



## Planning Commission Report

**Meeting Date:** July 14, 2016

**Subject:** **9200 Wilshire Boulevard**  
Zone Text Amendment and Planned Development Review for a mixed use retail/apartment project. This proposal is an amendment to a previously approved project. The application is still under review, however the concept is being brought to the Planning Commission as a preview.

**Project Applicant:** Joseph N. Tilem

**Recommendation:** Receive this report and provide comments to staff as appropriate.

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### REPORT SUMMARY

This report introduces an amendment to a previously approved Planned Development at the property located at 9200 Wilshire Boulevard, and presents an overview of the proposed changes, and the required entitlements for the revised project. The City is currently processing a formal application for the proposed project; however, the purpose of this preview is to provide the applicant with an opportunity to introduce the project, and to provide the Commission with an opportunity to ask questions and offer preliminary comments. A separate, noticed public hearing will be held at a future date, at which time the Commission will have an opportunity to provide formal comments and take action on the project.

### BACKGROUND

The Mixed Use Planned Development Overlay Zone (M-PD-4) was adopted by City Council on September 17, 2007. Along with the Overlay Zone, the City Council adopted resolutions approving a Vesting Tentative Tract Map and Planned Development Permit; approving a Development Agreement; and certifying a Final Environmental Impact Report for a mixed use project consisting of the following:

- 54 residential condominiums
- 14,000 square feet of ground floor retail
- 6 stories and 60' in height, with an additional 10' above for rooftop amenities
- FAR of 4:1
- A total of 283 parking spaces in a four-level subterranean garage

#### Attachment(s):

- A. Beverly Hills Municipal Code Section 10-3-19.9 (Mixed Use Planned Development Overlay Zone M-PD-4)
- B. Originally approved Site Plan and Elevation (From FEIR certified on April 26, 2007)
- C. Project plans submitted as part of application, dated March 22, 2016

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### **PROJECT DESCRIPTION**

The proposed project is a re-design of the previously approved project. The proposed uses are generally similar, including a mix of ground floor retail with residential uses above. The proposed project consists of the following:

- 90 units of residential apartments (maintain as condominiums, but provide as rentals)
- 4,833 square feet of ground floor retail
- 6 stories and 60' in height, with additional height for rooftop amenities
- Total floor area of 160,218 square feet with an FAR of 4:1
- A total of 324 parking spaces in a three-level subterranean garage and surface parking

### **APPLICATION PROCESSING**

As proposed, the project may require a Zone Text Amendment to make amendments to the Overlay Zone development standards. These changes potentially include the following:

- Allow residential uses within the first 40' of the first floor facing arterial roadways, including Wilshire Boulevard
- Amend the loading space requirements, which specify that not less than one 35' deep truck loading space and one 50' deep truck loading space accessible from Palm Drive must be provided on the site.
- Amend the maximum height allowed on the site to accommodate proposed rooftop structures, which currently exceed 10' above the roof deck.

As proposed the project will also require a Planned Development Review for the following project components:

- Amend the minimum permitted floor area devoted to commercial uses.
- Establish the maximum number of residential units permitted for the project.
- Amend the requirement that all parking provided above ground to be located behind building space that is dedicated to a permitted use other than parking, which building space shall be a minimum of 40' deep as measured from the building facades facing public streets, to prevent direct visibility from adjacent streets.

### **NEXT STEPS**

It is recommended that the Planning Commission receive the staff report and presentation from the applicant and provide comments as appropriate.

Report Reviewed By:

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Masa Alkire, AICP, Principal Planner



**Planning Commission Report**

9200 Wilshire Boulevard

July 14, 2016

**Attachment A**

Beverly Hills Municipal Code Section 10-3-19.9

(Mixed Use Planned Development Overlay Zone M-PD-4)

# Article 19.9. Mixed Use Planned Development Overlay Zone (M-PD-4)

## 10-3-1990: CREATED:

There is hereby created an overlay zone designated as the mixed use planned development overlay zone (M-PD-4). (Ord. 07-O-2528, eff. 10-18-2007)

## 10-3-1990.1: APPLICATION OF ZONE:

The M-PD-4 zone shall apply to the following areas, as shown on the mixed use planned development map, a copy of which is on file in the department of planning and community development and attached as exhibit A to the ordinance codified herein:

All those parcels having frontage on the south side of Wilshire Boulevard, east of Maple Drive and west of Palm Drive, and north of the alley running parallel to and south of Wilshire Boulevard. (Ord. 07-O-2528, eff. 10-18-2007)

## 10-3-1990.2: OBJECTIVES:

The objectives of the M-PD-4 zone shall be as follows:

- A. To ensure that mixed use development in the M-PD-4 zone will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.
- B. To provide for mixed use development that is compatible with the scale and massing of the surrounding neighborhood, through appropriate height, modulation, upper story setbacks, other similar measures, or any combination thereof.
- C. To provide pedestrian friendly amenities along the street level, and setbacks that are generally consistent with other development along Wilshire Boulevard and along Palm Drive between Wilshire Boulevard and Charleville Boulevard, and along Maple Drive between Wilshire Boulevard and Charleville Boulevard.
- D. To ensure that mixed use development in the M-PD-4 zone will not create any significant, adverse

traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety.

E. To foster uniform planning and development of all parcels in the M-PD-4 zone to ensure unified development in the overlay zone.

F. To protect the public health, safety, and welfare. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.3: DEFINITIONS:**

Unless the context plainly requires otherwise, the following definitions shall govern this article:

**ENTERTAINMENT USE:** Any entertainment, other than "live musical accompaniment to dining" as defined in section 10-3-2703 of this chapter, and shall include, but not be limited to, movie theaters, playhouses, video arcades, cabarets, nightclubs, adult entertainment businesses, and similar uses.

**PLANNED DEVELOPMENT:** A development that is approved pursuant to the procedures of article 18.4 of this chapter. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.4: USES PERMITTED:**

No lot, premises, building or portion thereof in the M-PD-4 zone shall be used for any purpose except those approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.5: RESTRICTIONS:**

The following restrictions shall apply to mixed use developments in the M-PD-4 zone:

A. No establishments whose primary purpose or business is to sell alcoholic beverages for on site consumption, otherwise referred to as bars, may be included in a mixed use development.

B. No medical uses may be included in a mixed use development.

- C. No entertainment uses including, but not limited to, cabarets, nightclubs, and adult entertainment businesses, may be included in a mixed use development.
- D. No use shall be permitted in a mixed use development if that use would cause the parking generation for all uses in the mixed use development to exceed the available parking on site as determined in accordance with this chapter.
- E. Residential uses included as part of a mixed use development shall be permitted in all portions of the development regardless of the underlying zone, except that residential uses shall not be permitted within the first forty feet (40') of the first floor facing arterial roadways such as Wilshire Boulevard, measured from the building facade.
- F. Commercial uses included as part of a mixed use development shall only be permitted in those portions of the development in which the underlying zone is a commercial zone.
- G. The planning commission shall have authority through conditions imposed on a planned development to prohibit other uses as it deems appropriate, on a use by use basis. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.6: APPLICABILITY OF UNDERLYING ZONE REGULATIONS:**

Except as otherwise specifically provided in this article for mixed use developments, development in an M-PD-4 zone shall comply with the zoning regulations applicable to the underlying zone.

Nothing in this article shall require a development to comply with the provisions of the M-PD-4 overlay zone if the development fully conforms to the requirements of the underlying zone. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.7: HEIGHT LIMITATIONS:**

No mixed use development shall be constructed, altered, or enlarged in the M-PD-4 zone except in accordance with the following height restrictions:

- A. General Limitations: No building, structure, improvement, or any part thereof, erected, constructed or maintained as part of a mixed use development in the M-PD-4 zone shall exceed sixty feet (60') in height nor shall it exceed six (6) stories, measured as set forth in this chapter, exclusive of unoccupied architectural features and rooftop uses as provided below.

- B. **Unoccupied Architectural Features:** Notwithstanding any other provision of this code, unoccupied architectural features, such as skylights and clerestories, structures housing mechanical equipment, elevator penthouses, antennas and similar unoccupied space may exceed the sixty foot (60') height limit established by subsection A of this section by not more than ten feet (10') in height if such unoccupied architectural features are approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter and do not exceed, in the aggregate, thirty three percent (33%) of the total roof area upon which they are located and no such feature exceeds or intersects a line projecting from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.
- C. **Rooftop Uses:** Notwithstanding any other provision of this code, rooftop restrooms, fitness centers, and pools and pool related uses may exceed the height limits established by this section by not more than ten feet (10') in height, provided that any structure housing a restroom facility and/or a fitness center is set back from the front (Wilshire Boulevard) and side (Palm Drive and Maple Drive) perimeters of the roof by a minimum of ten feet (10'). (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.8: DENSITY:**

- A. **Maximum Floor Area Ratio:** Notwithstanding any other provision of this code, a mixed use development in the M-PD-4 zone, including all components, shall have a maximum aggregate floor area ratio determined by the planning commission as part of a planned development pursuant to article 18.4 of this chapter. In no event shall the floor area ratio of a mixed use development in the M-PD-4 zone exceed a maximum of 4.0:1. For the purposes of this article, floor area shall be calculated using the lot of the subject site prior to any required dedications or exactions.
- B. **Minimum Commercial Floor Area:** The minimum permitted floor area devoted to commercial uses in the M-PD-4 zone shall be fourteen thousand (14,000) square feet, except as otherwise approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter.
- C. **Maximum Number Of Residential Units:** The maximum number of residential units that may be included in a mixed use development in the M-PD-4 zone shall be determined by the planning commission as part of a planned development pursuant to article 18.4 of this chapter. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.9: PARKING, ACCESS AND CIRCULATION:**

Notwithstanding any other provision of this code, parking for mixed use developments located in the

M-PD-4 zone shall be provided in accordance with this section.

- A. A mixed use development shall provide parking for the commercial and residential components that can be physically separated. Notwithstanding the foregoing, the planning commission may modify this requirement, as part of a planned development, if it finds that such access would advance the objectives of the M-PD-4 zone as set forth in section 10-3-1990.2 of this article.
- B. Except as provided otherwise in this article, parking for all uses in a mixed use development shall be provided in accordance with the applicable provisions of this chapter. Notwithstanding the foregoing, the planning commission may modify the parking requirements for a mixed use development, as part of a planned development, if it finds that such modifications would advance the objectives of the M-PD-4 zone as set forth in section 10-3-1990.2 of this article.
- C. Notwithstanding any other provision in this chapter, up to ten percent (10%) of the parking spaces provided in a mixed use development in the M-PD-4 zone may be compact spaces and up to twenty percent (20%) of the total number of multiple-family dwelling units in a project may satisfy the parking requirements of this chapter through the use of tandem parking spaces. The dimensions of each tandem space shall comply with the parking standards adopted by the city council and on file in the community development department-building and safety.
- D. If parking is provided above ground, all parking, except for driveways and access to loading areas, shall be located behind building space that is dedicated to a permitted use other than parking, which building space shall be a minimum of forty feet (40') deep as measured from the building facades facing public streets, to prevent direct visibility from adjacent streets unless otherwise approved by the planning commission as part of a planned development. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.10: SETBACKS:**

Mixed use developments in the M-PD-4 zone shall maintain the following minimum setbacks:

- A. Wilshire Boulevard (Front) Setback: No minimum setback shall be required from the property line along the Wilshire Boulevard frontage of a mixed use development in the M-PD-4 zone.
- B. Maple Drive (Side) Setback: A minimum setback of three feet (3') shall be required from the property line along the Maple Drive frontage of a mixed use development in the M-PD-4 zone.
- C. Palm Drive (Side) Setback: A minimum setback of nine feet (9') shall be required from the property

line along the Palm Drive frontage of a mixed use development in the M-PD-4 zone.

- D. **Alley (Rear) Setback:** A minimum setback of five feet eight inches (5'8") shall be required from the property line along the rear alley of a mixed use development in the M-PD-4 zone.
- E. **Parking Uses Setback:** The minimum setback for any aboveground parking component of a mixed use development in the M-PD-4 zone shall be as approved as part of a planned development.

Notwithstanding the foregoing, to provide visual relief and modulation of the main building facades, awnings and architectural features (including, but not limited to, sills, eyebrows, and cornices) may encroach into the setbacks required by this section and modulation required by section 10-3-1990.11 of this article may also encroach into the setbacks if approved by the planning commission as part of a planned development pursuant to article 18.4 of this chapter. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.11: MODULATION:**

A mixed use development in the M-PD-4 zone shall be modulated as provided in planned development permit. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.12: LOADING FACILITIES:**

- A. Except as otherwise provided in this section, loading facilities for mixed use developments in the M-PD-4 zone shall be provided in accordance with sections 10-3-2740 through 10-3-2744 inclusive of this chapter, or as otherwise approved as part of a planned development.
- B. Notwithstanding the foregoing, mixed use developments in the M-PD-4 zone shall provide not less than one 35-foot deep truck loading space and one 50-foot deep truck loading space accessible from Palm Drive. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.13: OUTDOOR LIVING SPACE REQUIRED:**

The residential component of all mixed use developments in the M-PD-4 zone shall provide outdoor living space in accordance with the requirements of section 10-3-2803 of this chapter, or as otherwise approved as part of a planned development. (Ord. 07-O-2528, eff. 10-18-2007)

**10-3-1990.14: ROOFTOP USES:**

Notwithstanding any other provision of this code and subject to the restrictions set forth in this section, the planning commission may permit, as part of a planned development pursuant to article 18.4 of this chapter, mixed use developments in the M-PD-4 zone to include rooftop pools and spas, fitness centers, and related restroom facilities provided that:

- A. The planning commission makes the findings set forth in subsection 10-3-2804B of this chapter regarding the rooftop restroom facilities.
- B. The additional height above the maximum height limit otherwise applicable to the mixed use development will not exceed ten feet (10').
- C. The mixed use development includes a maximum of two (2) rooftop restroom facilities.
- D. The aggregate floor area of all rooftop restroom facilities permitted pursuant to this section shall not exceed two hundred (200) square feet or such minimum floor area as may be required by federal or state law, whichever is greater.
- E. Any rooftop fitness centers or restroom facilities permitted pursuant to this section shall be set back from the face of any exterior wall of the floor immediately below so that a forty five degree (45°) angle to the vertical plane of the nearest outside wall is not intersected.
- F. Notwithstanding the provisions of subsection E of this section, a rooftop structure may intersect a forty five degree (45°) angle to the vertical plane of the nearest outside wall provided that the exterior wall of the rooftop structure is constructed in the same plane as the exterior wall of the floor below and the rooftop structure will not exceed the applicable maximum allowable height otherwise permitted by more than forty five inches (45").
- G. No food or beverage service, other than vending machines, shall be provided in connection with any rooftop pool use.
- H. Use of the rooftop pool facilities and fitness center shall be restricted to residents and guests of residents of the mixed use development.
- I. No admittance or use fees shall be charged to use the rooftop pool facilities or fitness center. Nothing in this provision shall prohibit the imposition or collection of homeowner association fees

on residents of a mixed use development to offset the costs of operating and maintaining such rooftop pool facilities. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.15: COMPATIBILITY STANDARDS:**

The following design standards shall be incorporated into all mixed use developments in the M-PD-4 zone:

#### **A. Noise Attenuation:**

1. All dwelling units shall be constructed with double glazed glass windows.
2. The exterior walls of all dwelling units, and any interior walls or floor/ceilings that separate dwelling units from commercial uses shall comply with the sound transmission standards set forth in sections 1208 and 1208A of the uniform building code, as amended by the 1998 California building code, or their successors.
3. All dwelling units shall be equipped with internal air conditioning, and state of the art air cleaning/filtering devices.

**B. Odors:** Air conditioning systems for the residential component shall be located and designed in a manner sufficient to prevent adverse impacts from odors generated by the commercial component. (Ord. 07-O-2528, eff. 10-18-2007)

### **10-3-1990.16: APPLICATION OF TRANSITIONAL OPERATIONAL STANDARDS:**

Unless otherwise provided in this article, all uses in a mixed use development shall comply with the general operational requirements set forth in section 10-3-1956 of this chapter. (Ord. 07-O-2528, eff. 10-18-2007)



**Planning Commission Report**

9200 Wilshire Boulevard

July 14, 2016

**Attachment B**

Originally approved Site Plan and Elevation  
(From FEIR certified on April 26, 2007)



SOURCE: Thomas P. Cox Architects, 2005

9200 Wilshire / 204498 ■

**Figure 3B-13**

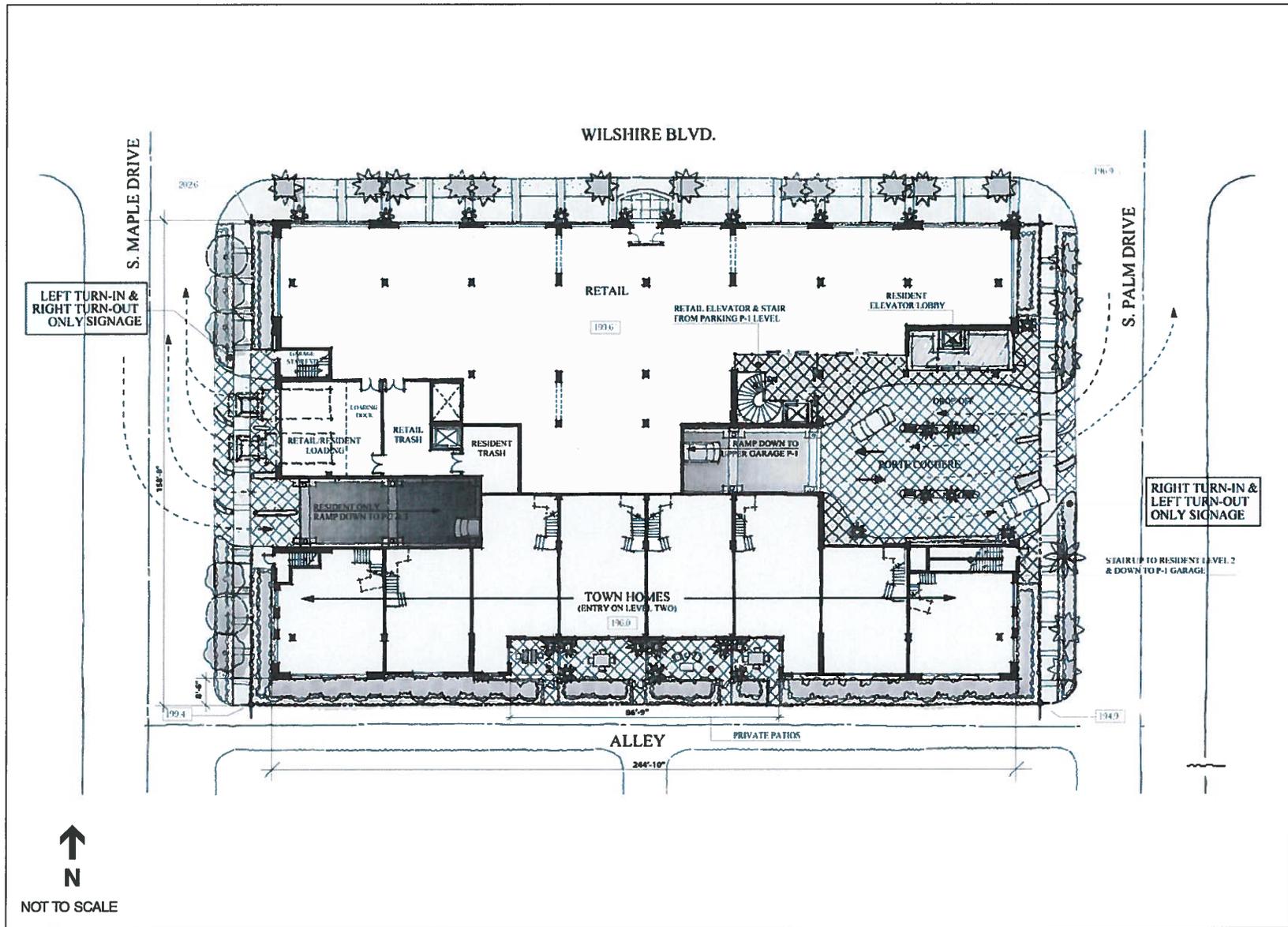
Conceptual Elevation – from the north and the south



SOURCE: Thomas P. Cox Architects, 2005

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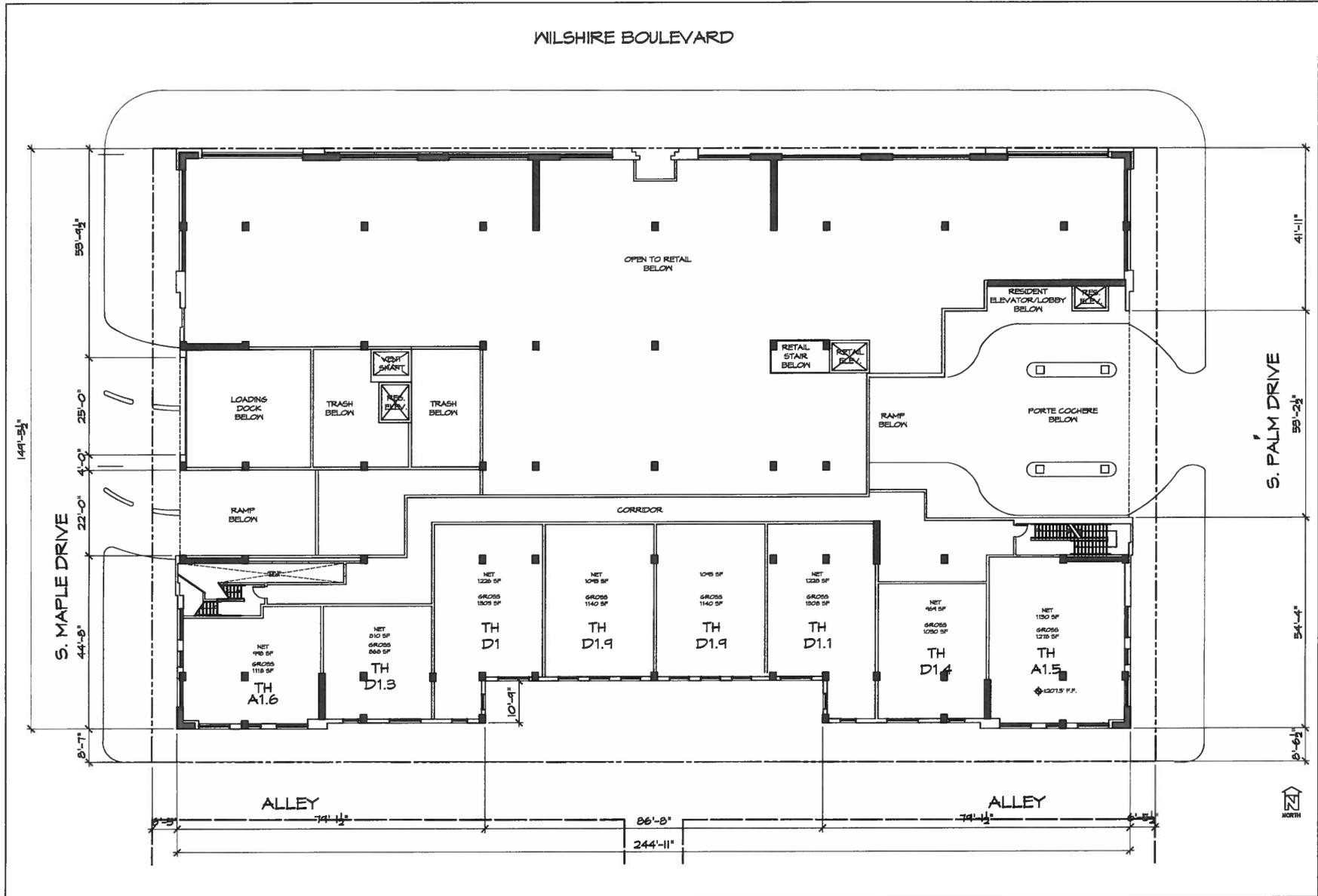
**Figure 3B-14**  
Conceptual Elevation – from the west and the east



SOURCE: Thomas P. Cox Architects. 2005

9200 Wilshire / 204498 ■

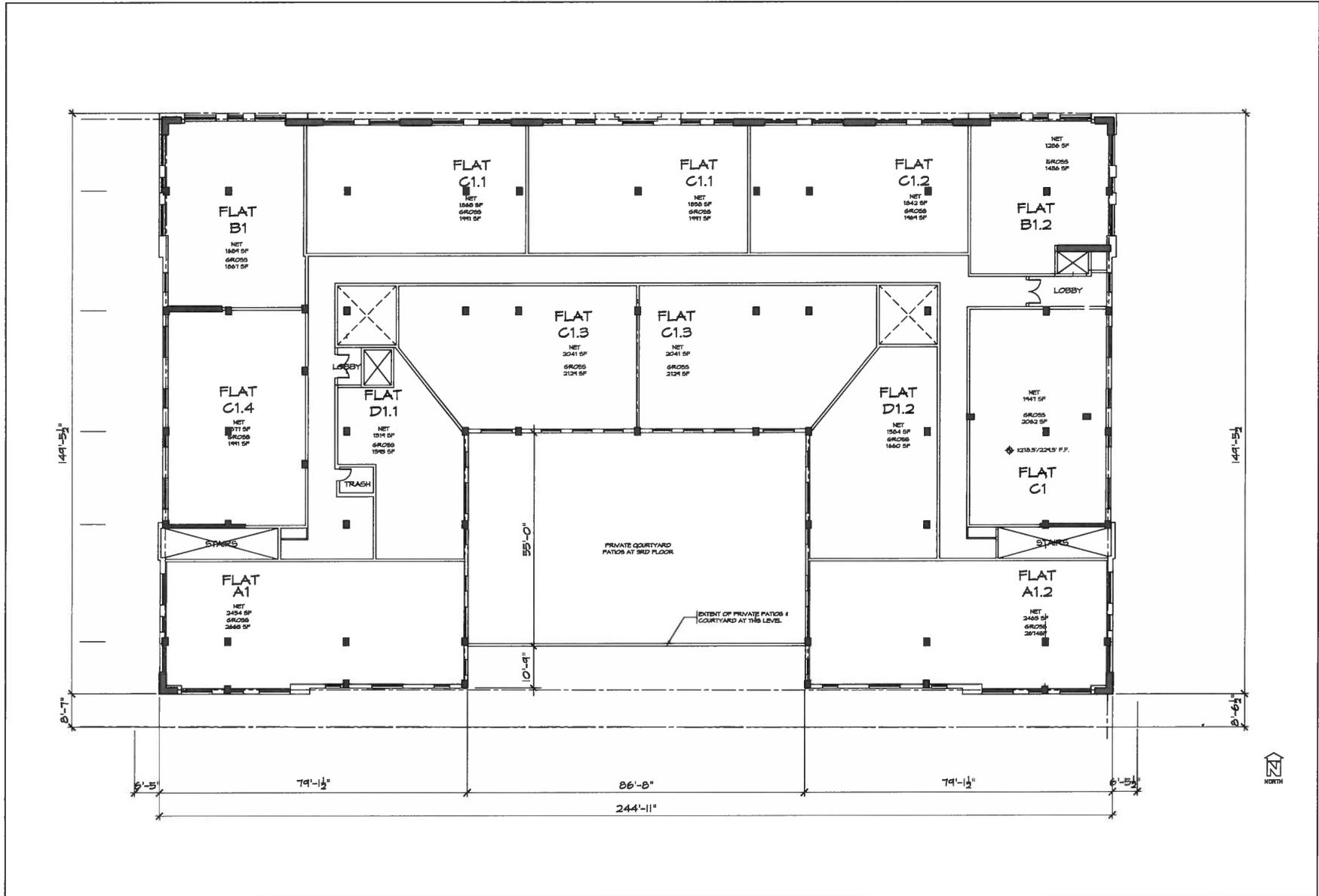
**Figure 2-2**  
Site Plan Level One



SOURCE: Thomas P. Cox Architects, 2005

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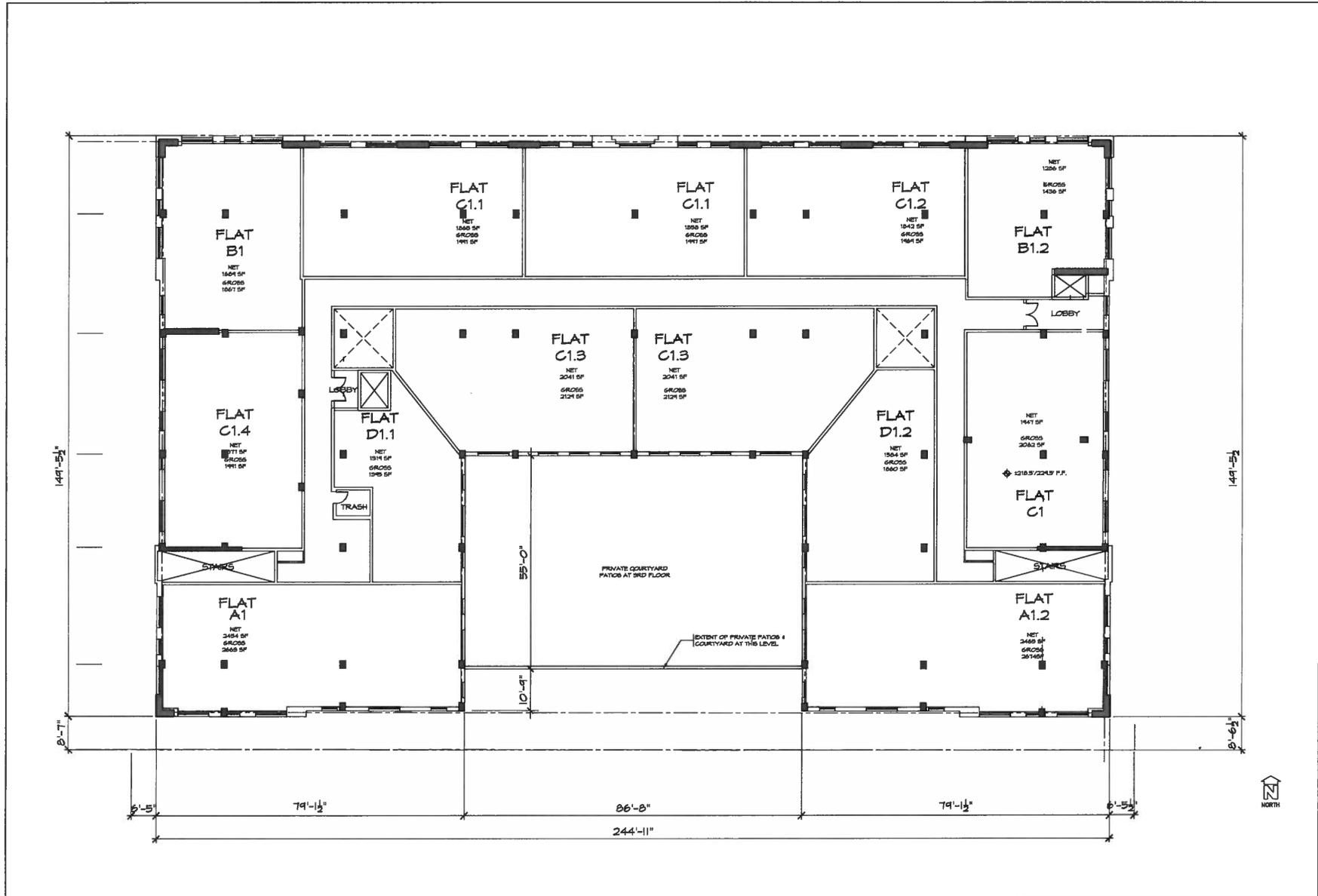
**Figure 2-3**  
Site Plan Level Two



SOURCE: Thomas P. Cox Architects, 2005

9200 Wilshire / 204498 ■

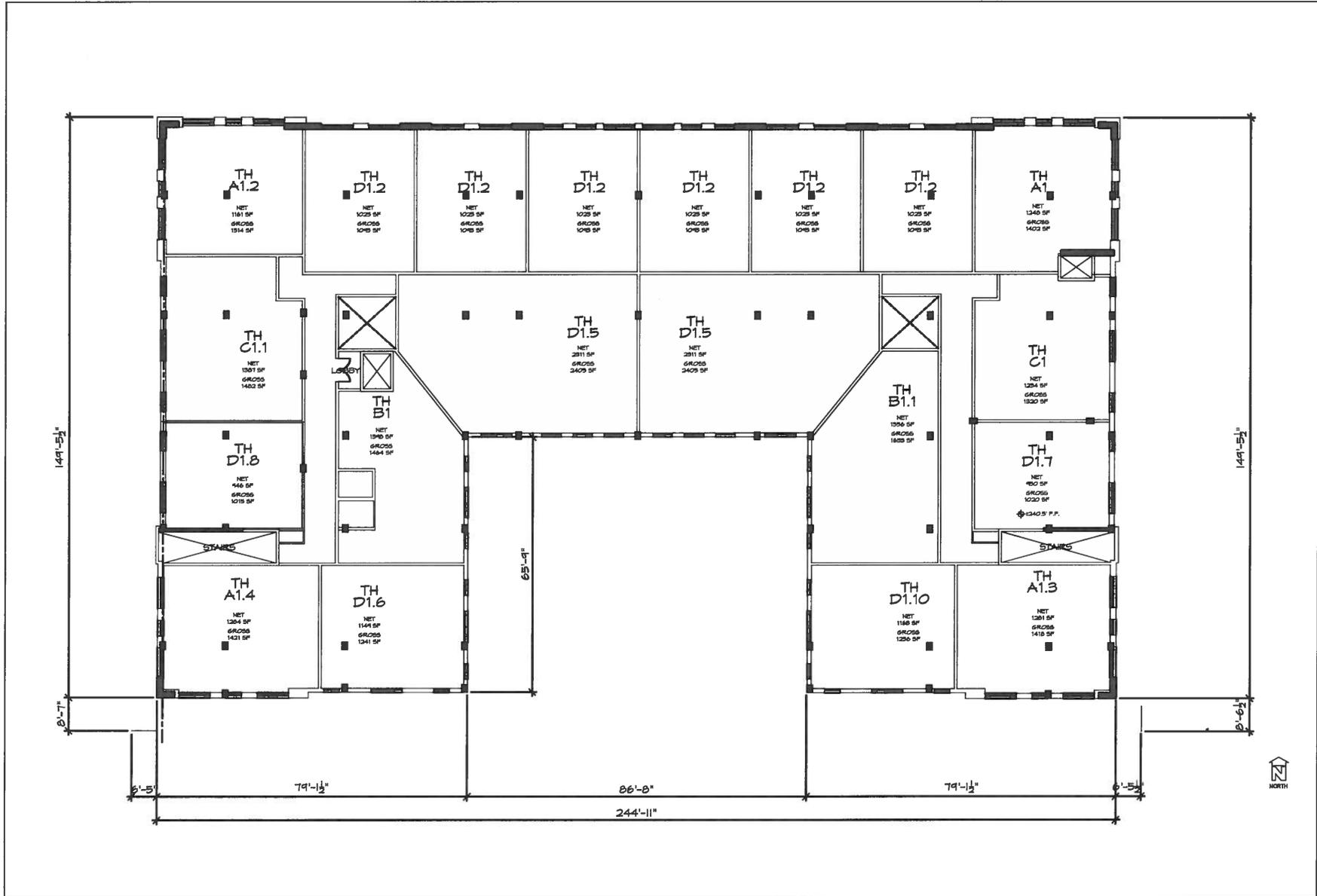
**Figure 2-4**  
Site Plan Level Three



SOURCE: Thomas P. Cox Architects, 2005

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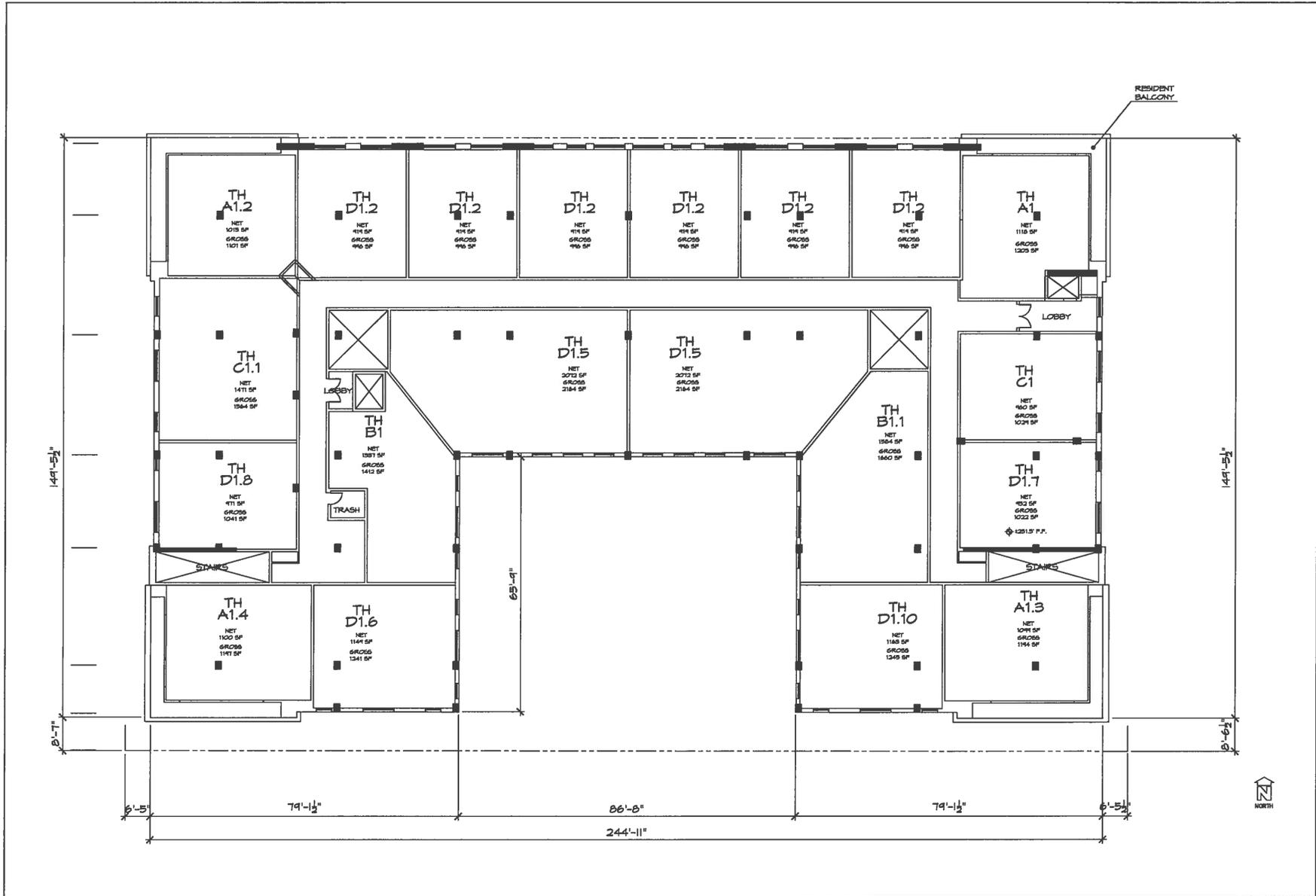
**Figure 2-5**  
Site Plan Level Four



SOURCE: Thomas P. Cox Architects, 2005

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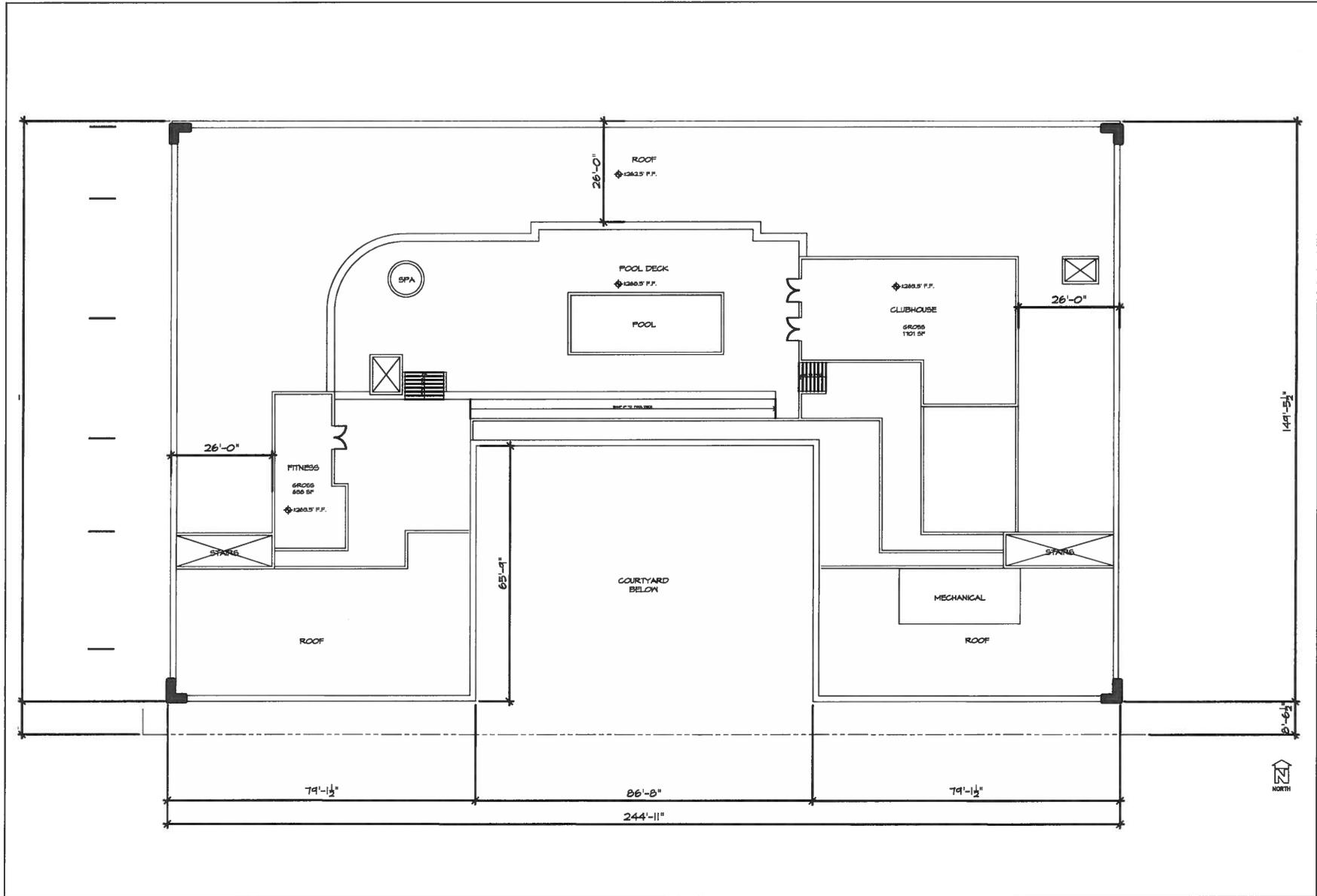
**Figure 2-6**  
Site Plan Level Five



SOURCE: Thomas P. Cox Architects, 2005

9200 Wilshire / 204490 ■

**Figure 2-7**  
Site Plan Level Six



SOURCE: Thomas P. Cox Architects, 2005

9200 Wilshire / 204490 ■

**Figure 2-8**  
Site Plan Roof Plan



## **Planning Commission Report**

9200 Wilshire Boulevard

July 14, 2016

### **Attachment C**

Project plans submitted as part of application, dated April 19, 2016  
(Provided as a Separate Attachment)