



Planning Commission Report

Meeting Date: October 10, 2013

Subject: **9521 Brighton Way
Bonpoint L.A. - In-Lieu Parking**

Request to participate in the City's in-lieu parking program to allow an approximately 199 square foot interior expansion requiring one additional parking space for the property located at 9521 Brighton Way.

PROJECT APPLICANT: Steve Brabson on behalf of Bonpoint LA

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 request to participate in the City's in-lieu parking program.
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REPORT SUMMARY

This report analyzes a request to participate in the City's in-lieu parking program, and whether the request for one in-lieu parking space can be accommodated within the City's current supply of public parking spaces. Staff's analysis concludes that the request would have a negligible impact on the City's public parking supply, and the recommendation in this report is for project approval.

Attachment(s):

- A. Zoning Compliance Table
- B. Staff Recommended Findings
- C. Draft Planning Commission Resolution
- D. Architectural Plans (Provided as a Separate Attachment)

Report Author and Contact Information:

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BACKGROUND

File Date	8/23/2013
Application Complete	9/22/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	12/10/2013 (without extension request from applicant)

Applicant(s)	Bonpoint - LA
Owner(s)	Mark Tronstein
Representative(s)	Steve Brabson

Prior Project Previews	None
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9521 Brighton Way
Legal Description	Beverly Tract, Lots 13 and 14 , Block 1
Zoning District	C-3 General Commercial
General Plan	Low Density General Commercial
Existing Land Use(s)	General Retail
Lot Dimensions & Area	100' x 148.5' = 14,850 square feet
Year Built	1977
Historic Resource	The property has been identified as being potentially historic; however, all work proposed is interior, and further historic assessment is not required.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

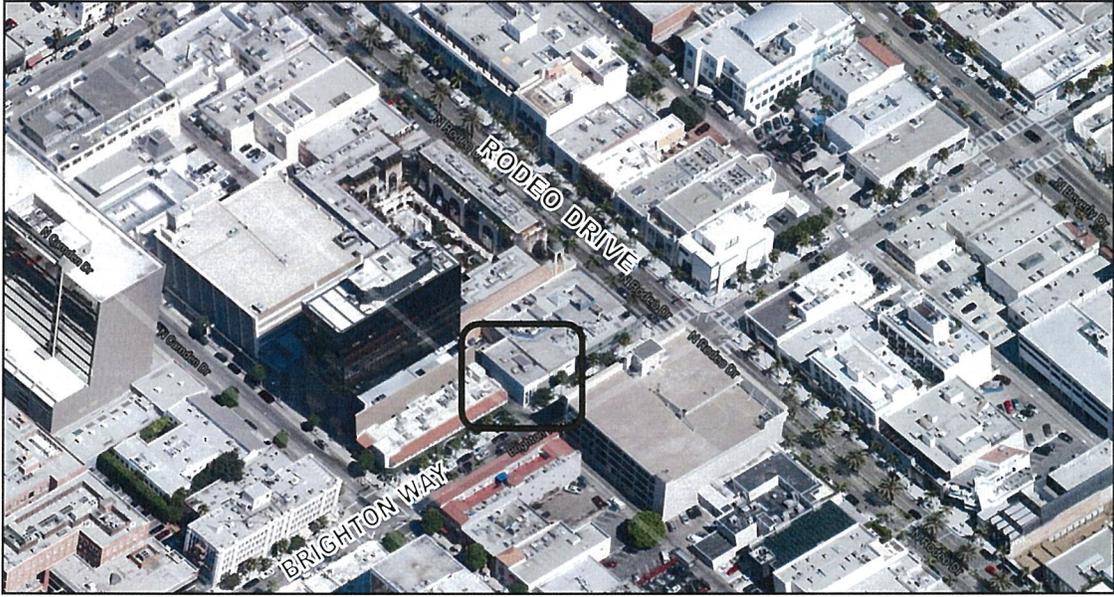
North	General Retail and Office
South	General Retail and Office
East	General Retail and Office
West	General Retail and Office

Circulation and Parking

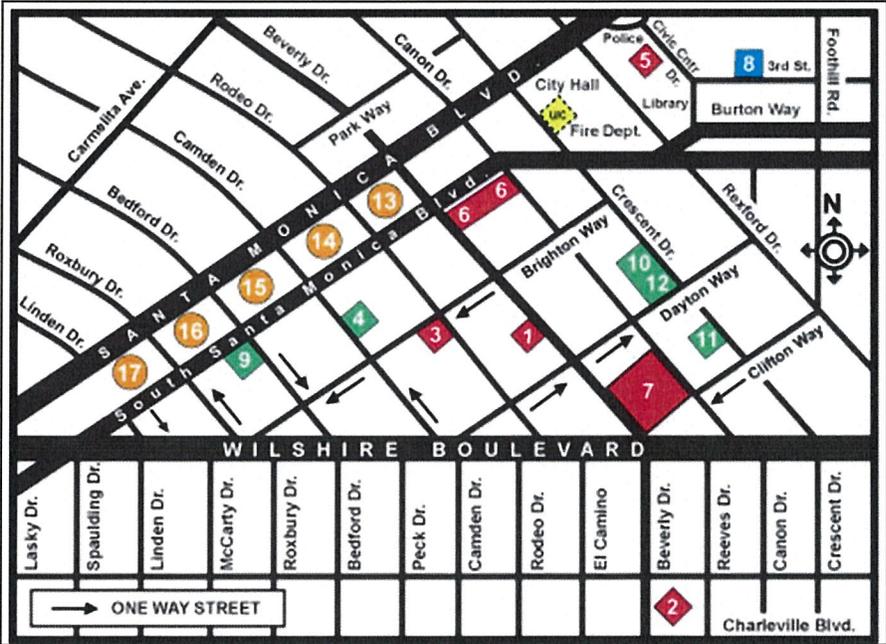
Adjacent Street(s)	Brighton Way and North Rodeo Drive
Adjacent Alleys	One-way northbound alley at rear of property
Parkways & Sidewalks	15' wide sidewalk along Brighton Way
Parking Restrictions	1-hour metered parking on adjacent street, and public garages in vicinity
Nearest Intersection	Brighton Way and North Rodeo Drive
Circulation Element	Brighton Way: Local Street North Rodeo Drive: Local Street
Estimated Daily Trips	Brighton Way: 4,090 average daily trips North Rodeo Drive: 10,000 average daily trips

Neighborhood Character

The subject property is located within the Business Triangle area of the city, along Brighton Way near the 400 block of North Rodeo Drive. Development in the vicinity of the project site typically consists of high-end retail and office uses within buildings that are predominantly two to four stories in height. The area is very pedestrian-oriented and is lined with ground-floor retail establishments.



Project Site Looking North



City Parking Facilities

PROJECT DESCRIPTION

The proposed project involves the reconfiguration of interior space within the property located at 9521 Brighton Way, which is currently occupied by Bonpoint LA. The reconfiguration results in an interior expansion of the existing mezzanine. The proposed mezzanine expansion results in a net increase in building floor area of approximately 199 square feet of additional floor area. The project does not propose any exterior enlargement of the existing building.

As a result of the proposed 199 square foot interior expansion, which must be parked at a rate of one parking space per 350 square feet of new floor area, one additional parking space must be provided for the building. The applicant requests that the one additional parking space for the interior expansion be provided through the City's in-lieu parking program. Between 1976 and 1978 a total of 61 in-lieu parking spaces were previously approved to allow construction of the existing building. In the event that the Planning Commission approves the one in-lieu space currently requested, the subject property would provide a total of 62 in-lieu parking spaces.

Requested Permits

The applicant requests approval to participate in the City's in-lieu parking program in order to provide one required parking space for the subject property.

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed project to 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 Review²

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- **PARKING OPERATIONS DIVISION.** The Parking Operations Division has reviewed the request to participate in the City's in-lieu parking district, and has determined that the City's existing garages have sufficient capacity to accommodate the one in-lieu parking space requested by the applicant (see Analysis section, below).

GENERAL PLAN³ POLICIES

The General Plan includes numerous goals and policies intended to guide development within the City. Some of the policies relevant to the Planning Commission's review of the project include:

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

² Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- Policy ES1.4 Retain Existing Industries. Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.
- Policy CIR4.1 Parking Provisions. Ensure that adequate parking is provided for existing and future uses while considering shared parking opportunities, Travel Demand Management (TDM) plans, and availability of alternate modes of travel, based on the site’s proximity to transit.

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 Guidelines⁴, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1(e)) of the Guidelines. Specifically, a Class 1(e) exemption applies to additions that do not exceed 50% of the floor area of the existing structure, or 2,500 square feet, whichever is less. The proposed addition complies with both criteria, as it would total approximately 1% of the building’s existing floor area, or 199 square feet, and is therefore eligible for the Categorical Exemption.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	N/A	N/A	N/A	N/A
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	10/4/2013	6 Days

Pursuant to BHMC §10-3-3307, mailed notice is required to be sent to the applicant only, unless a separate application requiring additional noticing is reviewed concurrently. The applicant has not submitted any additional applications requiring review. As a result, no mailed public notice is required for this application.⁵

Public Comment

As of the writing of this report, no public comments had been received regarding the proposed project.

⁴ The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

⁵ BHMC §10-3-3307 states “Written notice of such hearing shall be mailed to the applicant by United States mail, at least ten days prior to the hearing. Furthermore, if the applicant has concurrently filed other applications which require a hearing before the planning commission, then the hearing regarding the application for participation in the district shall be combined with such other hearing. Similarly, notice of the application for participation in the district shall be combined with the notice of any other application that will be reviewed concurrently by the planning commission.”

ANALYSIS⁶

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

The proposed project involves a limited interior expansion of an existing retail store. The expansion results in the need for one additional parking space that, based on review by the City's Parking Operations Division and information contained in recently prepared parking studies for other projects in the vicinity, can be accommodated within existing public parking facilities. The two closest parking facilities are located along Brighton Way and North Camden Drive, and have a combined average of just over 100 open spaces per day during peak periods. Both of these garages are within a 500-foot radius of the subject property, which is considered to be within walking distance. The request for one in-lieu parking space would have a negligible impact on the available supply, and is not anticipated to impact future parking availability in the City's public garages.

NEXT STEPS

It is recommended that the Planning Commission approve the requested in-lieu parking space subject to all standard conditions of approval and adopt the attached resolution.

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:



Jonathan Lait, AICP, City Planner

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⁶ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Primary Building			
Height	3 stories/45 feet	No Change	Existing building is 2 stories
Lot Coverage / Floor Area	2.0 : 1 or 29,700 S.F.	1.49 : 1 or 22,157 S.F.	
Front Setback	0 feet	No Change	Existing setback is 0 feet
Rear Setback	0 feet	No Change	Existing setback is 0 feet
Side Setback	0 feet	No Change	Existing setback is 0 feet
Parking & Circulation			
Proposed Parking Spaces	1 space per 350 S.F.	199 S.F. increase, or 1 spaces	Parking space to be provided through in-lieu parking
Existing Parking	61 spaces	62 spaces	There is a loading area at the rear of the building that does not count toward the required parking spaces

ATTACHMENT B

Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

In-Lieu Parking

1. *Participation in the in-lieu parking district, as approved, will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;*

The project involves a limited interior expansion of an existing retail store resulting in the need for one in-lieu parking space. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the project site. The in-lieu parking space can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the project is not anticipated to adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

2. *Participation in the in-lieu parking district, as approved, will not create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and*

The City's existing public parking facilities and circulation patterns will not be modified as a result of the project, and are already designed to limit traffic safety impacts and pedestrian-vehicle conflicts. Additionally, based on current usage patterns the requested in-lieu parking space can be accommodated within existing public parking facilities without adversely impacting the operation of such existing parking facilities. Therefore, participation in the in-lieu parking district is not anticipated to result in traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

3. *Participation in the in-lieu parking district will not be detrimental to the public health, safety and welfare.*

The project involves a limited interior expansion of an existing retail store resulting in the need for one in-lieu parking space. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the project site. The in-lieu parking space can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the project is not anticipated to be detrimental to the public health, safety and welfare.

ATTACHMENT C

DRAFT PLANNING COMMISSION RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING PARTICIPATION IN THE CITY'S IN-LIEU PARKING DISTRICT TO ALLOW A 199 SQUARE FOOT ADDITION TO THE PROPERTY LOCATED AT 9521 BRIGHTON WAY (BONPOINT L.A.).

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

Section 1. Steve Brabson, Applicant, on behalf of Bonpoint L.A. and the property owners of 9521 Brighton Way (the "Applicant"), has submitted an application for a participation in the City's In-Lieu Parking District to allow an approximately 199 square foot interior mezzanine addition to the existing tenant space located at 9521 Brighton Way (Bonpoint L.A.) (the "Project"). The total floor area of the entire building, which is comprised of multiple tenant spaces, is approximately 21,958 square feet. The existing tenant space that is the subject of this Project has a total floor area of approximately 1,309 square feet. The proposed addition would expand the existing mezzanine by 199 square feet. The mezzanine addition is proposed toward the rear of the store and is intended to be utilized for storage purposes.

As a result of the proposed 199 square foot interior expansion, which must be parked at a rate of one parking space per 350 square feet of new floor area, one additional parking space must be provided for the building. The Applicant requests that the one additional parking space for the interior expansion be provided through the City's in-lieu parking program. Between 1976 and 1978 a total of 61 in-lieu parking spaces were previously approved to allow

construction of the existing building. This resolution results in the subject property providing a total of 62 in-lieu parking spaces.

Section 2. The Project has been environmentally reviewed pursuant to 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 environmental guidelines. A Class 1(e) Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 (existing facilities). Specifically, a Class 1(e) exemption applies to additions that do not exceed 50% of the floor area of the existing structure, or 2,500 square feet, whichever is less. The proposed addition complies with both criteria, as it totals approximately 1% of the building’s existing floor area, or 199 square feet, and is therefore eligible for the Categorical Exemption.

Section 3. Pursuant to BHMC §10-3-3307, mailed notice is required to be sent to the applicant only, unless a separate application requiring additional noticing is reviewed concurrently. The Applicant has not submitted any additional applications requiring review. As a result, no mailed public notice is required for this application. On October 10, 2013, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 4. In considering the application for participation in the In-Lieu Parking District, the Planning Commission was required to make the following findings:

1. Participation in the in-lieu parking district, as approved, will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

2. Participation in the in-lieu parking district, as approved, will not create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and

3. Participation in the in-lieu parking district will not be detrimental to the public health, safety and welfare.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the request to participate in the City's In-Lieu Parking District:

1. The Project involves a limited interior expansion of an existing retail store resulting in the need for one in-lieu parking space. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the Project site. The in-lieu parking space can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the Project is not anticipated to adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

2. The City's existing public parking facilities and circulation patterns will not be modified as a result of the Project, and are already designed to limit traffic safety impacts and pedestrian-vehicle conflicts. Additionally, based on

current usage patterns the requested in-lieu parking space can be accommodated within existing public parking facilities without adversely impacting the operation of such existing parking facilities. Therefore, participation in the in-lieu parking district is not anticipated to result in traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

3. The Project involves a limited interior expansion of an existing retail store resulting in the need for one in-lieu parking space. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the Project site. The in-lieu parking space can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the Project is not anticipated to be detrimental to the public health, safety and welfare.

Section 6. Based on the foregoing, the Planning Commission hereby approves participation in the City's In-Lieu Parking District, subject to the following conditions:

1. Not more than one in-lieu parking space shall be utilized in conjunction with the proposed addition.

2. 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.

3. RECORDATION. The resolution approving participation in the City's In-Lieu Parking District 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.

4. EXPIRATION. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

6. This approval is for those plans submitted to the Planning Commission on October 10, 2013, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

7. 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.

8. 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.

9. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

10. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Taxes required by the Municipal Code shall be paid.

Section 7. 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: October 10, 2013

Brian Rosenstein
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 D

ARCHITECTURAL PLANS

(PROVIDED AS A SEPARATE ATTACHMENT)