodel and addition to an existing three-story commercial building on the property located at 8701-8707 Wilshire Boulevard (the "Project"). Pursuant to Beverly Hills Municipal Code §10-3-3100, a Development Plan Review is required when an increase in building height is proposed.

Section 2. The Project site is located on the north side of Wilshire Boulevard on a corner lot with frontage along Wilshire Boulevard and Hamel Drive. Wilshire Boulevard is developed with various office, retail, and restaurant uses located in buildings ranging from one to six stories in height along both sides of the street for several blocks east and west of the Project site. Hamel Drive to the north of the Project site is developed with one- and two-story single-family residential homes. The property located directly to the north of the Project site is developed with a one-story single-family residence with a one-story detached accessory structure. Along the western and northern property lines of the Project site are existing mature

ficus hedges. To the south of the site, along Hamel Drive across Wilshire Boulevard, is the Horace Mann School.

The Project involves two sites, 8701 Wilshire Boulevard and 8707 Wilshire Boulevard. The 8701 Wilshire Boulevard site is developed with an existing three-story commercial building built in 1955. The existing building, which has previously been occupied by general commercial office uses, is configured with twenty-two (22) tandem parking spaces and general office area on the first floor, and general office area on the second and third floors. The existing building contains a total of 10,538 square feet of floor area and extends to a maximum height of 37'-5", less than the maximum 45'-0" height established by the Beverly Hills Municipal Code. Based on the BHMC, the existing commercial building has been determined to be legal non-conforming with respect to parking. Historically, the adjacent property at 8707 Wilshire Boulevard has been utilized for parking in conjunction with the existing commercial building, although the two properties are not tied together.

The Project involves tying the two properties, 8701 and 8707, together and remodeling the existing commercial building. The proposed remodel includes remodeling the building's exterior elevations, reconfiguring and adding floor area to the first and second floors, and reconstructing the building's third floor to contain new offices and a deck. The Project will increase the building's floor area by 1,997 square feet. The total floor area proposed in the new building will be 12,535 square feet. The building's height will be increased by 4'-9" to a maximum height of 42'-2". The Project will require a total to six (6) new parking spaces on the property in addition to the existing twenty-two (22) spaces, therefore, requiring a total of twenty-eight (28) spaces. A total of twenty-eight (28) parking spaces are proposed on the site.

Section 3. 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 environmental regulations of the City. A Class 1 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 for an addition of less than 2,500 square feet to an existing commercial building.

Section 4. Notice of the Project and public hearing was mailed on August 1, 2013 to all commercial property owners within a 300-foot radius and all residential property owners within a 500-foot radius of the property. On August 12, 2013 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Development Plan Review, the Planning Commission was required to make the following findings:

1. Whether the proposed plan is consistent with the General Plan and any specific plans for the area;

2. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

3. Whether the nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property;

4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and whether the proposed plan will create any significantly adverse parking impacts as a result of employee or patron parking demand; and

5. Whether the proposed plan will be detrimental to the public health, safety, or general welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Development Plan Review:

1. The proposed Project complies with all applicable goals and policies set forth in the general plan, which allow for renovations to existing commercial buildings that exhibit a high level of site and architectural design quality. The proposed Project will not impact the existing relationship between pedestrian and vehicular access to the site and the building itself is articulated and well-modulated. As proposed and conditioned, the uses will function and operate in a manner that does not create an unreasonable or detrimental impact on the neighborhood with respect to safety, noise, and quality of life. This is achieved through the regulation of hours of operation and deliveries. The proposed plan is not located within a specific plan area.

2. The proposed Project updates an aging commercial structure with a modern office building. As proposed, the Project is consistent with other commercial buildings in the area that range from one to six stories in height and is compliant with the City's development standards for buildings and uses allowed in the C-3 General Commercial Zone. Furthermore, the building has been designed to

contain generous setbacks along the north elevation adjacent to residential uses, and landscape buffers have been incorporated that will further shield the residential uses from the office areas. The Project is also consistent with the recommendations of the Southeast Task Force, which are focused on the revitalization of the southeast area of the City. Therefore, the Project will be a harmonious addition to the area without adversely affecting existing and anticipated development in the vicinity of the Project site.

3. Residential properties are located to the north of the Project. The Project has been designed with substantial setbacks along the north elevation and, as conditioned, existing landscaping will help to shield the neighboring residential properties from the commercial building. Because the Project is separated from residential uses by generous setbacks and landscaping, and is compliant with all applicable City standards, the Project is not anticipated to significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. Vehicular and pedestrian access to the site will not be altered as a result of the Project. The existing onsite parking layout will be altered so that the required twenty-eight (28) parking spaces can be provided onsite. As conditioned, a loading space will also be provided on the Project site. Consequently, it is not anticipated that the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. The proposed plan is consistent with all applicable City standards, and updates an existing commercial property with new, high quality development;

therefore, pursuant to Findings 1-4 above, the Project will not be detrimental to the public health, safety, and general welfare.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Development Plan Review, subject to the following conditions:

1. One truck loading space, consistent with the minimum space standards set forth in Beverly Hills Municipal Code §10-3-2740, shall be provided on the Project site. The revised parking and loading plan shall be subject to review and approval by the Director of Community Development and/or his/her designee.

2. The existing mature landscaping located on the property along the northern property line shall be maintained.

3. No mechanical venting shall face any residential use.

4. No deliveries shall be received, and no loading or unloading shall be permitted on the site during Extended Hours, defined by the Code as the time between the hours of 10:00 PM and 7:00 AM on the following weekday and the time between the hours of 10:00 PM and 9:00 AM on the following weekend day or holiday ("Extended Hours").

5. Refuse shall not be deposited into a commercial refuse bin located outside of an enclosed structure on private property or on a public right of way that is adjacent to the residential zone during Extended Hours, unless such refuse is in sealed bags.

6. Commercial refuse bins shall not be moved in a public right of way adjacent to the residential zone or within the area between a commercial structure and

the residential zone during Extended Hours, except by waste haulers operating pursuant to a franchise with the city that permits such activity during Extended Hours.

7. All commercial refuse bins shall be equipped with nonmetallic lids which shall remain closed at all times.

8. All doors facing a residential zone shall remain closed at all times during Extended Hours.

9. Employees, agents, associates, or contractors of a nonresidential use shall not congregate behind the nonresidential structure or in any open area or public right of way separating the nonresidential structure and a residential zone during Extended Hours.

10. The proposed Project shall comply with all provisions of title 5, chapter 1, article 1 of the Beverly Hills Municipal Code, regarding general noise regulations.

11. The employees, agents, associates, or contractors of a business shall not engage in conduct or activity which substantially or unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

12. No activity shall be conducted on the premises in a manner which substantially or unreasonably disturbs the peace and quiet of the surrounding neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

13. The applicant shall submit a construction management plan to the City for review and approval prior to the issuance of any building permits. To the

maximum extent feasible, the construction management plan shall identify Project timelines and staging, and shall identify methods for reducing noise impacts. At a minimum, the construction management plan shall schedule higher impact construction activities (those that generate the most noise) to occur between the hours of 9:00 AM and 4:00 PM.

14. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on August 12, 2013.

15. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

16. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

17. Project plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

18. APPEAL. 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. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

19. RECORDATION. The resolution approving the Development Plan Review 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 the 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 Project 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 Project.

20. EXPIRATION. Development Plan Review: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

21. VIOLATION OF CONDITIONS: A violation of any of these conditions of approval may result in termination of the entitlements granted herein.

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/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: August 12, 2013

_____
Brian Rosenstein
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

_____
Secretary

Approved as to form:

_____
David M. Snow
Assistant City Attorney

Approved as to content:

_____
Jonathan Lait, AICP
Assistant Director of Community Development

ATTACHMENT C
Neighbor's Letter of Support

Shena Rojemann

From:	Patt and/or Arnie Sklar <a.p.sklar@sbcglobal.net>
Sent:	Monday, August 05, 2013 9:27 PM
To:	Shena Rojemann
Subject:	8701 Wilshire--support

We live at 152 N. Hamel Dr.--one-half block north of the project. We have no problem with the proposed height increase or the addition of 1997 square feet. We support the project. The lot has parking on-site and the previous occupant used it (unlike most of our residential neighbors); we have no reason to believe a future occupant would not use the on-site parking and not park on the street. BTW, if there is an ordinance requiring the property owner to maintain the parkway grass someone should enforce it.

/Arnie & Patt Sklar

ATTACHMENT D
Public Notice

NOTICE OF PUBLIC HEARING

DATE:	August 12, 2013
TIME:	1:30 PM, or as soon thereafter as the matter may be heard
LOCATION:	Commission Meeting Room 280A Beverly Hills City Hall 455 North Rexford Drive Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its SPECIAL meeting on Monday, August 12, 2013, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

A request for a Development Plan Review to allow a remodel and addition to an existing three-story commercial building located at **8701-8707 Wilshire Boulevard.** The proposed remodel and addition would increase the height of the building from 37'-5" to 42'-2", resulting in a total increase of 4'-9" in building height. Pursuant to Beverly Hills Municipal Code §10-3-3101 a Development Plan Review is required to allow an increase in the height of an existing building. The proposed project would also increase the floor area of the building by 1,997 square feet, resulting in a total of 12,535 square feet of floor area within the building.

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. The project qualifies for a Class 1 Categorical Exemption for an addition of less than 2,500 square feet to an existing commercial structure and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at **310.285.1192** or by email at **srojemann@beverlyhills.org.** Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing.

Approved as to form:

Ryan Gohlich, Senior Planner

Mailed: August 1, 2013

ATTACHMENT E
Architectural Plans

Begins on following page.