



Planning Commission Report

Meeting Date: March 27, 2014

Subject: **9265-9269 Burton Way**
23-Unit Condominium Project

Request for a Tentative Tract Map, Development Plan Review, Density Bonus Permit, and R-4 Permit to allow the construction of a 5-story, 23-unit condominium building on the property located at 9265-9269 Burton Way.
PROJECT APPLICANT: Empire at Burton Way LLC (Craig Berbarian)

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project and Final EIR;
2. Direct staff to prepare resolutions approving the requested entitlements and certifying the Final EIR.

REPORT SUMMARY

The proposed project involves the demolition of all existing structures located at 9265-9269 Burton Way, and construction of a 5-story, 23-unit condominium building in accordance with State Density Bonus standards, which allows for an increase in the allowed density, reductions in parking requirements, and provision of two development incentives. In order to be eligible for the increased density, reduced parking, and development incentives, two of the 23 units would be designated for very low income households.

The project has previously been before the Planning Commission and Cultural Heritage Commission, as well as a Planning Commission Subcommittee. Various modifications have been made to the project in response to comments received, including a reduction in building height, relocation of all parking spaces to two subterranean levels, and reductions in the front and rear setbacks in order to offset the decrease in proposed building height. This report details the process that has been followed thus far, outlines the project revisions that have occurred in response to Commission and resident comments, and analyzes key project components including environmental considerations, the density bonus and requested incentives, scale and massing, building modulation, rooftop uses, and parking, and includes a summary of the potential pros and cons associated with the project. Based on the analysis contained in this report, the proposed project is not expected to result in any significantly adverse impacts, and the recommendation in this report is for project approval and certification of the Final Environmental Impact Report (FEIR).

Attachment(s):

- A. Required Findings
- B. Public Notice
- C. Final EIR
- D. Architectural Plans

Report Author and Contact Information:

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BACKGROUND

File Date	6/1/2012
Application Complete	7/1/2012
Subdivision Deadline	
CEQA Deadline	180 days from CEQA Determination
Permit Streamlining	180 days from Final EIR Certification
Applicant(s)	Empire at Burton Way LLC (Craig Barbarian)
Owner(s)	The Frankel Family Limited Partnership (Karl and Shirley Frankel), and Burton Way Investors Group LLC (Craig Barbarian, Hratch Sarkis, Charly Ghailian, and Ohannes Beudjekian)
Representative(s)	Levin-Morris Architects LLP (Edward Levin)
Prior PC Action	Project preview on 2/28/2013 Consideration of project and Draft EIR on 5/9/2013
Prior Council Action	None
CC/PC Liaison	None
CHC Review	CHC review on 4/10/2013. CHC recommended that subject property not be treated as a historic resource.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9265-9269 Burton Way
Legal Description	Lots 8 and 9 of Tract 5647, Block 16
Zoning District	R-4
General Plan	Multi-Family Residential – High Density
Existing Land Use(s)	Apartment buildings
Lot Dimensions & Area	109.475' x 130' – 14,232 square feet
Year Built	1945 (9265 Burton Way) and 1927 (9269 Burton Way)
Historic Resource	9265 Burton Way has been assessed, and is not a historic resource 9269 Burton Way has been assessed, and is a potentially historic resource. The property is discussed further in this staff report and the Draft EIR.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	P-S and C-5 – Office (Lakeshore Entertainment and Post Office facilities)
East	R-4 – Residential condominiums
South (across alley)	Single-Family Residential (across Burton Way)
West	R-4 – L'Ermitage Hotel (legally nonconforming in R-4 zone)

Circulation and Parking

Adjacent Street(s)	Burton Way
Traffic Volume	Average Daily Trips on Burton Way: 32,300
Adjacent Alleys	Two-way, east-west alley at rear of property
Parkways & Sidewalks	Burton Way sidewalk/parkway – 12.5' from face of curb to property line

Neighborhood Character

The project site is located along Burton Way, which transitions to S. Santa Monica Boulevard just west of the project site. The project site is immediately bordered by the 8-story L'Ermitage Hotel to the west, a 4-story condominium building to the east, and commercial office uses to the north. Burton Way is a highly trafficked street, with many of the older apartment buildings and duplexes bordering the street having been previously demolished and replaced with larger apartment or condominium buildings. Single-family residential properties are located across Burton Way to the south; however, Burton Way is wide with a total right-of-way width of 170 feet, which provides a buffer between the different land uses.



Project Site Looking North



Project Site Viewed from Burton Way

PROJECT DESCRIPTION

The project would involve demolition of four existing one- to two-story buildings (two residential buildings and two accessory buildings), and construction of a new 5-story, 55-foot tall condominium building containing 23 residential units and 48 subterranean parking spaces. The project is proposed to be constructed in accordance with State Density Bonus standards, which are discussed in more detail later in this report.

The project contains approximately 37,800-square-feet of floor area on a site area of 14,232 square feet. The project includes two levels of subterranean parking, five levels of residential units, and a rooftop common area. The project provides a mix of unit types, and two of the 23 units would be designated for “very low income” housing. Access to on-site parking would be provided by one driveway from the existing alley at the rear of the site, which would lead from the alley to the underground parking level, while pedestrians would continue to have direct access to the project site from Burton Way.

Required Entitlements. As proposed, the project requires the following entitlements in order to be constructed:

- **Tentative Tract Map:** Required to allow the subdivision of air space, which enables the creation of individual condominium units that can be sold separately.
- **Development Plan Review:** Required in order to construct a new building containing more than 2,500 square feet of floor area, and/or new multi-family residential units.
- **Density Bonus Permit:** Required in order to construct a project pursuant to the State Density Bonus program, which allows for increased density and development incentives when affordable housing units are contained within a development project.
- **R-4 Permit:** Required in order to allow a rooftop restroom associated with a rooftop spa, and to allow a reduction in the otherwise required building modulation.

GENERAL PLAN¹ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some 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 2.6 City History.** Acknowledge the City’s history of places and buildings, and districts that contribute to the City’s identity while accommodating renovations of existing buildings to maintain their economic viability, provided the new construction contextually “fits” and compliments the site or building.

¹ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **Policy LU 5.2 Infill and Replacement Housing.** Accommodate new and renovated housing within existing neighborhoods that is consistent with contextual parcel sizes, densities, built form and scale.
- **Policy LU 16.1 Affordable Housing.** Support the development of affordable housing as required by state law.
- **Policy H 2.1 Affordable Housing Incentives.** Offer incentives, including density bonuses, where feasible to offset or reduce the costs of developing affordable housing. Proactively seek out new approaches in the provision of affordable housing.

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 Guidelines², and the environmental regulations of the City. The City prepared a Draft Environmental Impact Report (DEIR) to assess the originally proposed, 6-story project, which was circulated for public comment for a 45-day public comment period that began on April 22, 2013, and ended on June 5, 2013. Based on the comments received during the public comment period, a Final Environmental Impact Report (FEIR) has been prepared for consideration by the Commission. The FEIR concludes that the project will not result in any significant environmental impacts related to the following environmental topic areas:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities

In addition to analyzing the above impact criteria, the FEIR includes analysis of several project alternatives that may be considered by the Commission. In particular, Alternative 6.4 (Height-Compliant with Density Bonus) is consistent with project revisions currently proposed by the applicant. In the event that there is interest in moving forward to approve the proposed project, the Commission would be able to adopt Alternative 6.4 and certify the FEIR without making any further modifications to the FEIR.

² The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	3/20/2014	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 300' Radius, and Single-Family Owners – 500' Radius)	10 Days	3/17/2014	3/17/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/20/2014	7 Days

In addition to the notice provided above, notice of the project was provided to known residential organizations in the City, as well as to individuals that provided comments at the last public hearing.

Public Comment

Several public comments were received during the 45-day public comment period in which the DEIR was circulated; however, no new public comments have been received since that time. The public comments previously received are contained within the FEIR, which also includes responses to the public comments.

ANALYSIS³

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report, and may be used to guide the Planning Commission’s deliberation of the subject project.

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Review Process/Planning Commission Comments. The proposed project was first presented to the Planning Commission as a project preview on February 28, 2013, during the period in which staff was undertaking preparation of an Environmental Impact Report for the project. Subsequent to the project preview, a public hearing was held before the Planning Commission on May 9, 2013 in order to review the project and associated Draft EIR. At that time, the Planning Commission commented that, based on input received from the Cultural Heritage Commission, the existing structures on the site did not have any historic value, and should not be treated as such for purposes of CEQA. Additionally, the Commission and members of the public raised concerns about the overall height of the structure, which was originally proposed to be 6 stories and 72’ in height (above the code-required 5 story, 55’ height limit). The Commission directed staff to make modifications to the EIR to clarify that the existing structures on the subject property had no historic value, and the

³ The information provided in this section is based on analysis 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 make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Commission also requested preparation of a study to assess the financial necessity of the additional building height in relation to providing the two affordable housing units⁴. Finally, the Planning Commission requested that alternate design options be considered by the applicant, and a subcommittee of Chair Rosenstein and Commissioner Corman was formed to assist in reviewing the financial study and project options. In response to the comments received, staff has worked with Rincon Consultants to draft a Final EIR that responds to the Commission's comments regarding historic resources, and includes a project alternative (Alternative 6.4) that would be height-compliant with reduced front and rear setbacks in order to provide sufficient opportunities to develop all 23 units without increasing the building's height. At the present time, a Final EIR has been produced for consideration for the Planning Commission, and the applicant has submitted revised plans in accordance with the height-compliant alternative outlined in the Final EIR.

Project Modifications. In response to the comments received from the Commission and members of the public, as well as information provided by the financial analysis identified above, the applicant has reduced the height of the proposed project to a code-compliant 5 stories and 55'. However, in order to offset the loss of the previously proposed sixth story, the applicant proposes reduced front and rear setbacks in accordance with development incentives available through a Density Bonus Permit (further discussed below). The code required front and rear setbacks are established at 15', and the applicant requests a 10' front setback and a 13'-6" rear setback, reductions of 5' and 1'-6" respectively. In addition to reducing the building's height and modifying the front and rear setbacks, all parking spaces are now located below grade, which eliminated one driveway at the alley that was previously required in order to access podium-level parking spaces, as well as a previously requested development incentive to allow open, naturally ventilated parking at the podium level. Therefore, the two previously requested development incentives (increased height and naturally ventilated parking) has been eliminated and replaced with two new incentives that would reduce the front and rear setbacks. Based on the project modifications, the project is anticipated to be more compatible with surrounding development, and additional analysis regarding the project's design is provided further in this report.

Density Bonus and Incentives. The State of California has identified a regional need for affordable housing. In order to address this need for affordable housing, the State has adopted a statute to encourage the development of affordable housing units. The State Density Bonus statute provides developers with incentives to construct affordable housing, including increased density and relief from certain development standards that might otherwise discourage the development of affordable housing. The City's General Plan and Municipal Code further support the State's goals by including provisions intended to promote affordable housing in Beverly Hills.

⁴ In order to study the financial characteristics associated with the density bonus and requested height incentive, staff required authorization from the City Council to fund the study. The Planning Commission's concerns were presented to the City Council on June 4, 2013, and the City Council agreed that the height incentive should be studied, and authorized the allocation of funds for the study.

The proposed project includes two units designated for very low-income households (households that earn 50% or less of the area median income)⁵, and is therefore proposed to be constructed in accordance with State Density Bonus standards (California Government Code Section 65915). Based on the very low income units proposed as part of the project, the applicant seeks the following density bonus and development incentives:

- Density Increase:** Density Bonus standards allow for a certain percentage increase in density, which is based on the percentage of “total units” (the maximum number of units allowed under General Plan density standards, without the inclusion of bonus units) that are designated for very low income households. In this case, the number of base units that could be built under the City’s General Plan is 17 units, and the number of very low income units proposed is two. Therefore, 11.8% (two divided by 17) of the base units would be very low income. The Density Bonus standards state that whenever 11% or more of the “total units” are designated for very low income, a 35% increase in density shall be provided. Further, all density calculations are required to be rounded up to the next whole number. Therefore, approval of the Density Bonus Permit, with the inclusion of two very low income units, would allow for a maximum density of 23 units. This calculation is further explained below.

Density Calculations

Total Units. This is the number of units allowed under General Plan density standards ⁶ . The General Plan allows 50 units per acre on the project site, or 1 unit per 871.2 square feet of site area. The site area is 14,232 square feet.	$14,232 \div 871.2$ $= 16.33$ (rounds to 17) $= 17$ total units
Percentage of Very Low Income Units. The percentage of very low income units is achieved by dividing the number of very low income units by the “total units.” In this case, 2 very low income units are provided.	$2 \div 17$ $= 11.8\%$
Density Bonus. The State Density Bonus provides for a 35% density bonus whenever 11% or more of the “total units” are very low income. In this case 11.8% of the “total units” are very low income, so the project is eligible for the 35% bonus.	$17 \times 35\%$ $= 5.95$ (rounds to 6) $= 6$ bonus units
Maximum Density. This is the total number of units that can be built pursuant to State Density Bonus standards.	$17 + 6$ $= 23$ units

⁵ 2013 income limits for very low income households are set forth as follows:

Number of Persons in Household	1	2	3	4	5	6
Maximum Household Income to Qualify as Very Low Income	\$29,900	\$34,200	\$38,450	\$42,700	\$46,150	\$49,550

⁶ State Density Bonus standards require that whenever there is a conflict between the densities set by the zoning code and General Plan, General Plan densities shall prevail. The zoning code would allow for the construction of 14 units, while the General Plan would allow for the construction of 17 units.

- **Development Incentives:** Pursuant to the State Density Bonus statute, development projects where at least 10% of the base units are designated for very low income households are eligible to request two development incentives. In the case of the proposed project, 11.8% of the base units are designated for very low income households, so the project is eligible to receive two development incentives. The incentives requested by the applicant are as follows:
 - **Reduced Front Setback (incentive):** The City’s zoning code requires a front setback of 15’. The applicant requests a density bonus incentive to allow a 5’ reduction in the required setback, resulting in a 10’ front setback along Burton Way.
 - **Reduced Rear Setback (incentive):** The City’s zoning code requires a rear setback of 15’. The applicant requests a density bonus incentive to allow a 1’-6” reduction in the required setback, resulting in a 13’-6” rear setback along the rear alley.
- **Parking:** Standard parking requirements set forth in the Municipal Code are based on the number of bedrooms in each unit; however, state law provides that parking requirements set forth in the Density Bonus statute prevail over local requirements, and the state parking requirements are less stringent than those set forth in the Beverly Hills Municipal Code. Therefore, the applicant requests that the project be subject to the State Density Bonus parking requirements, which require a maximum of one space for studio and one-bedroom units, and a maximum of two spaces for two- and three-bedroom units (inclusive of guest parking). A comparison of standard parking required for the project versus State Density Bonus standards is set forth below.

Parking Requirement Comparison

Unit Type	Number of Units	Standard Parking Requirement	State Density Bonus Parking Requirement
1 Bedroom	7	14 (2 per unit)	7 (1 per unit)
2 Bedroom	14	35 (2.5 per unit)	28 (2 per unit)
3 Bedroom	2	6 (3 per unit)	4 (2 per unit)
Guest Parking	N/A	6 (1 space per 4 units)	0
Totals	23	61	39 (48 are proposed)

Scale and Massing. As proposed, the project is consistent with the maximum height allowed in the Municipal Code for the subject property, which is 5 stories or 55’, whichever is less (the proposed project is exactly 5 stories and 55’). Based on the proposed design, the 5-story project would be shorter than the 8-story L’Ermitage hotel located immediately west of the project site, and taller than the 4-story condominium building located immediately east of the project site (which is 50’ in height to the top of the roof deck). In addition to the variations in height among the adjacent buildings, Burton Way slopes upward toward the west, which accentuates differences in building heights between properties. Based on the topography of the subject property, as well as the variations in height of surrounding development, the proposed project is anticipated to serve as an appropriate transition from the L’Ermitage hotel to surrounding residential developments to the east. Although the overall height is anticipated to be consistent with the character of the neighborhood, the proposed project includes requests for reduced front and rear setbacks

(consistent with State-authorized provisions for density bonus projects), which should be considered in analyzing the scale and mass of the project.

The required front setback along the subject portion of Burton Way is 15', but the immediately adjacent properties were constructed with 20' front setbacks. With the requested 10' front setback, the proposed project would be located 10' closer to Burton Way than either of the immediately adjacent buildings. Additionally, certain balconies would encroach up to 3' into the 10' setback, causing portions of the building to be located as close as 7' to the adjacent sidewalk. Despite the reduction in the front setback, which may be accentuated by the 20' front setbacks of the adjacent buildings, staff notes that other multi-family developments further east on Burton Way have setbacks of only several feet. Therefore, the requested front setback reduction would not be inconsistent with the existing character of Burton Way, and the project's scale and massing is expected to be compatible with the surrounding neighborhood. Furthermore, inclusion of appropriate landscaping within the front setback could help to further reduce the appearance of scale and mass.

Building Modulation. The Municipal Code requires a minimum square footage of building modulation for street-facing facades in order to ensure that projects are not overly boxy in their appearance. However, the Municipal Code also offers relief from the minimum modulation requirements through the issuance of an R-4 Permit, which may be approved by the Planning Commission if the Commission finds that the reduction in modulation would not have an adverse impact with respect to scale and massing. The standard modulation requirement for the subject property would be 1,500 square feet (with modulation a minimum of 10' ion depth), whereas the proposed project provides approximately 1,454 square feet of modulation (with varying depths, often less than 10'), which is a negligible reduction in the required modulation. Based on the limited reduction in modulation, as well as the scale and massing of surrounding development, staff does not anticipate the requested reduction in building modulation to adversely impact the project's scale and massing.

Rooftop Uses. The proposed project includes a rooftop deck that would serve as open space for the project, as well as contain a rooftop restroom and spa. The Planning Division has observed that outdoor space has become more popular on residential buildings over the past few decades, and recently approved/constructed projects have typically contained rooftop amenities for residents. The rooftop amenities help to improve the quality of multi-family projects; however, rooftop amenities also have the possibility of impacting surrounding residential uses if not properly designed and regulated. In the case of the proposed project, the rooftop restroom and spa are centrally located on the roof, which will limit visual impacts on adjacent properties and the street. Furthermore, a landscape planter is proposed to surround the accessible portions of the rooftop deck, which will help to reduce privacy impacts to the adjacent condominium building to the east, as well as screen any rooftop activities. While staff supports the general design of the rooftop amenities, if directed to prepare resolutions approving the project, staff would also recommend conditions regarding rooftop hours, music, landscaping, and use, similar to conditions imposed on other projects with residential rooftop amenities.

Parking. During the previous public hearing, members of the public raised concerns about parking availability, and the limited on-street parking on Burton Way. As proposed, the project does not meet the standard Municipal Code parking requirements, which would require the provision of 61 parking spaces for the subject property; however, the project exceeds the State-mandated 39-space parking requirement for a density bonus project by providing a total of 48 spaces (42 standard spaces and 6 compact spaces). Because the project exceeds the State-mandated parking required for a density bonus project, the parking provided is considered to be sufficient and no parking impact is anticipated to result from the project. Furthermore, the availability of surplus parking spaces will help the project to satisfy parking demand, and the Commission may wish to consider designating some of the surplus spaces for guest parking (6 guest parking spaces would normally be required) in order to further alleviate parking concerns.

Potential Pros and Cons. A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Potential Pros	Potential Cons
<ul style="list-style-type: none">• Provision of 2 affordable housing units to support the City's affordable housing goals• Reduced front and rear setbacks eliminate the need for increased building height• Designed to limit impacts on surrounding development• Increased housing opportunities by replacing 10 units with 23 units• Parking provided in excess of density bonus standards	<ul style="list-style-type: none">• Increased density, mass, and scale on the project site• Increased parking demand• Front and rear setbacks less than those of adjacent buildings• Demolition of two apartment buildings containing rental units• Rooftop activity added to project site

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare resolutions certifying the FEIR and making findings conditionally approving the proposed project.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:


Jonathan Lait, AICP, City Planner

ATTACHMENT A

Required Findings

REQUIRED FINDINGS

Development Plan Review

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.*

R-4 Permit

1. *The proposed development, as modulated, does not have an adverse impact on the scale and massing of the streetscape;*
2. *The subject rooftop structures will not adversely affect the privacy of neighboring properties;*
3. *The subject rooftop structures will not adversely affect the access of neighboring properties to light; and*
4. *The subject rooftop structures will not significantly increase noise to adjacent properties.*

* No specific findings, other than approval of a Development Plan Review, are required for the Tentative Tract Map and Density Bonus Permit

ATTACHMENT B

PUBLIC NOTICE



NOTICE of PUBLIC HEARING

HEARING DATE: March 27, 2014

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

LOCATION: Commission Meeting Room 280 A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210



PUBLIC HEARING

The City of Beverly Hills has prepared a Final Environmental Impact Report (FEIR) for a proposed new 23-unit condominium building located at 9265-9269 Burton Way, and the Planning Commission will hold a public hearing to on March 27, 2014 at 1:30 PM or as soon thereafter as the matter may be heard to consider the project and associated FEIR.

PROJECT DESCRIPTION

The project site is located at 9265-9269 Burton Way (between Foothill Road and North Maple Drive) and occupies two lots totaling approximately 0.33 acres in size. The proposed project would result in the demolition of the existing apartment buildings on the subject properties. The proposed new structure would be a 5-story, 23-unit residential building with two levels of subterranean parking. The project provides a total of 46 parking spaces. Of the 23 condominium units, two of the units will be designated for occupancy by very low income households, which allows the applicant to request two development incentives (reduced front and rear setbacks are requested as development incentives).

Project Changes Since Previous Hearing: The Planning Commission previously reviewed the proposed project on May 9, 2013. At that time, the project was proposed to be 6 stories and 72' tall. Since that time, the applicant has modified the project to be 5 stories and 55' tall. In order to compensate for the reduction in building height, the applicant is now seeking reduced front and rear setbacks. The required front setback is proposed to be reduced by 5', and the required rear setback is proposed to be reduced by 1'-6".

Required Entitlements: Approval of the project requires approval of a variety of entitlements, including a Tentative Tract Map for the purpose of creating individual condominium units, a Development Plan Review for general review of the proposed project, a Density Bonus Permit to allow increased density and two development incentives associated with the construction of two very low-income housing units, and an R-4 Permit to allow a rooftop bathroom and reduction in the total building modulation otherwise required by the Municipal Code.

ENVIRONMENTAL REVIEW

The 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 City of Beverly Hills prepared an Environmental Impact Report (EIR) to analyze potential environmental impacts associated with development of the project. The analysis contained in the EIR concludes that the proposed project will not result in any significantly adverse environmental impacts, and the Planning Commission will consider certification of the EIR during the public hearing.

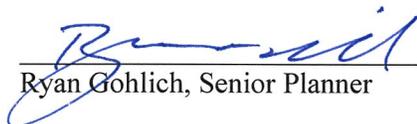
PUBLIC COMMENT

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 Ryan Gohlich, Senior Planner in the Planning Division at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the plans and associated project documents are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely,



Ryan Gohlich, Senior Planner

Mailed: March 17, 2014

ATTACHMENT C

FINAL EIR

(PROVIDED AS A SEPARATE ATTACHMENT)

ATTACHMENT D
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)