



Planning Commission Report

Meeting Date: April 10, 2014

Subject: **338-346 North Rodeo Drive**

Request for a Development Plan Review to allow a remodel and addition to an existing commercial building, and a request for thirty-three (33) in-lieu parking spaces.

PROJECT APPLICANT: ECA Capital

PROJECT AGENT: Jason Somers, Crest Real Estate, LLC.

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 entitlements.

REPORT SUMMARY

The proposed project involves a remodel and addition of an existing two-story commercial building, including a new rooftop terrace, on the property located at 338-346 North Rodeo Drive (currently occupied by Tom Ford, and Bally). As proposed, the addition would contain a total of 5,190 square feet of floor area. 15 new parking spaces would be required as a result of the added floor area, and 18 existing parking spaces will be displaced as a result of the addition, necessitating replacement. Therefore, the applicant requests that a total of 33 required parking spaces be provided through the City's in-lieu parking program¹.

As proposed, the southern half of the existing commercial building would be remodeled, and an addition would occur along the alley elevation of the existing building. The proposed addition would increase the height of the existing building from 38' to approximately 41', and would contain a total floor area of 5,190 square feet, which would increase the floor area on the site to approximately 21,436 square feet². Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-3100, additions to existing commercial buildings that exceed 2,500 square feet or result in an increase in height require a Development Plan Review. As part of the addition, a new rooftop terrace and trellis are also proposed. As designed, the rooftop

¹ The current rate for in-lieu parking spaces on Rodeo Drive is \$47,007.40 per space, which is a total of \$1,551,244.20 for the proposed project.

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

Attachment(s):

- A. Parking Study
- B. Required Findings and Special Conditions
- C. Draft Resolution
- D. Public Notice
- E. Architectural Plans

Report Author and Contact Information:

Shena Rojemann
(310) 285-1192
srojemann@beverlyhills.org

terrace would be within the maximum allowed building height, and the trellis would not exceed the maximum height permitted for unoccupied architectural features located on a rooftop. Therefore, a Development Plan Review is not required for the specific rooftop terrace and trellis.

Two loading spaces have been provided at the rear of the project site and are proposed to be accessed from the alley along the east side of the site. The loading spaces comply with Municipal Code requirements for loading.

This report analyzes the project's building massing and compatibility with the existing streetscape, rooftop uses, traffic impacts, and the City's supply of public parking. Staff's analysis concludes that the project is consistent with commercial development along North Rodeo Drive and will not result in adverse impacts to the surrounding area, and the recommendation in this report is for project approval.

BACKGROUND

| | |
|----------------------|---|
| File Date | 11/19/2013 |
| Application Complete | 3/28/2014 |
| Subdivision Deadline | N/A |
| CEQA Determination | Class 1 Categorical Exemption (refer to the Draft Resolution is Attachment C for further explanation) |
| CEQA Deadline | 60 days from CEQA Determination |
| Permit Streamlining | 6/9/2014 without extension request from applicant |
| Applicant(s) | ECA Capital |
| Owner(s) | ECA Capital |
| Representative(s) | Jack Neeson |
| Architect/Designer | Jose Dasilva AIA, The Dennis Group, LLC. |
| Prior PC Action | None |
| Prior Council Action | None |

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

| | |
|-----------------------|--|
| Address | 338-342 North Rodeo Drive |
| Assessor Number | 4343-015-005 |
| Zoning District | C-3 Commercial Zone |
| General Plan | Low Density General |
| Existing Land Use(s) | Commercial Retail |
| Lot Dimensions & Area | 152.5' x 100' = 15,250 sq. ft. (.35 acres) |
| Historic Resource | None |
| Protected Trees/Grove | None |

Adjacent Zoning and Land Uses

| | |
|-------|---------------------------------------|
| North | C-3 Commercial Zone/Commercial Retail |
| South | C-3 Commercial Zone/Commercial Retail |
| East | C-3 Commercial Zone/Commercial Retail |
| West | C-3 Commercial Zone/Commercial Retail |

Circulation and Parking

Adjacent Street(s) North Rodeo Drive
 Adjacent Alleys One-way, southbound alley located to the east of the project site
 Parkways & Sidewalks 12' parkway along North Rodeo Drive
 Parking Restrictions One hour parking from 8:00 AM to 6:00 PM along North Rodeo Drive
 Nearest Intersection North Rodeo Drive and Brighton Way
 Circulation Element Local Streets
 Estimated Daily Trips Rodeo Drive carries approximately 9,975 daily trips.

Zoning Compliance Table

| ZONING REGULATIONS | ALLOWED/REQUIRED | EXISTING CONDITION | PROPOSED | NOTES |
|---|--|--|--|--|
| Height | 45' or 3 stories (whichever is less) measured to the roof deck | 38' to roof deck/41' to top of parapet (two-stories) | 40'-10" to roof deck/44'-4" to top of parapet (two-stories with mezzanine) | The existing commercial building is two-stories in height/38'. |
| Unoccupied Architectural Features (trellis structure) | Maximum height of 15' above the adjacent roof deck, may not cover more than 33% of the roof area, must comply with the required 45° height envelope ³ | N/A | Trellis is 15' in height, the trellis covers 6.0% of the rooftop area (approximately 710 square feet), the trellis complies with the 45° height envelope | New trellis complies with the requirements for unoccupied architectural features |
| Floor Area | 30,500 square feet | 17,130 square feet | 21,436 square feet | The project proposes additions along the alley elevation of the existing building. |
| North Setback | No setback required | No setback existing | No change | |

³ BHMC §10-3-100, Height of Buildings in Nonresidential Zones (7): Unoccupied architectural features are exempt from height provided that such features to not exceed 15' in height as measured from the adjacent roof deck, do not cover more than 33% of the roof area upon which they are located, and the features do not exceed or intersect with a line project from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.

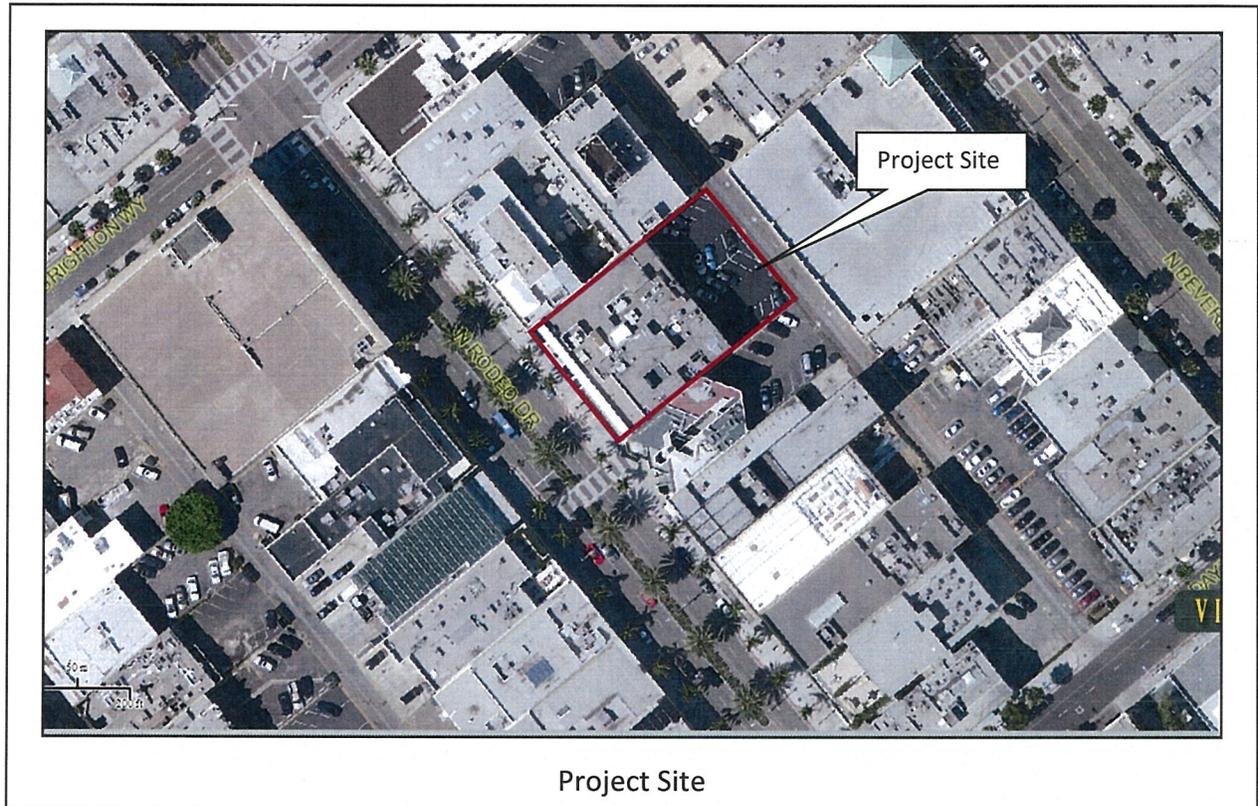
Zoning Compliance Table Continued

| ZONING REGULATIONS | ALLOWED/ REQUIRED | EXISTING CONDITION | PROPOSED | NOTES |
|---------------------------------|---|---|--|--|
| South Setback | No setback required | No setback existing | No change | |
| West Setback (North Rode Drive) | No setback required | No setback existing | No change | |
| East Setback (alley) | No setback required | Approximately 51' | 5'-0" | |
| Parking Spaces | 20 spaces onsite (existing legal nonconforming condition) | 20 spaces onsite (existing legal nonconforming condition) | 2 handicap (ADA) parking spaces onsite/33 parking spaces requested through in-lieu parking | 18 spaces would be removed from the site and 15 new parking spaces are required, therefore a total of 33 in-lieu parking spaces are requested. |
| Loading Spaces | 1 space | No loading space provided | 2 loading spaces | |

Neighborhood Character

The subject property is located within the Business Triangle, along the 300 block of North Rodeo Drive. Development in the vicinity of the project site typically consists of luxury retail and office uses within buildings that are predominantly two to four stories in height. The area is pedestrian-oriented and is lined with ground-floor retail establishments

Aerial site image provided on the following page.



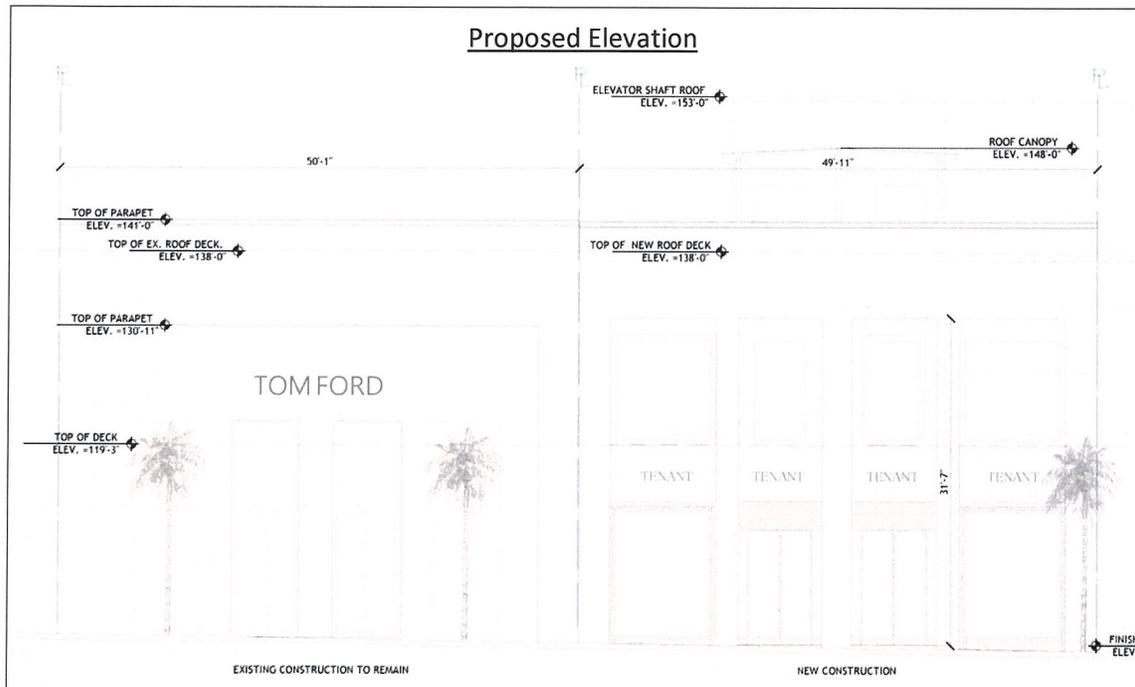
PROJECT DESCRIPTION

The proposed project includes the following elements:

- Remodel of southern half of the existing building;
- Additions totaling 5,190 square feet along the alley elevation of the existing building;
- The building height will be increased from 38' to 41'-10";
- A rooftop terrace⁴;
- A 15' tall rooftop trellis;
- A request for 33 in-lieu parking spaces;
- Two (2) loading spaces; and
- Two (2) onsite accessible (ADA) parking spaces.

The proposed building elevation is provided on the following page.

⁴ As proposed, the rooftop terrace is located above the second level of the proposed building. As proposed, the rooftop terrace does not exceed the maximum height permitted for commercial buildings in the C-3 Commercial Zone (3 stories or 45', whichever is less). Consequently, pursuant to BHMC §10-3-3107(B) the rooftop terrace does not require a Development Plan Review; however, the Commission may impose conditions on the rooftop use in its review of the project.



ZONING CODE⁵ COMPLIANCE

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

In reviewing the proposed project, City staff consulted with the Development Services Program, which includes the Building & Safety Division, the Fire Department, and Public Works Department, to identify potential issues that should be addressed prior to Planning Commission review. At the time of review, no issues were identified that would result in the need for significant project modifications.

GENERAL PLAN⁶ POLICIES

The General Plan includes goals and policies intended to help guide development in the City. Some of the goals and policies applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

- **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

⁵ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

⁶ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

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 11.1 Preservation of Pedestrian-Oriented Retail Shopping Areas.** Preserve, protect, and enhance the character of the pedestrian-oriented retail shopping areas, which are typified by a variety of retail shops with displays to attract and hold the interest of pedestrian shoppers, to ensure the continuity of the pedestrian experience.
- **Policy LU 15.1 Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services, and high-paying jobs.
- **Policy ES 1.4 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.

PUBLIC OUTREACH AND NOTIFICATION

| Type of Notice | Required Period | Required Notice Date | Actual Notice Date | Actual Period |
|--|-----------------|----------------------|--------------------|---------------|
| Posted Notice | N/A | N/A | 4/4/14 | 6 days |
| Newspaper Notice | N/A | N/A | N/A | N/A |
| Mailed Notice (Residential Owners- 500' Radius & Owners - 300' Radius) | 10 Days | 3/31/14 | 3/28/14 | 13 Days |
| Property Posting | N/A | N/A | N/A | N/A |
| Website | N/A | N/A | 4/4/14 | 6 Days |

Public Comment

As of the writing of this report the City has not received any comments regarding this project.

ANALYSIS⁷

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. Key issues related to the requested entitlements are discussed as follows:

Building Mass/Scale and Streetscape. The proposed project is located on an interior lot along North Rodeo Drive within the City's Business Triangle. Development directly surrounding the project site includes a four-story building directly to the north (Luxe Hotel), a locally landmarked three-story building to the south (Anderton Court – designed by Frank Lloyd Wright), a two-story building directly to the east across the alley, and two commercial buildings ranging from

⁷ 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.

two to three stories located to the west of the project site across Rodeo Drive. As proposed, the project would be two stories (40'-10") in height and would contain a rooftop terrace and trellis. The proposed rooftop trellis would extend 15'-0" above the adjacent roof deck, thus resulting in a maximum building height of 55'-0" (the rooftop deck around the rooftop terrace is 38' in height). Although the rooftop trellis will add additional height to the structure, it has been designed to be set back from the building's primary elevation along Rodeo Drive. Consequently, the rooftop area will be minimally visible from Rodeo Drive, which will help reduce the mass and scale as viewed from the street. In addition, the proposed project will be consistent with the scale of the existing building and other development in the area. Therefore, the project is anticipated to appropriately fit into the existing streetscape.

Rooftop Terrace. A terrace and 15' tall trellis are proposed to be located on the rooftop of the southern half of the commercial building. Recently, the Planning Commission has reviewed multiple requests for rooftop uses on the properties located at 9800 Wilshire Boulevard (Gores Building), 301 North Rodeo Drive (Burberry), and 151 El Camino Drive (Kennedy Wilson). The proposed project differs from those previously reviewed by the Commission in that the rooftop terrace will not exceed the 45' maximum height permitted in the commercial zone, which prevents the terrace from being subject to the specific development restrictions applicable to 'rooftop uses' that the Commission is familiar with. Additionally, the property is located within the business triangle and does not abut residential uses.

As proposed, the rooftop area will be utilized primarily by employees of the building's tenant(s) and guests of the building tenant(s). The majority of the rooftop terrace is open to the sky, but a portion of the rooftop terrace would be covered by a trellis structure. The proposed project is surrounded by commercial uses and a hotel. Consequently, the proposed rooftop terrace is not anticipated to result in privacy or noise impacts for residential properties; however, the nearest hotel use is the Luxe hotel located on the property to the north of the project site⁸. Due to the close proximity to the Luxe Hotel, the rooftop terrace could result in noise impacts for guests of the hotel. Given the presence of the hotel, which is considered to be a land use that is more sensitive to noise, staff recommends a condition that would restrict the daily rooftop hours from 8:00 AM to 10:00 PM, and would allow for up to a maximum of twenty (20) rooftop events (within a 12-month period) that would allow the tenant(s) to utilize the rooftop terrace until 12:00 AM⁹.

Furthermore, the proposed rooftop area is consistent with other businesses along North Rodeo Drive that have existing terraces. These businesses include:

See chart on the following page.

⁸ The nearest residential properties to the project site are located within the Montage (225 North Canon Drive).

⁹ The number of rooftop events recommended in this report is consistent with the number of events previously granted by the Planning Commission for the Burberry project at 301 North Rodeo Drive; however, the hours of operation are more restrictive for this project due to the close proximity to the Luxe Hotel.

| Business | Address | No. of Building Stories | Location of terrace(s) |
|---------------|------------------|-------------------------|------------------------|
| Louis Vuitton | 295 N. Rodeo Dr. | 3 stories | 3 rd floor |
| Bebe | 308 N. Rodeo Dr. | 2 stories | Rooftop |
| Harry Winston | 310 N. Rodeo Dr. | 2 stories | Rooftop |
| Gucci | 347 N. Rodeo Dr. | 2 stories | Rooftop |
| Chanel | 400 N. Rodeo Dr. | 3 stories | Rooftop |
| LLadro | 408 N. Rodeo Dr. | 3 stories | 3 rd floor |
| Hermes | 428 N. Rodeo Dr. | 4 stories | Rooftop |
| Burberry | 301 N. Rodeo Dr. | 3 stories | Rooftop |

Some of the existing terraces contain landscaping and encourage activation of the outdoor areas. This additional activity and landscaping improves the urban environment along North Rodeo Drive and helps to create aesthetically pleasing spaces.

Traffic. The proposed project involves the remodel of the existing building and additions to the building along the alley elevation. The building will be occupied by a retail use(s), which has not been identified at this time, and is consistent with the existing use onsite. Since the existing and proposed uses are the same, the projected traffic increase has been calculated based on the increase in gross floor area resulting from the addition. As proposed, the net floor area would be increased by 5,190 square feet. Trip rates for the project have been based on estimates from Trip Generation, 8th Edition (Institute of Transportation Engineers [ITE], 2008), which are based on a compilation of empirical trip generation surveys at locations throughout the country to forecast the number of trips that would be generated by the project. The trip rate used for "Specialty Retail Center" (ITE code 814) was applied to the proposed project. Using this rate, the table provided below indicates that the proposed project is expected to generate a net increase of 310 daily trips to the site.

| TRIP GENERATION TABLE | | | |
|---|---------------------------|-----------------|-------------|
| Land Use | KSF ¹⁰ | Daily Trip Rate | Daily Trips |
| Proposed Project <i>Specialty Retail Center</i> | 26.195 | 44.32 | 1161 |
| Less Existing Land Use <i>Apparel Store</i> | 19.191 | 44.32 | 851 |
| Total Trips | 7.004¹¹ | | 310 |

The increase of 310 average daily trips is negligible based on the Los Angeles County Metropolitan Transportation Authority's Congestion Management Program and would be a 3.1% increase over the existing 9,975 daily trips on Rodeo Drive. Although the daily trips are anticipated to increase, as proposed the parking would be provided in the City's parking facilities

¹⁰ KSF = thousand square feet. The gross floor area, not net floor area, was used when calculating the trip generations for the project site.

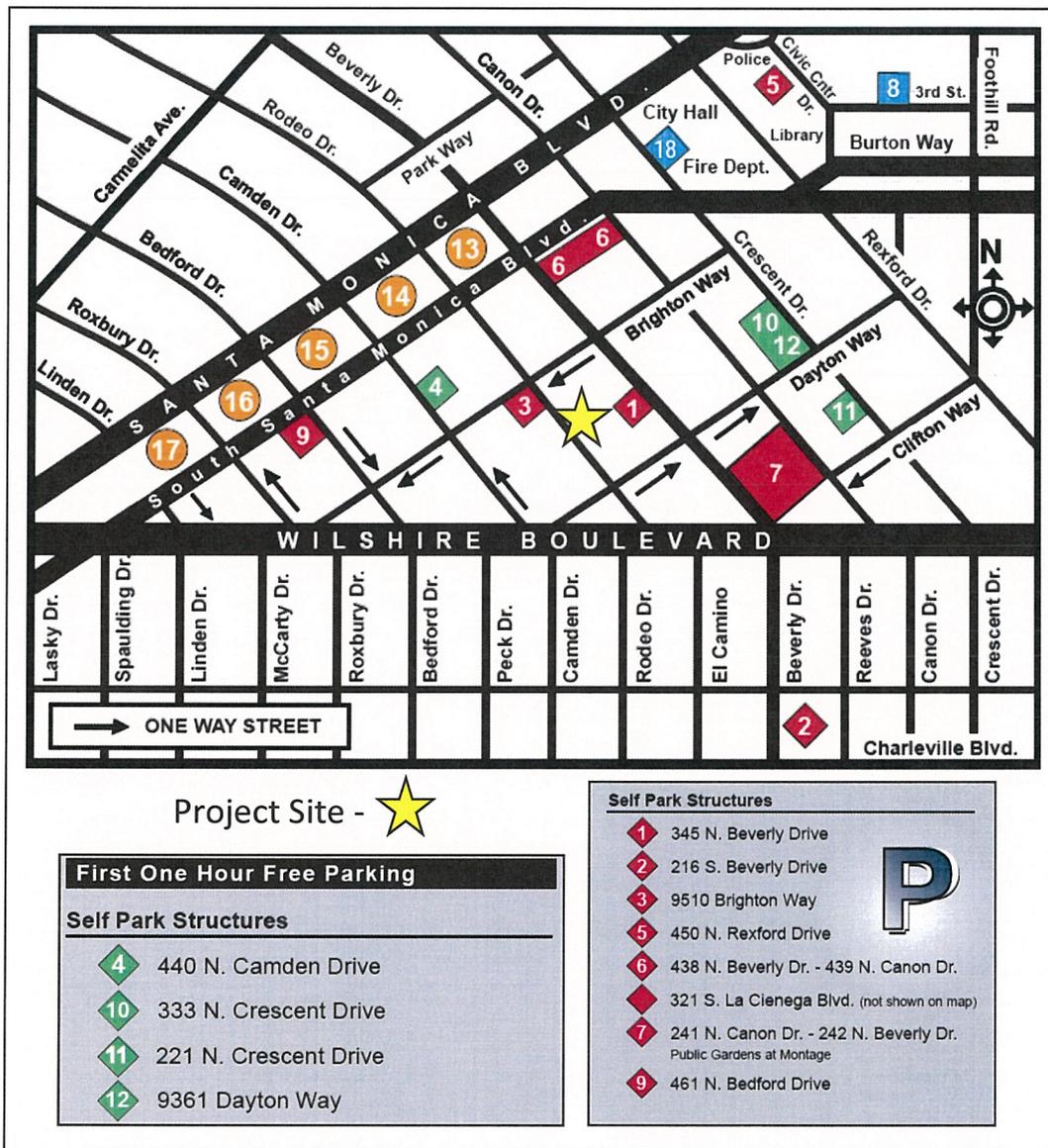
¹¹ This figure represents the increase in gross floor area of the project which differs from the net floor area increase of 5,190 square feet. The net floor area provided throughout this report includes exemptions for stair shafts, elevators, elevator lobbies, and rooms used exclusively for the housing of operating equipment or machinery.

since only two onsite parking spaces would be provided. Consequently, the new trips to the site would be distributed over a boarder area than they would be if the primary parking were provided onsite. Furthermore, the project is centrally located in the walkable Business Triangle, where customers tend to visit multiple stores per trip. Given the project's proposed parking configuration and the project's central location within the Business Triangle, it is reasonable to conclude that many trips to the proposed retail store would be extensions of existing trips to the area, rather than additional vehicles trips. Due to the negligible increase in traffic volumes and the project's central location within the Business Triangle, the project is not anticipated to result in a significant traffic impact.

In-Lieu Parking. In conjunction with the proposed project, the applicant's transportation consultant prepared a parking demand analysis, which was peer reviewed by the City. The analysis assessed three City parking facilities located within walking distance of the project site, including 345 North Beverly Drive, 9510 Brighton Way, and 242 North Beverly Drive/241 North Canon Drive (Beverly Canon Gardens). The study concluded that sufficient parking is available to accommodate the in-lieu parking request; however, staff did identify a concern that the data in the parking study was collected last year. In order to determine whether the parking counts are still valid, staff compared the counts to more recent counts conducted by the City's Parking Operations Division.

The data collected by the City was gathered from four of the surrounding structures including 345 North Beverly Drive, 9510 Brighton Way, and 242 North Beverly Drive/241 North Canon Drive (Beverly Canon Gardens), as well as 440 North Camden Drive. (A map of the City's parking structures has been provided on the following page. A key has been provided to help identify the location of the parking structures that have been studied. The star indicates the project site location.)

See a map of City parking structures on the following page.



The City's data indicates that an average of 149 parking spaces are available between the four structures during peak demand times¹², whereas the applicant's parking study suggests that approximately 169 spaces are available between just three of the structures during the peak demand times. This shift in parking availability is likely attributable to improvements in the economy over the past year, as well as more aggressive leasing of public parking spaces to automobile dealers for the storage of new car inventory and the monthly leasing of reserved parking spaces to businesses. Despite the increased parking demand, the City maintains sufficient capacity in the parking structures studied to accommodate the request for 33 in-lieu parking spaces, as well as the 40 in-lieu parking spaces recently approved for the Burberry flagship store at 301 North Rodeo Drive.

¹² The City data was gathered over the course of five Thursdays from January 16, 2014 through February 13, 2014.

Additionally, the City has approved 59 in-lieu parking spaces for Spaghetini Restaurant and 42 in-lieu parking spaces for Palm Restaurant within the past year. When studying the parking availability for the two restaurant projects, which are located on North Canon Drive, the parking availability within the structures located at 333 North Crescent Drive, 221 North Crescent Drive, and 9361 Dayton Way were studied, as well as the structure at 242 North Beverly Drive/241 North Canon Drive (Beverly Canon Gardens). The study concluded that approximately 250-300 parking spaces were available between the four structures to accommodate the restaurant parking. Furthermore, a number of the structures studied for the two restaurant projects have restricted availability due to the leasing of public parking to automobile dealers for the storage of new car inventory. In the event that parking demand exceeds supply, the City retains the ability to modify or terminate its leases for monthly parking and new car inventory, and has the ability to relocate cars to less impacted garages.

Staff's analysis concludes that sufficient parking exists to accommodate the requested 33 in-lieu parking spaces as well as the previously approved in-lieu parking requests for Burberry, Spaghetini Restaurant, and Palm Restaurant. Additionally, staff anticipates that lunchtime operations for Spaghetini Restaurant and Palm Restaurant will attract fewer vehicles than dinner operations, as patrons may be more likely to walk to the restaurants from adjacent offices within the Business Triangle. In the evenings, when patrons may be more likely to drive to the restaurant, a large parking surplus is available to accommodate the restaurants.

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"> • Preservation of an existing commercial building on North Rodeo Drive • Creation of expanded retail space on North Rodeo Drive • Rooftop activity improves the urban environment • Updated design of the existing building • Increased tax revenue from the added retail space | <ul style="list-style-type: none"> • Increased parking demand within the Business Triangle • Addition of rooftop activity • Increased traffic • Potential construction impacts on a Local Historic Landmark – Anderton Court, and on the Luxe Hotel |

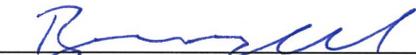
NEXT STEPS

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

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

I:\Planning\Shena Rojemann\PC\Commission Level\Rodeo 338-342 - DPR_ In-Lieu\Rodeo Dr 338-346- Staff Report 4-10-14.doc

ATTACHMENT A
Parking Demand Study

Begins on following page



TECHNICAL MEMORANDUM

Date: March 24, 2014
To: Mr. Jose Dasilva, The Dennis Group, LLC
From: Anjum Bawa and Miguel Núñez
Subject: *Parking Study for 338-342 N. Rodeo, Beverly Hills, CA*

Ref: LA13-2629

This memorandum summarizes the results of a parking study Fehr & Peers conducted for the proposed retail store to be located at 338-342 North Rodeo Drive in the City of Beverly Hills, California. The parking study involved estimating the number of parking spaces required by the proposed new retail use per City of Beverly Hills' ordinance, and then identified parking resources in the vicinity of project site that could qualify towards satisfying the project's parking requirements. These included parking facilities open to public parking located within a reasonable walking distance of ¼ of a mile.

The project involves construction of 5,190 square feet of net new retail space for a total of approximately 25,062 square feet of gross leasable floor area. The new store will replace an existing retail use and will include up to two on-site parking spaces. The site currently has a total of 20 parking spaces, out of which, 18 spaces will need to be moved off-site as a result of additional retail space.

CITY OF BEVERLY HILLS CODE REQUIREMENTS

According to the City of Beverly Hills Municipal Code, retail uses are required to provide one parking space per 350 sf or approximately 2.86 spaces per 1,000 sf. At 5,190 sf, the proposed retail store will be required to provide approximately 15 spaces. The proposed addition and modifications to the building will result in a net loss of 18 on-site spaces, therefore the total parking required to be provided is 33 parking spaces.

| Gross Leasable Area (1,000 sf) | Net New Area (1,000 sf) | Code Required Parking [a] | Required New Parking Spaces | Parking to be Replaced | Total Parking Required |
|-----------------------------------|----------------------------|------------------------------|-----------------------------------|------------------------------|------------------------------|
| 25.062 | 5.19 | 2.86 | 15 | 18 | 33 |

[a] According to City of Beverly Hills Municipal Code, retail uses are required to provide 1 parking space per 350 sf.

PROJECT DEMAND ASSESSMENT

The anticipated parking demand generated by the proposed project was estimated based on demand rates recommended in *Parking Generation, 4th Edition* (Institute of Transportation

Engineers [ITE], 2010). The estimated parking demand for retail on a Non-Friday Weekday (Non-December) is 2.55 vehicles per 1,000 sf of gross leasable area (GLA), or 64 vehicles. The estimated parking demand for retail on a Saturday (Non-December) is 2.87 vehicles per 1,000 sf of GLA, or 72 vehicles.

| Period | Gross Leasable Area (1,000 sf) | Net New Area (1,000 sf) | Estimated Parking Demand per 1,000 sf [a] | Required Parking Spaces |
|----------|--------------------------------|-------------------------|---|-------------------------|
| Thursday | 25.062 | 5.19 | 2.55 | 64 |
| Saturday | | | 2.87 | 72 |

[a] Estimated Parking demand based on GLA. Thursday demand is estimated using average parking demand for LU 820 on a Non-Friday Weekday (Non-December). Saturday demand is estimated using average parking demand for LU 820 on a Saturday (Non-December)

Parking Generation, 4th Edition provides time-of-day parking demand distribution for both December and non-December days of the week. After review of the corresponding time-of-day distribution for the aforementioned peak parking demand rates, the peak demand for the proposed retail use will occur at 12:00 PM on a non-Friday weekday and 12:00 PM and 1:00 PM on a Saturday during all months of the year except December.

The project site is located within the City's "Golden Triangle" commercial district, which includes a mix of commercial uses such as retail, restaurants, office, medical offices, etc. Parking for the uses is either provided on- or off-site in city operated- or privately-owned parking facilities. With the density and diversity of uses, short blocks, and a mature network of sidewalks, visitors to the commercial district are encouraged to "park once." Once parked in the area, these visitors may visit multiple uses in the area without having to move their vehicles. It is anticipated that a significant portion of proposed retail store traffic would be generated from visitors already present in the area.

Considering the aforementioned, the effective parking demand for the new retail use will most likely be lower than estimated above.

EXISTING PARKING SUPPLY

As described, the project is proposing up to one on-site parking space and intends to satisfy its remaining demand with parking available in proximate off-site public parking facilities.

The project's off-site parking demand could be accommodated in the following three City-owned public parking facilities:

- Parking Structure 1 (345 N Beverly Dr) – approximately 284 spaces
- Parking Structure 3 (9510 Brighton Wy) – approximately 250 spaces
- Parking Structure 7 (241 N Canon Dr – 242 N Beverly Dr) – approximately 613 spaces, not including Level 1, which is reserved for Montage Parking, nor any spaces on Levels 2 to 4 categorized as "residential," "reserved" or "employee"

The locations of these structures are shown in Attachment A.

Parking Surveys

Hourly parking occupancy counts were conducted in February 2013 to determine the existing supply in the aforementioned three public parking structures. The surveys were conducted during the following time periods:

- Saturday, February 9, 2013 from 10:00 AM to 6:00 PM
- Thursday, February 21, 2013 from 10:00 AM to 6:00 PM

Tables 1 and 2 show the available parking supply and existing occupancy levels for the three structures on a typical weekday and weekend day (Saturday), respectively.

Provided below is a brief summary of survey results.

- Parking Structure 1
 - As shown in Figure 1A, peak parking utilization for PS 1 on a Thursday occurred at 1:00 PM when the garage was 87% full (248 of 284 spaces were occupied, 36 available spaces)
 - As shown in Figure 1B, peak parking utilization for PS 1 on a Saturday occurred at 1:00 PM when the garage was 84% full (239 of 284 spaces were occupied, 45 available spaces)
- Parking Structure 3
 - As shown in Figure 2A, peak parking utilization for PS 3 on a Thursday occurred at 2:00 PM when the garage was 92% full (229 of 250 spaces were occupied, 21 available spaces)
 - As shown in Figure 2B, peak parking utilization for PS 3 on a Saturday occurred at 3:00 PM when the garage was 93% full (232 of 250 spaces were occupied, 18 available spaces)
- Parking Structure 7
 - As shown in Figure 3A, peak parking utilization for PS 7 on a Thursday occurred at 1:00 PM when the garage was 80% full (489 of 613 spaces were occupied, 124 available spaces)
 - As shown in Figure 3B, peak parking utilization for PS 7 on a Saturday occurred at 2:00 to 3:00 PM when the garage was 31% full (187 of 613 spaces were occupied, 426 available spaces)

Figures 4A and 4B show a combined hourly parking utilization of all surveyed parking structures on a Thursday and Saturday, respectively. Based on the results of the survey, the peak parking utilization on a Thursday occurred at 1:00 PM with 205 available spaces. Peak parking utilization on a Saturday occurred at 2:00 PM with 495 available spaces.

The results of the parking survey indicate that the three public parking facilities located within reasonable walking distance to the project will have sufficient parking spaces available to meet the project's off-site parking demand.

CONCLUSION

Per the City's ordinance, the project is required to provide a total of 33 parking spaces as in-lieu parking permitted by the City's ordinance. Based on results of comprehensive parking occupancy surveys conducted at three City-owned parking facilities, the existing availability of 205 and 495 spaces during a weekday and Saturday, respectively, is sufficient to accommodate project's off-site parking demand.

TABLE 1 - EXISTING WEEKDAY OCCUPANCY

THURSDAY, FEBRUARY 21

| | PARKING STRUCTURE 1 | | | PARKING STRUCTURE 3 | | | PARKING STRUCTURE 7 ^[1,2,3] | | | TOTAL SPACES | | AVAILABLE SPACES REMAINING |
|----------|---------------------|------------|------------------|---------------------|------------|------------------|--|------------|------------------|--------------|------------|----------------------------|
| | TOTAL SPACES | % OCCUPIED | SPACES REMAINING | 250 | % OCCUPIED | SPACES REMAINING | 613 | % OCCUPIED | SPACES REMAINING | 1,147 | % OCCUPIED | 1,147 |
| 10:00 AM | 62 | 22% | 222 | 112 | 45% | 138 | 356 | 58% | 257 | 530 | 46% | 617 |
| 11:00 AM | 107 | 38% | 177 | 162 | 65% | 88 | 472 | 77% | 141 | 741 | 65% | 406 |
| 12:00 PM | 139 | 49% | 145 | 184 | 74% | 66 | 436 | 71% | 177 | 759 | 66% | 388 |
| 1:00 PM | 248 | 87% | 36 | 205 | 82% | 45 | 489 | 80% | 124 | 942 | 82% | 205 |
| 2:00 PM | 233 | 82% | 51 | 229 | 92% | 21 | 450 | 73% | 163 | 912 | 80% | 235 |
| 3:00 PM | 149 | 52% | 135 | 199 | 80% | 51 | 383 | 62% | 230 | 731 | 64% | 416 |
| 4:00 PM | 143 | 50% | 141 | 174 | 70% | 76 | 363 | 59% | 250 | 680 | 59% | 467 |
| 5:00 PM | 121 | 43% | 163 | 142 | 57% | 108 | 314 | 51% | 299 | 577 | 50% | 570 |
| 6:00 PM | 127 | 45% | 157 | 124 | 50% | 126 | 303 | 49% | 310 | 554 | 48% | 593 |

[1] Data collection for Parking Structure 7 excludes Level 1, which is reserved for Montage parking. This analysis also excludes any spaces on Levels 2 to 4 which are categorized as "reserved," "residential" or "employee"

[2] Of the 613 spaces, 521 are tandem

[3] Some vehicles in count were parked illegally against the wall

TABLE 2- EXISTING WEEKEND OCCUPANCY

SATURDAY, FEBRUARY 9

| | PARKING STRUCTURE 1 | | | PARKING STRUCTURE 3 | | | PARKING STRUCTURE 7 ^[1,2] | | | TOTAL STRUCTURES | | AVAILABLE SPACES REMAINING |
|----------|---------------------|------------|------------------|---------------------|------------|------------------|--------------------------------------|------------|------------------|------------------|------------|----------------------------|
| | TOTAL SPACES | % OCCUPIED | SPACES REMAINING | 250 | % OCCUPIED | SPACES REMAINING | 613 | % OCCUPIED | SPACES REMAINING | 1,147 | % OCCUPIED | 1,147 |
| 10:00 AM | 119 | 42% | 165 | 85 | 34% | 165 | 67 | 11% | 546 | 271 | 24% | 876 |
| 11:00 AM | 185 | 65% | 99 | 116 | 46% | 134 | 82 | 13% | 531 | 383 | 33% | 764 |
| 12:00 PM | 186 | 65% | 98 | 163 | 65% | 87 | 122 | 20% | 491 | 471 | 41% | 676 |
| 1:00 PM | 239 | 84% | 45 | 210 | 84% | 40 | 178 | 29% | 435 | 627 | 55% | 520 |
| 2:00 PM | 234 | 82% | 50 | 231 | 92% | 19 | 187 | 31% | 426 | 652 | 57% | 495 |
| 3:00 PM | 200 | 70% | 84 | 232 | 93% | 18 | 150 | 24% | 463 | 582 | 51% | 565 |
| 4:00 PM | 204 | 72% | 80 | 207 | 83% | 43 | 148 | 24% | 465 | 559 | 49% | 588 |
| 5:00 PM | 162 | 57% | 122 | 124 | 50% | 126 | 142 | 23% | 471 | 428 | 37% | 719 |
| 6:00 PM | 118 | 42% | 166 | 83 | 33% | 167 | 150 | 24% | 463 | 351 | 31% | 796 |

[1] Data collection for Parking Structure 7 excludes Level 1, which is reserved for Montage parking. This analysis also excludes any spaces on Levels 2 to 4 which are categorized as "reserved," "residential" or "employee"

[2] Of the 613 spaces, 521 are tandem

FIGURE 1A - PARKING STRUCTURE 1 WEEKDAY OCCUPANCY

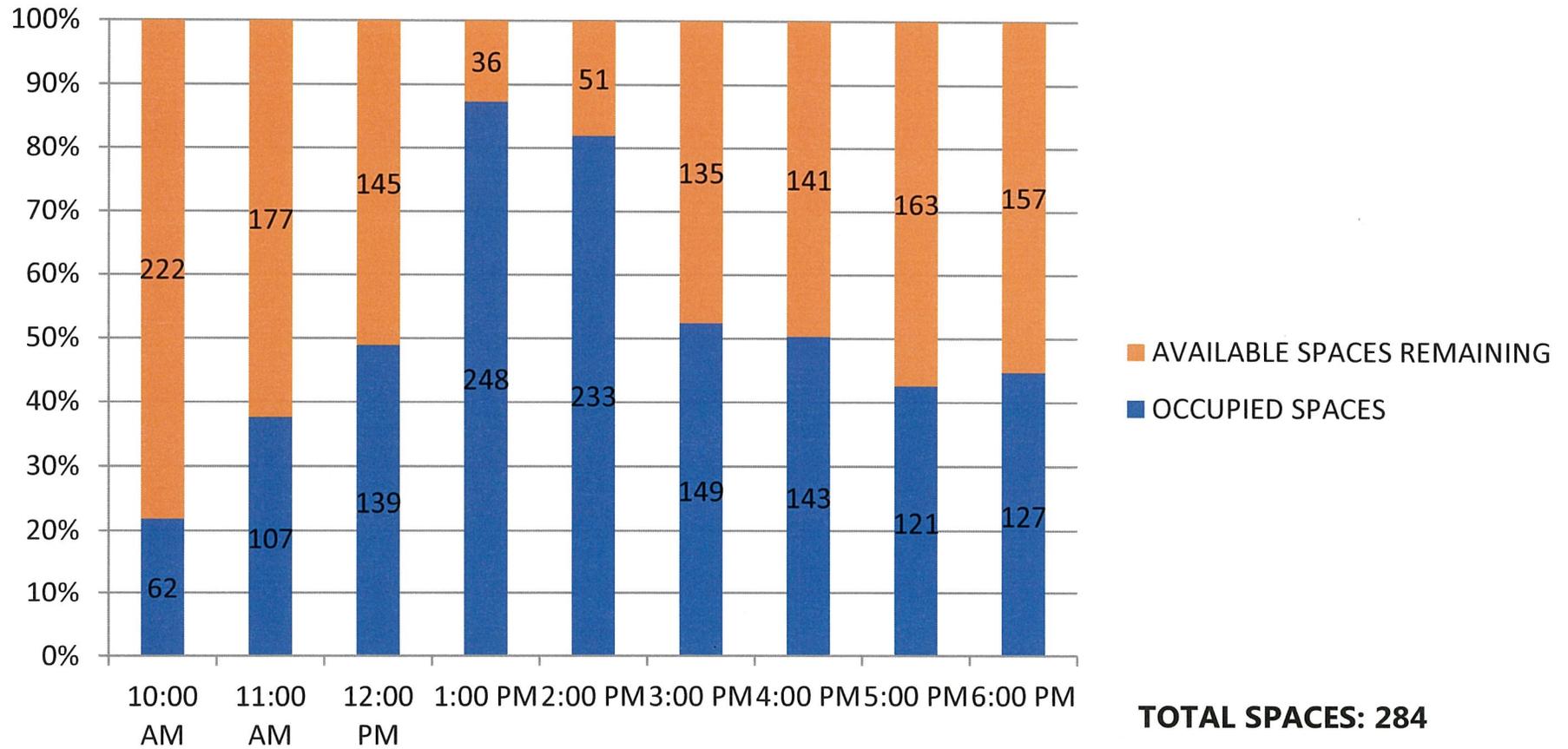


FIGURE 1B - PARKING STRUCTURE 1 SATURDAY OCCUPANCY

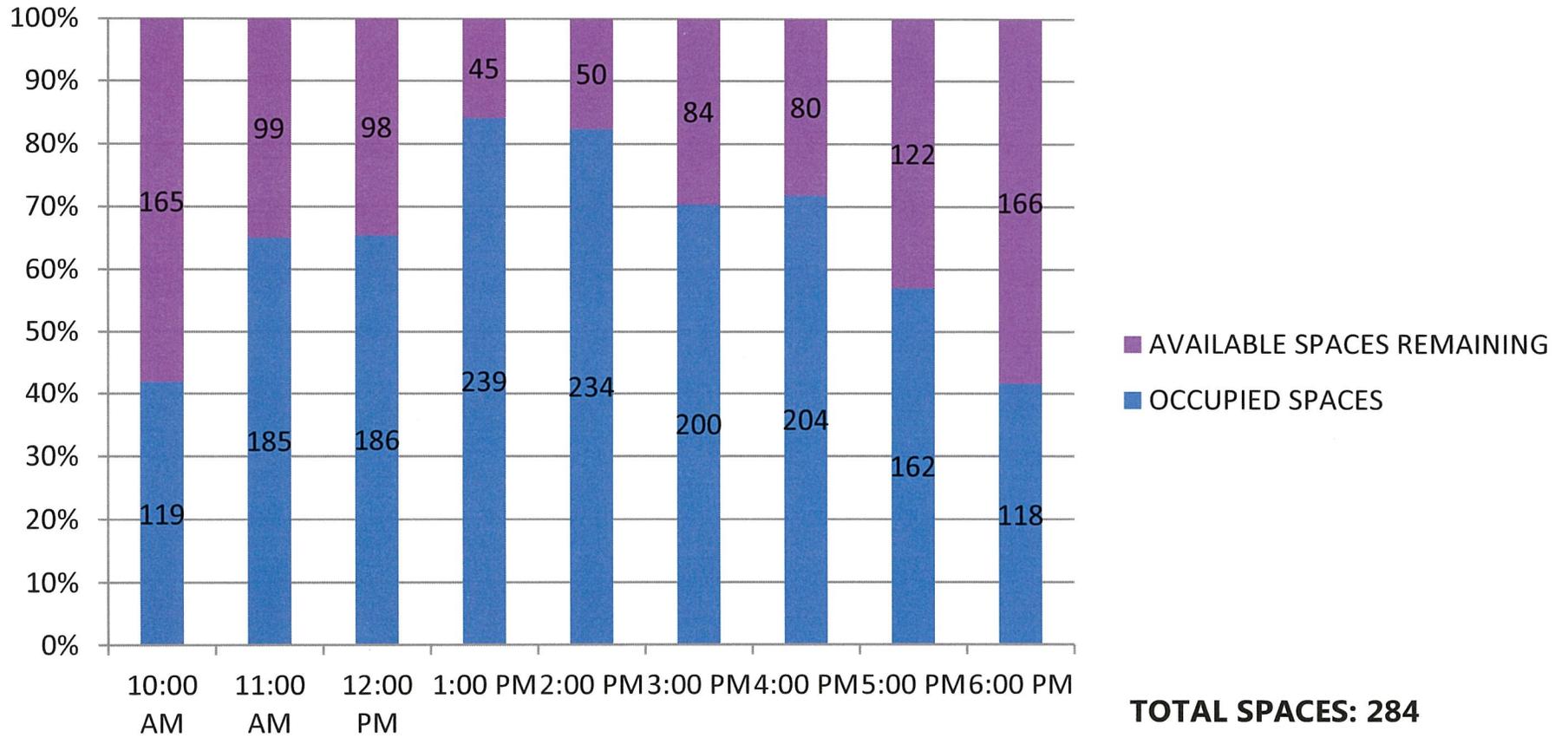


FIGURE 2A - PARKING STRUCTURE 3 WEEKDAY OCCUPANCY

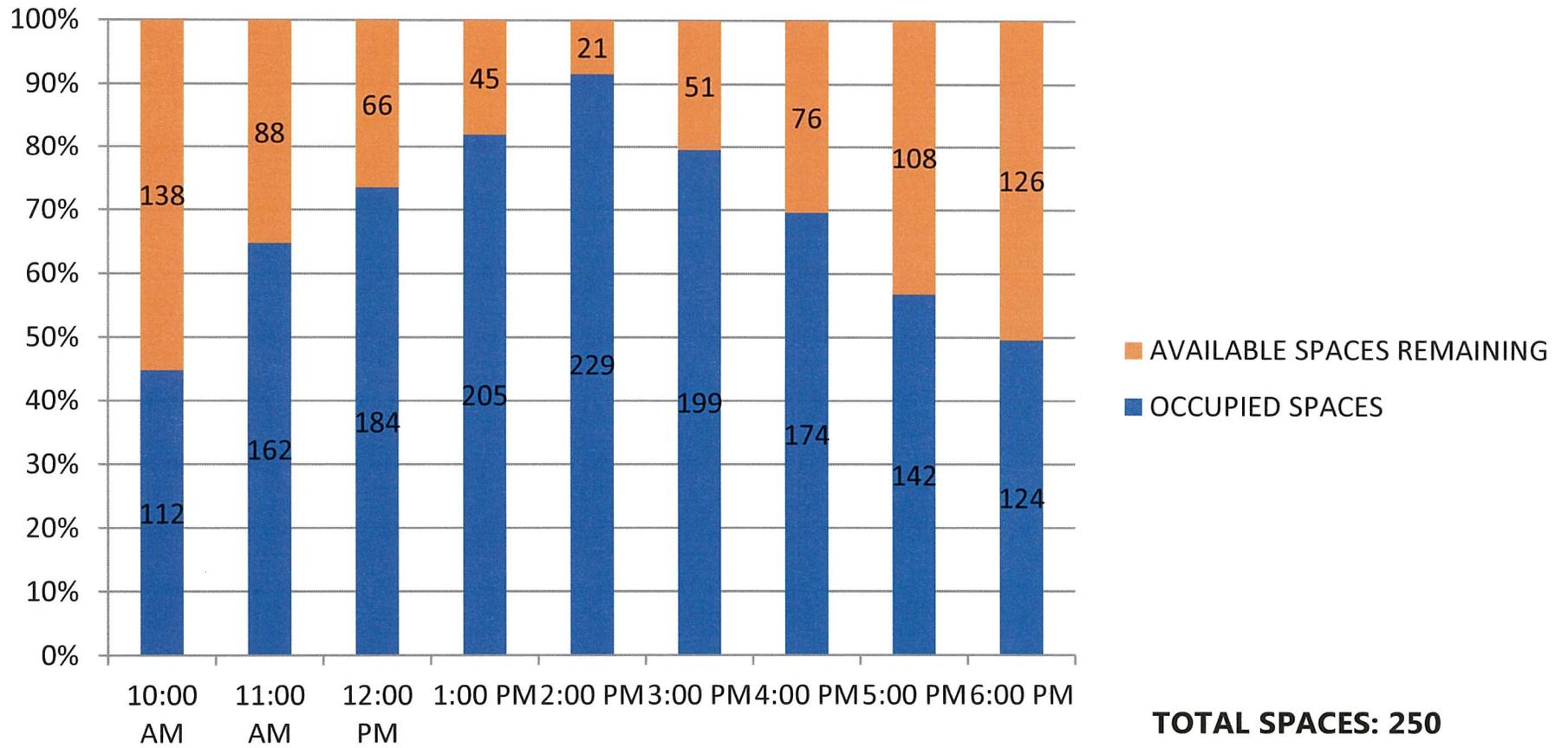


FIGURE 2B - PARKING STRUCTURE 3 SATURDAY OCCUPANCY

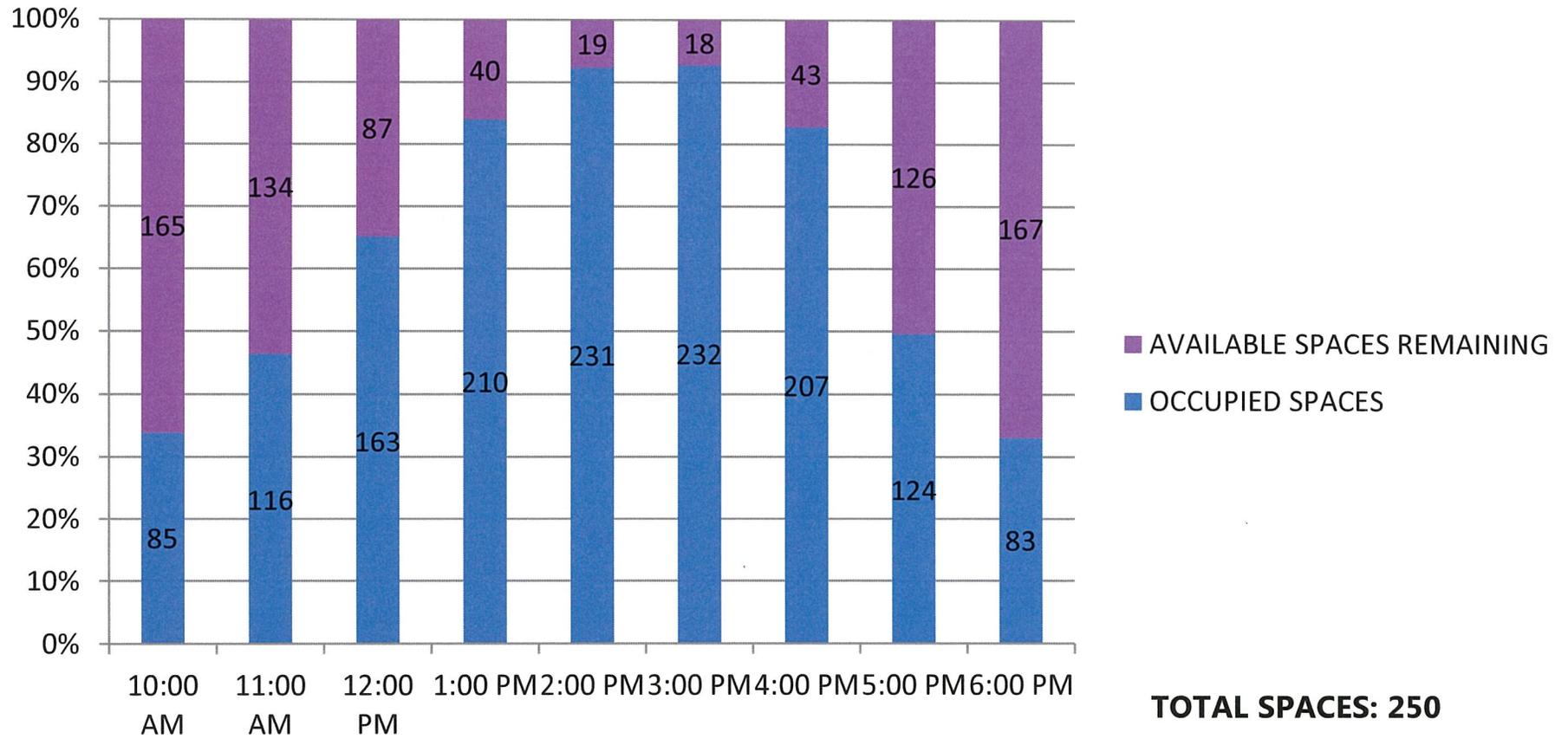


FIGURE 3A - PARKING STRUCTURE 7 WEEKDAY OCCUPANCY

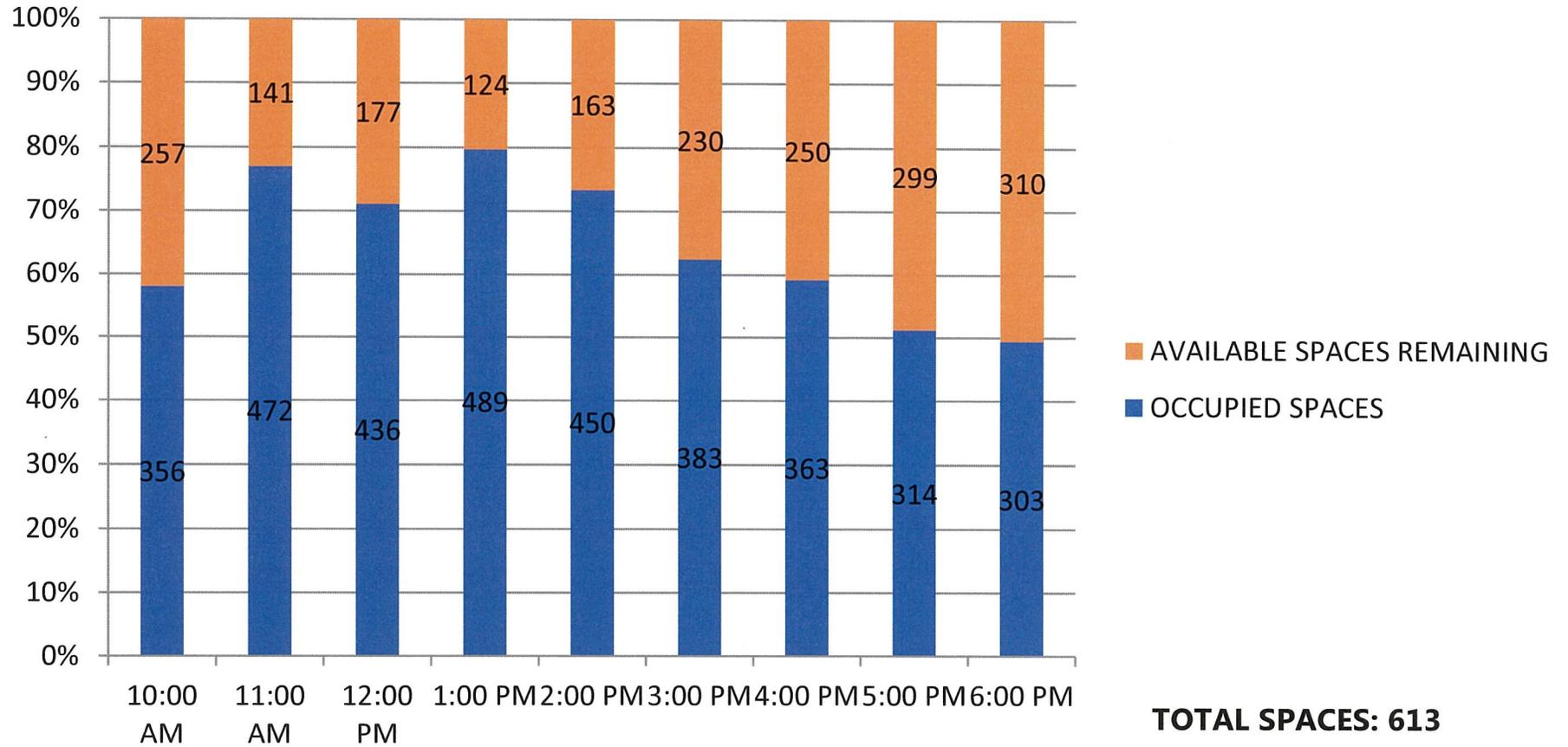


FIGURE 3B - PARKING STRUCTURE 7 SATURDAY OCCUPANCY

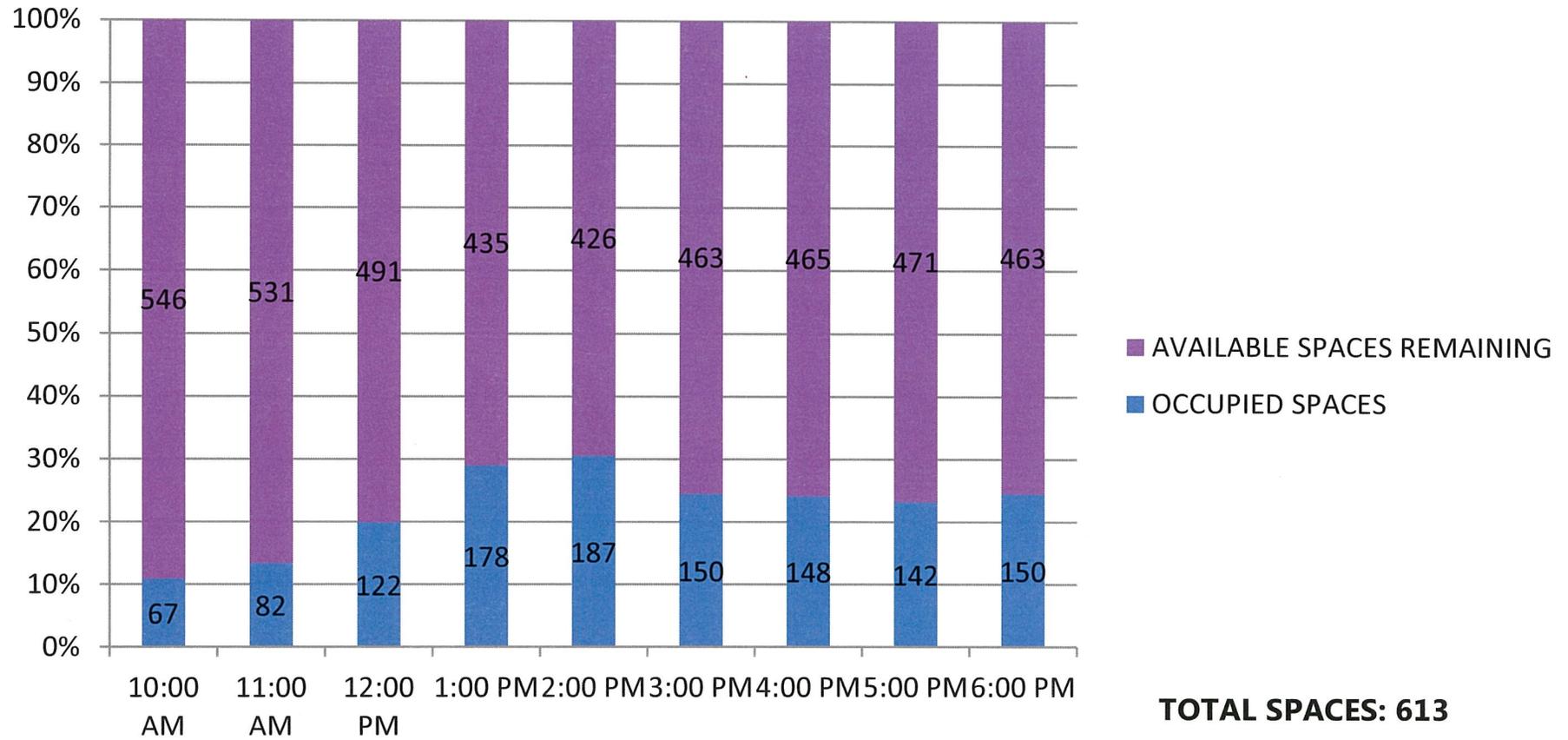


FIGURE 4A - TOTAL EXISTING WEEKDAY OCCUPANCY

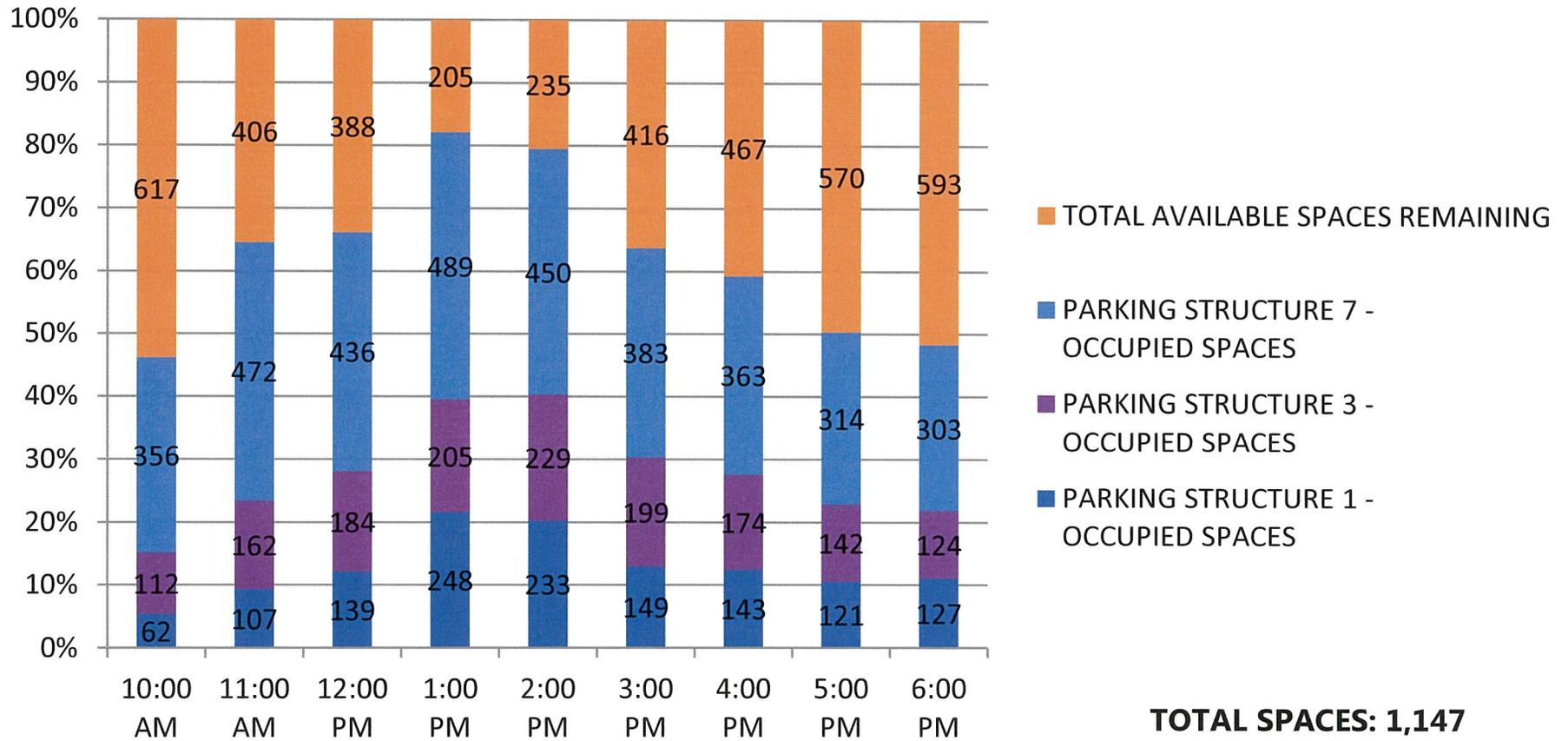
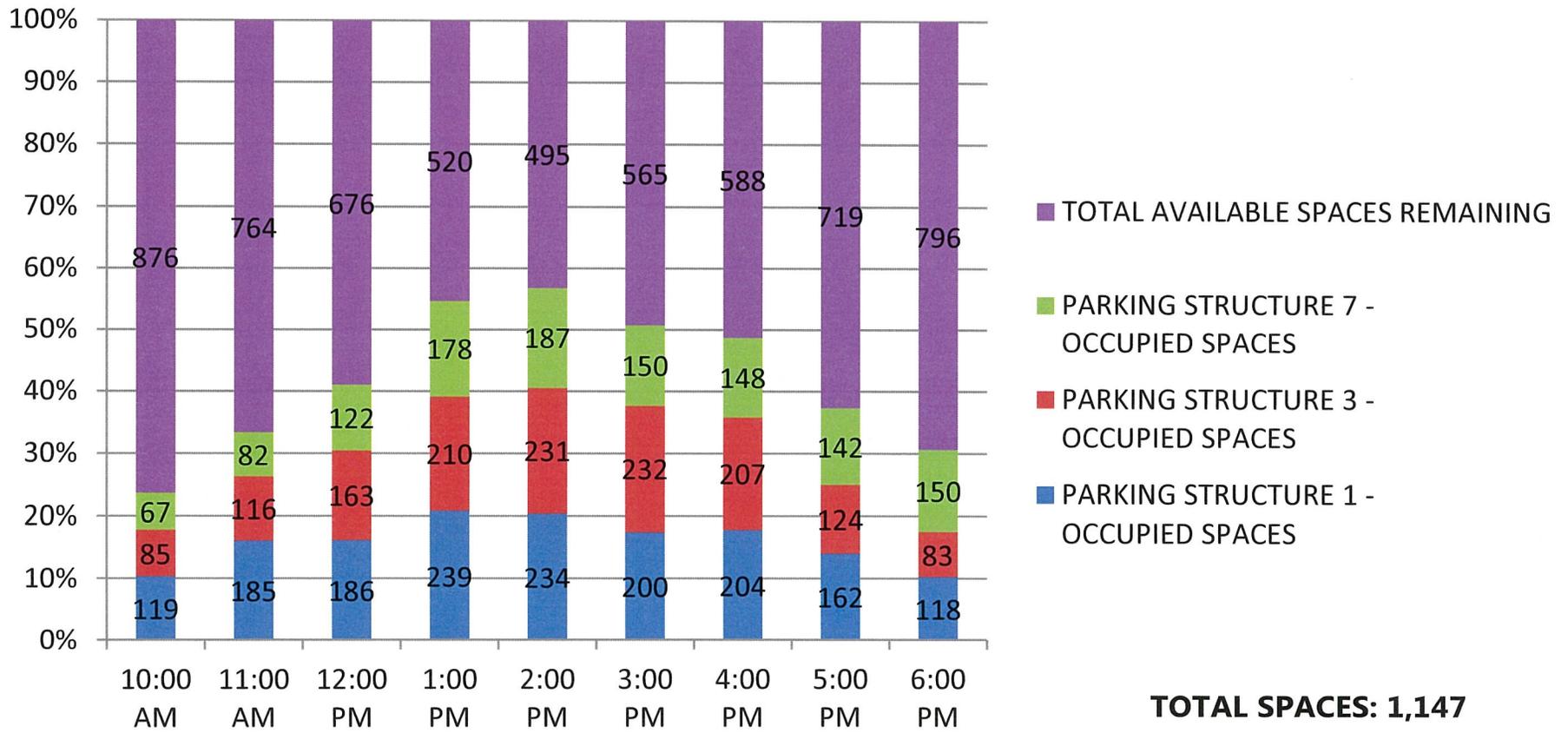


FIGURE 4B - TOTAL EXISTING SATURDAY OCCUPANCY

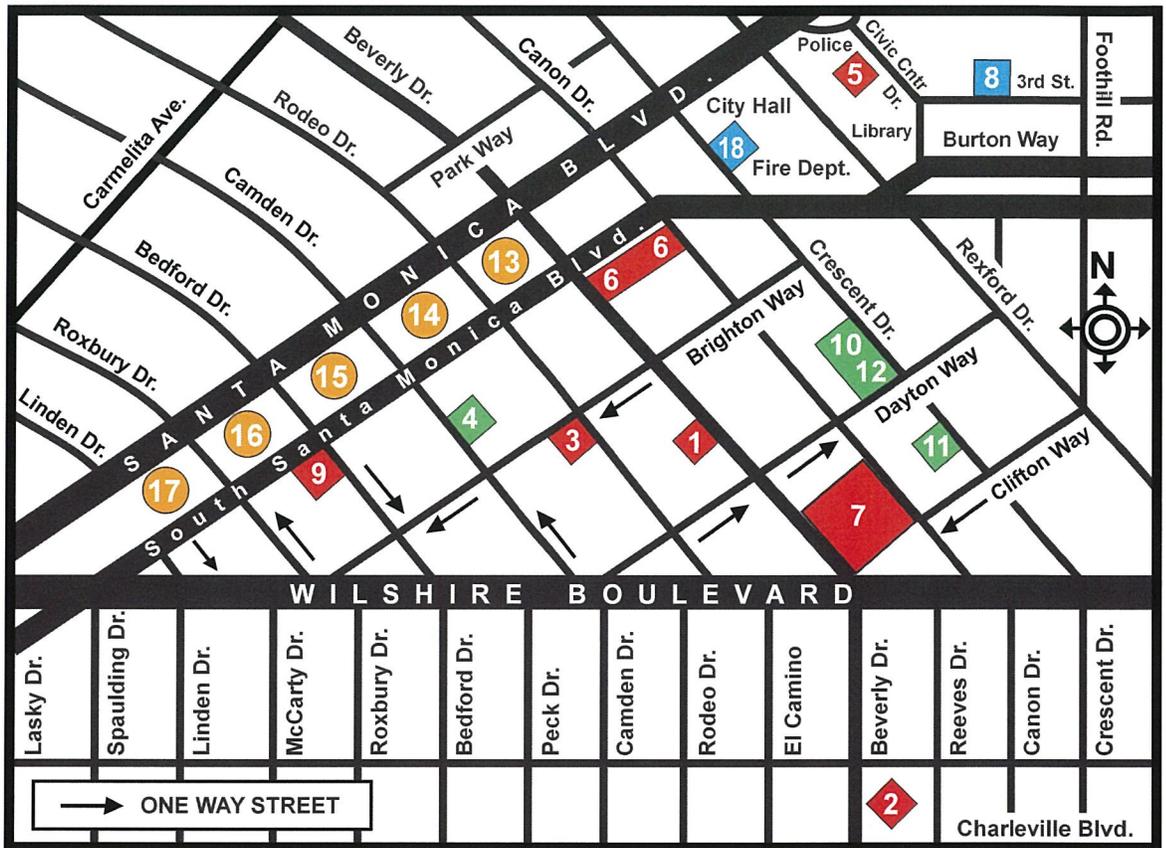


ATTACHMENT A

CITY OF BEVERLY HILLS PARKING STRUCTURES GUIDE

GUIDE TO CITY OF BEVERLY HILLS FREE PARKING

AND OTHER PARKING PROGRAMS



First Two Hours Free Parking

Self Park Structures

- 345 N. Beverly Drive
- 216 S. Beverly Drive
- 9510 Brighton Way
- 450 N. Rexford Drive
- 438 N. Beverly Dr. - 439 N. Canon Dr.
- 321 S. La Cienega Blvd. (not shown on map)
- 241 N. Canon Dr. - 242 N. Beverly Dr.
Public Gardens at Montage
- 461 N. Bedford Drive



Pay As You Go

- 9333 W. 3rd Street
- 450 N. Crescent Drive



EV charging stations are available in all City non-metered parking structures

First One Hour Free Parking

Self Park Structures

- 440 N. Camden Drive
- 333 N. Crescent Drive
- 221 N. Crescent Drive
- 9361 Dayton Way

3 Hour Meter Parking Structures

- SM-1, 485 N. Beverly Drive
Beverly - Rodeo Drive
- SM-2, 485 N. Rodeo Drive
Rodeo - Camden Drive
- SM-3, 485 N. Camden Drive
Camden - Bedford Drive
- SM-4, 485 N. Bedford Drive
Bedford - Roxbury Drive
- SM-5, 485 N. Roxbury Drive
Roxbury - Linden Drive

ATTACHMENT B
Required Findings and Staff Recommended
Conditions of Approval

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; and*

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;*
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.*

SPECIAL CONDITIONS

1. The rooftop terrace shall be restricted to use by employees and guests of the building tenants between the hours of 8:00 AM and 10:00 PM daily. Notwithstanding the preceding restrictions, this condition shall not prohibit the Applicant from hosting up to a maximum of twenty (20) rooftop events within a 12-month period on the rooftop until as late as 12:00 AM, provided that the Applicant submits written notice to the Director of Community Development at least 48 hours in advance of the event, notifying the Director of the date, time, and type of event to be conducted. In the event that the Director of Community Development determines that the type or frequency of events is resulting in unanticipated impacts, the Director shall have the authority to impose additional conditions on the use of the outdoor rooftop areas, and may, at his or her discretion, schedule a public hearing before the Planning Commission to assess the impacts and impose additional conditions.
2. The Applicant shall submit to the City a recordable covenant, in a form satisfactory to the City Attorney, limiting the rooftop facilities of 338-346 North Rodeo Drive to use by employees of the building tenant(s) and guest of the tenants only. Furthermore, the

ATTACHMENT B
Required Findings and Staff Recommended
Conditions of Approval

covenant shall provide that the rooftop facility shall be used for no more than twenty (20) days per year for purposes other than a rooftop lunch area. Compliance with the covenant shall be a condition of this Development Plan Review approval.

ATTACHMENT C
Draft Resolution

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 COMMERCIAL BUILDING, AND A REQUEST FOR THIRTY-THREE (33) IN-LIEU PARKING SPACES FOR THE PROPERTY LOCATED AT 338-346 NORTH RODEO DRIVE.

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

Section 1. Jason Somers, representative on behalf of the property owner (collectively the “Applicant”), has submitted an application for a Development Plan Review to allow a remodel and addition, including a new rooftop terrace, to an existing commercial building, and a request for thirty-three (33) in-lieu parking spaces for the property located at 338-346 North Rodeo Drive (the “Project”).

Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-3100, a Development Plan Review is required for any construction that increases the floor area by 2,500 square feet or more, or increases the building height. Participation in the City’s in-lieu parking program, pursuant to BHMC §10-3-3303, may be requested by a property owner for a general retail use.

Section 2. The Project site is located within the Business Triangle, along the 300 block of North Rodeo Drive. Development in the vicinity of the project site typically consists of luxury retail and office uses within buildings that are predominantly two to four stories in height. The area is pedestrian-oriented and is lined with ground-floor retail establishments. The proposed Project consists of a remodel of the southern half of the existing

commercial building and additions along the alley elevation of the building. The remodel and additions will increase the height of the structure from 38' to 41'-10" and would increase the floor area on the site by 5,190 square feet, thereby increasing the total floor area on the site to approximately 21,440 square feet. A new rooftop terrace is proposed on the southern half of the building, and would occupy approximately 4,697 square feet of the rooftop area. A portion of the rooftop terrace would be covered by a 15' tall trellis structure. The rooftop area is intended to be utilized mostly by employees of the building tenant(s); however, it may occasionally be utilized by guests of the building tenant(s).

The Project triggers the need for a total of 35 parking spaces. Two accessible (ADA) parking spaces are proposed onsite along the alley side of the Project, and the remaining 33 spaces will be provided through the City's In-Lieu Parking program. Two loading spaces, which would be accessed from the alley along the east side of the Project site, are proposed on the Project site.

Section 3. 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. The Project qualifies for a Class 1 Categorical Exemption (Section 15301) for additions to existing structures since the additions will not result in an increase of more than 10,000 square feet and are in an area where all public services and facilities are available to allow for maximum development permissible in the City's General Plan, and are in an area that is not environmentally sensitive. Therefore, the Project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA

Section 4. Notice of the Project and public hearing was mailed on March 28, 2014, to all single-family residential property owners within a 500-foot radius, and to property owners in other zones within a 300-foot radius of the project site. On April 10, 2014 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 considered whether the following findings could be made in support of the Project:

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 Project has been determined to be consistent with the requirements and guidance of the General Plan for commercial uses located within the Business Triangle. The subject site is surrounded by commercial development, and the proposed Project would therefore be a harmonious addition to the area. Additionally, the proposed Project is not located within any specific plans adopted for the area.

2. The Project is consistent with the development standards established in the City's Municipal Code and General Plan. Existing development along North Rodeo Drive consists of commercial buildings that are typically between two and four stories in height, which primarily contain retail uses. Construction of the proposed Project, which is a retail store, is consistent with surrounding uses, is not anticipated to adversely affect existing and anticipated development on the adjacent, commercially-zoned properties, and is therefore considered to be a harmonious addition that would help to further enliven North Rodeo Drive. Furthermore, the traffic and parking assessment prepared in conjunction with the Project have not identified any significant traffic or parking impacts that would result from the proposed Project.

3. The Project meets zoning requirements for configuration, location, and density. As proposed, the height of the building is consistent with other commercial development along North Rodeo Drive, which ranges from two to four stories. Additionally, the

subject site is centrally located in the Business Triangle and is surrounded by commercial development. Based on the proposed Project's location within the Business Triangle, its consistency in scale to other commercial buildings in the area, and its adherence to the Beverly Hills Municipal Code, the Project is not expected to significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. A traffic analysis and parking assessment was completed by the City in order to identify any potential impacts that might be generated by vehicles associated with the proposed Project. The traffic analysis reviewed the number of daily vehicle trips expected to be generated by the Project and found that, based on existing traffic volumes and infrastructure capacities, the Project would not generate any significant impacts related to traffic. Furthermore, the parking assessment studied four public parking garages within walking distance of the Project site, and demonstrated that sufficient parking capacity exists in order to accommodate the Project's in-lieu parking request without causing a parking shortfall. Therefore, the Project is not anticipated to result in any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. The Project has been designed to be consistent with surrounding development, and is compatible with the existing retail uses along North Rodeo Drive. Because the Project has been designed as a harmonious addition to the Rodeo Drive retail district, and based on the discussions and analysis in Findings 1-4 above, the Project is not anticipated to be detrimental to the public health, safety, or general welfare.

Section 7. In considering the application for in-lieu parking, the Planning Commission considered the following criteria:

1. Whether participation in the in-lieu parking district, as approved, will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

2. Whether participation in the in-lieu parking district, as approved, will create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and

3. Whether participation in the in-lieu parking district will be detrimental to the public health, safety, or welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. Although approval of the in-lieu parking request would generate additional demand on the City's existing parking facilities, the parking assessment prepared in conjunction with the project indicates that a sufficient number of parking spaces are available within four nearby public parking structures to accommodate the requested 33 in-lieu parking spaces. The demand of 33 vehicles at the subject parking facilities would not result in a parking shortfall, and would therefore not adversely affect existing and anticipated development in the vicinity. In fact, approval of the in-lieu parking spaces facilitates the redevelopment of an existing retail store, which will be a harmonious and beneficial addition to the Rodeo Drive retail district.

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 spaces can be accommodated within existing public parking

facilities without adversely impacting the operation of such existing parking facilities. Therefore, the Project is not anticipated to result in traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

3. The Project involves a remodel and addition, including a rooftop terrace, and a request for 33 in-lieu parking spaces. The Project allows the establishment of a high-end retailer(s) along North Rodeo Drive, which will further contribute to the retail environment within the vicinity of the Project site. The in-lieu parking spaces 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 9. Based on the foregoing, the Planning Commission hereby grants the requested Development Plan Review and In-Lieu Parking subject to the following conditions:

1. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on April 10, 2014.
2. The Applicant shall submit to the City a recordable covenant, in a form satisfactory to the City Attorney, limiting the rooftop facilities of 338-346 North Rodeo Drive to use by employees of the building tenant(s) and guests of the tenants only. Furthermore, the covenant shall provide that the rooftop facility shall be used for no more than twenty (20) days per year for purposes other than a rooftop lunch area. Compliance with the covenant shall be a condition of this Development Plan Review approval.

3. Annual affidavits in a form satisfactory to the City Attorney, signed by the building owner, the property owner, and the manager of the facility under penalty of perjury, shall be submitted each year to the City concurrently with the applicant's application for renewal of applicant's business tax registration. The affidavits shall attest to the continued use of the rooftop terrace and trellis by employees and guests of the building tenant(s), in compliance with the provisions of this resolution and Beverly Hills Municipal Code Section 10-3-3107(B). Failure to timely submit such affidavits shall render this approval revocable by the Director of Community Development without further notice.

4. 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.

5. 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.

6. 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.

7. 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.

8. RECORDATION. The resolution approving the Development Plan Review and In-Lieu parking 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.

9. EXPIRATION. Development Plan Review and In-Lieu Parking: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

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

12. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, or other actions.

13. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

14. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

15. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

16. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

17. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount shall be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

18. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

19. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

20. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

21. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer, and shall pay the applicable sewer connection fee.

22. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type, and location of the water service meter installation will also require approval from the City Engineer.

23. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for the Project to determine the amount,

appropriate routes, and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

24. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and the construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.

25. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations.

26. During construction, all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

27. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

28. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Ground water discharges include, but are not limited to, rising ground water and water from garage sumps.

Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: April 10, 2014

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
Assistant Director of Community Development



ATTACHMENT D
Public Notice



NOTICE OF PUBLIC HEARING

DATE: April 10, 2014

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 REGULAR meeting on Thursday, April 10, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A remodel and addition to an existing two-story commercial building, including the construction of a new rooftop lunchroom, on the property located at 338-349 North Rodeo Drive. The following entitlements have been requested in association with the project:

Development Plan Review: As proposed, the southern half of the existing commercial building would be remodeled and approximately 5,190 square feet of floor area would be added along the rear (alley) elevation of the building. The proposed addition, which would be two-stories in height and would contain a mezzanine level, would increase the height of the building from 38' to approximately 41'. Also proposed is a rooftop lunch area that would contain a 15' tall canopy structure with outdoor seating. The rooftop lunch area is intended to be primarily used by employees of the building tenant(s); however, the applicant is also requesting that guests of the building tenant(s) be permitted to utilize the rooftop lunch area. Since the proposed project would increase the floor area on the site by more than 2,500 square feet, would increase the height of the building, and contains a rooftop lunch area intended to be utilized by employees and guests of the building tenant(s), a Development Plan Review is required.

In-Lieu Parking: Request to participate in the City's in-lieu parking program. As proposed, the remodeled commercial building would require a total of thirty-five (35) parking spaces. Two (2) parking spaces are proposed to be located toward the rear of the project site and the remaining thirty-three (33) parking spaces are proposed to be provided through the City's in-lieu parking program.

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 additions to existing structures because the addition will not result in an increase of more than 10,000 square feet and is in an area where all public services and facilities are available to allow for maximum development permissible in the City's General Plan, and is in an area that is not environmentally

ATTACHMENT D
Public Notice

sensitive. Therefore 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. Appointments will be held in the City's Permit Center located on the Ground Floor of City Hall at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:


Ryan Gohlich, Senior Planner

Mailed: March 28, 2014

ATTACHMENT E
Architectural Plans

Begins on following page.