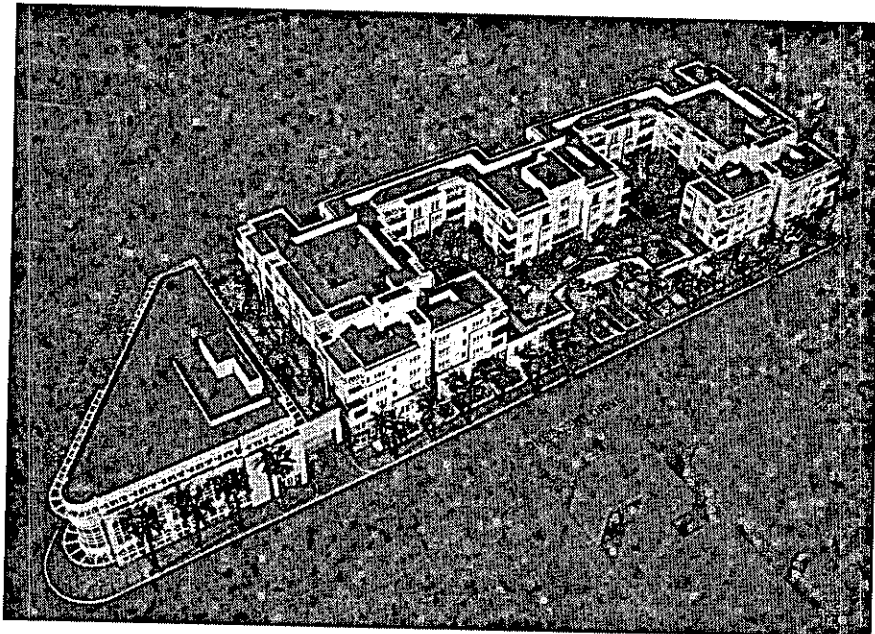


FINAL EIR

THE CRESCENTPROJECT

VOLUME 3

COMMENTS AND RESPONSES



Prepared for
the City of Beverly Hills

By Willdan
August 19, 2001~~2~~

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7.0 RESPONSES TO COMMENTS

The Draft EIR for The Crescent project was circulated for public review from July 15, 2002 to August 14, 2002. Eight comment letters and two petitions were received.

COMMENTS ON THE DRAFT EIR

The following letters were received before or during the public comment period and contain comments on the EIR:

1. Mrs. Esther Alcalay, April 23, 2002.
2. Thomas A. White, Chairman, Board of Governors, Municipal League of Beverly Hills, July 31, 2002.
3. Larry Larson, August 14, 2002.
4. Larry Larson, August 19, 2002.

Comments on the EIR have been numbered and responses to those comments are included after each letter.

PUBLIC HEARING

A public hearing on the project and EIR was held on July 31, 2002. A copy of the staff report for the public hearing is included in this Chapter. The staff report is followed by the minutes for the meeting. The minutes contain public comments on both the project and the EIR. Comments on the EIR have been numbered and responses to those comments are included after the minutes for the hearing, as follows:

- Staff Report for Planning Commission Hearing of November 15, 2000
- Minutes from Planning Commission Hearing of November 15, 2000
- Responses to comments on the EIR contained in the hearing minutes

COMMENTS ON THE PROJECT

Public comments on the project are not addressed in this document but will be considered by the City's decision makers. The following letters contain comments on the project, but not on the EIR:

5. Arthur Stone, President, Beverly Hills South Homeowners Association, July 24 and 25, 2002, letter to Mr. Jerry Snyder, J.H. Snyder Construction Company, and transmittal to City Council and Planning Commission.
6. Darian Bojeaux, July 12, 2002.
7. Jerry Dobkin, July 31, 2002.
8. Victor Bardack, President Beverly Hills North Homeowners Association, July 29, 2002.

9. Petitions in support of the project., July 31, 2002.

In the pages that follow, each of the comments letters is reproduced in full, followed by responses to the comments on the EIR raised in each letter.

LETTER 1

APR 23 2002

4-22-2002

to the city of Beverly Hills
Planning Dept.

As a resident of 160 N. Crescent Drive,
our primary concern regarding the proposed
mixed-use project on our street has to do
with street parking.

The tenants in our building are allotted
one parking space only, and therefore street
parking is highly coveted and restricted.

We petitioned the residents of our block
in an attempt to change the zoning parking
regulations, but failed to amass the
required number of signatures.

Our concern is that we will be left with
nowhere to park. (especially at night when
the rules are very specific as to where we are
permitted to park).

We understand that the project provides a
certain number of parking spaces (both
residential + commercial) but we are sure
it will also effect the availability of street
parking.

It is very frustrating to have to wait
until 11:30-12:00 midnight to find parking spots
adjacent to our building (which are the only
spots we are allowed to park at by permit)
and we worry that this project will further
worsen our parking situation.

Please respond, & thank you very much
for your attention to this matter.

COMMENTS ON THE DRAFT EIR

RESPONSE TO LETTER 1

Mrs. Esther Alcalay

Response to Comment:

1. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
2. Parking impacts of the project are analyzed on pages 3-80 to 3-82 of the Draft EIR (DEIR). As noted on page 3-81 of the DEIR, there are currently ten on-street parking spaces adjacent to the project site. Once the project driveways are in place, it appears that up to ten parking spaces can be re-stripped based on Caltrans' parking dimension criteria. Thus, no net loss in on-street parking is anticipated. Parking for project uses is consistent with the City's parking code. As detailed in the DEIR, the Traffic Study concluded that the project provides sufficient parking capacity for on-site uses and to meet parking covenant obligations.

As noted on page 3-81 of the DEIR and detailed more fully in the Traffic Study contained in Appendix B to the DEIR, an hourly parking accumulation study for the project was conducted using the concept of shared parking between land uses. The study assumed that no spaces would be available in the Spago's or residential portions of the garage for other uses. According to the study for a typical weekday and a typical Saturday, there will be a surplus of 10 spaces or more throughout a typical weekday and 159 spaces or more throughout a typical weekend. The applicant has indicated that surplus office/commercial spaces will be made available to the public for a fee.

LETTER 2



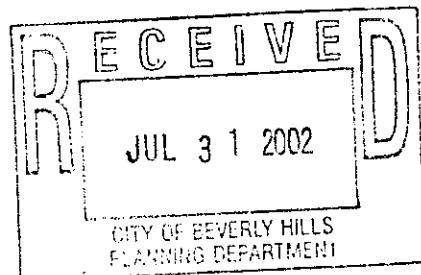
Municipal League of Beverly Hills

P. O. BOX 6553 • BEVERLY HILLS, CALIFORNIA 90212-6553
(310) 285-1418

BY FAX (310) 858-5966

CORRECTED COPY

Members of the Planning Commission
City of Beverly Hills
Beverly Hills, California



Re: DEIR Public Hearing July 31st, 2002 at 7:30 p.m., Agenda Item 6

Dear Ladies and Gentlemen:

With respect to the above-captioned matter pertaining to the Crescent Project/Triangle Gateway Project, the Municipal League of Beverly Hills opposes:

1. The height of the project as being non-complying with the height limits for new construction set forth in the municipal code. We object in particular to an attempt by the applicant to bootstrap an municipal code exemption expressly reserved for elderly and handicapped housing as a basis for exceeding the existing height limit.
2. The FAR density level of the project. RMPC density levels are not to be set at the Planning Commission's discretion, but are governed by the general construction limit under the municipal code.
3. The traffic impact, which notwithstanding the DEIR will materially increase traffic in the immediate neighborhood, and adversely contribute to the overall traffic problems in our city.
4. The argument that the project replaces rental housing lost through demolition for condominiums, because the project will not be offering rent levels comparable to those which have been displaced by such demolition. On the contrary, the rent level for project apartments are likely to be the equivalent of monthly mortgage payments.
5. The parking impact. Given the continuously erroneous representations of both traffic and parking impacts of other projects, there is no reason to believe those made in connection with this project are more credible.
6. All DEIR representation that the project's impacts are "less than significant." CEQA requires that all adverse impacts be "mitigated to a level of insignificance."
7. The air quality degradation during construction.
8. Applicant's proposal for a Mixed-Use Planned Development Overlay Zone, a Planned Development approval, and amendments to existing covenants that restrict the property use to public parking.

Sincerely,

Thomas A. White
Chairman
Board of Governors

RESPONSE TO LETTER 2
Thomas A. White

Response to Comment:

3. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
4. Section 3.5 of the DEIR provides a detailed analysis of the potential traffic impacts of the proposed project. As noted on page 3-87 through 3-88 of the DEIR, cumulative development would result in significant unmitigated impacts to five intersections and cumulative development would impact one CMP intersection. Although the project would add additional traffic to these intersections, the project's contribution to these cumulative impacts would not be considerable, since in all cases the project's contribution would be well below the threshold of significance. As shown on Table 3.5.1 on page 3-67 of the DEIR, with one exception, the project would add less than 0.01 to the LOS values of intersections operating at LOS D or worse, well below the thresholds of significance for intersection impacts specified on page 3-70 of the DEIR. At the intersection of Crescent Drive and Wilshire Boulevards, the project would increase the LOS value at this intersection by up to 0.031 during the PM peak hour. This is still well below the applicable 0.04 increase in LOS threshold of significance. As shown on Table 4.5-3 on page 3-79 of the DEIR, the project would result in a maximum increase in neighborhood traffic of 3.6%, which is well below the threshold of significance for neighborhood traffic impacts specified on page 3-71 of the DEIR. Project and cumulative neighborhood impacts are less than significant without mitigation.
5. As noted on page 3-48 of the DEIR, there is no housing currently on the site, so no housing will be displaced to accommodate the proposed project. As noted on page 3-49 of the DEIR, the project would provide 88 of the additional 139 new high-income housing units which the City must provide by 2005 to meet its allocation of the anticipated regional housing needs.
6. Comment noted. No data or analysis has been provided by the commentator to show that traffic or parking impacts will be greater than described in the DEIR. The DEIR analyzed the project's potential traffic and parking analysis using industry-accepted standards developed by the Institute of Transportation Engineers (ITE).
7. The commentator is incorrect; CEQA does not require that all adverse impacts be mitigated to a level of insignificance. Rather, Section 15091 of the CEQA Guidelines requires that the lead agency adopt findings before

approving a project that would result in significant unmitigated impacts. The possible findings are that:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

As noted on page 4-3 of the DEIR there is only one significant unavoidable impact of the project: construction activity NOx emissions from combined on-site equipment and on-road trucks and other vehicles would result in temporary short-term air quality emissions. This type of short-term emissions will typically result from any project involving excavation for subterranean parking or subterranean floors or basements. Extension of the construction period can reduce daily, monthly and quarterly emission and can reduce short-term NOx construction emission levels to below SCAQMD thresholds, however, such an extension of the construction period results in increased construction costs, and extends the period of time that drivers, residents and businesses in the area experience the inconveniences associated with any construction project.

8. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.

LETTER 3

Larry Larson
1025 North Roxbury Drive
Beverly Hills, California 90210
Office Telephone: (323) 782-1144
Office Facsimile: (323) 782-1149

Via Facsimile (310) 858-5966

August 14, 2002

Ms. Rita Naziri, Senior Planner
City of Beverly Hills
Planning and Community Development
455 North Rexford Drive
Beverly Hills, CA 90210

Re: Crescent Project

Dear Ms. Naziri:

After the final hearing on the above project, I reviewed the draft EIR in more detail. I am planning to submit to the Planning Commission additional comments in opposition to the above project, but first need your assistance in providing answers to the following questions:

- 1) What is the allowable FAR for apartments if the housing element of the project complies with the 28' code? 9
- 2) How many total feet of land must be dedicated to the city? See page 2-23 of DEIR. It appears that 2 1/2' along Crescent is being dedicated for public right-of-way for sidewalk improvements. How much is required to be dedicated at the corner of Crescent and Wilshire to facilitate the alignment of Crescent Drive? Are there any other dedications of land required? 10
- 3) After the dedications, what is the net square footage of the land that is either owned ~~or~~ being ~~granted~~ leased by the developer? I note that approximately 1,356 feet (2 1/2' x 542.47') along Crescent is being dedicated to the city. This would leave approximately 75,021 s.f. of land, less whatever the dedication footage is for the corner of Wilshire and Crescent. Please advise. 11
- 4) Should the FAR for the proposed project be based on the gross square footage of the lots before the dedications, or the net square footage after dedications to the city? 12
- 5) How many public parking spaces will be lost when the senior housing is developed on the NW corner of Crescent and Clifton? I have spoken to the parking attendant and it seems they are parking approximately 100 cars on that site. 13
- 6) Does the city agree that based on the 1957 Covenant, there are 251 existing covenanted parking spaces on the site and not just the Spago and Coldwell Banker parking spaces, which total only 192 spaces on lots 11-16? I assume that the additional 59 covenanted spaces are on lots 9 and 10? Is this correct? 13

Ms. Rita Naziri
Senior Planner
August 14, 2002
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7) Would you now agree that the draft EIR is incorrect with respect to the description of Alternative 3 since code conforming apartments, not just condos, may be developed on Lots 9-16? Also, why doesn't alternative 3, or a new alternative, provide for an office building built to code with a 2.0 FAR?

14

8) Is there any available legislative history with respect to the 1957 Covenant and the subsequent parking covenants for Spagos and Coldwell Banker?

Upon receipt of answers to the above, I will submit my comment letter. To save time, feel free to call me with respect to the above.

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Thank you for your assistance.

Very truly yours,


Larry Larson

LL/cmp

RESPONSE TO LETTER 3
Larry Larson, August 14, 2002

Response to Comment:

9. The Municipal Code does not define an allowable floor area ratio (FAR) for the residential portion of the site. Rather, the Municipal Code defines allowable density in terms of units per square feet of site (see Section 10-3.2801 of the Beverly Hills Municipal Code). This is explained more fully on pages 3-9 to 3-10 of the DEIR. Given the width of the project site, one dwelling unit may be constructed for each 900 square feet of site area. The residential portion of the site is approximately 61,000 square feet in size and the applicable density standards would permit 67 units to be developed on the site. Alternatives 2 and 3 are designed to be consistent with the Municipal Code provisions. The Municipal Code also defines the minimum allowable floor area for dwelling units, based on the number of bedrooms (see Section 10-3.2802).
10. As noted on page 2-1 of the DEIR and on page 5 of the Staff Report for the July 31, 2002 Planning Commission Hearing, the project site is 76,377 square feet in area, which would be reduced to 74,520 sq. ft. by the dedication of a two and a half foot wide strip of land for public right-of-way purposes, the applicant's proposal to dedicate additional land at the corner of Crescent Drive and Wilshire Boulevard and other dedications that are required to accommodate various circulation movements. The proposed area to be dedicated is thus 1,857 sq. ft. The final area of dedication may vary slightly from that described in the DEIR and the Staff Report, as agreement is reached with the City on the final configuration of the Wilshire Boulevard and Crescent Drive corner configuration. Any such minor changes in the right-of-way dedication will not alter the conclusions in the DEIR. It should be noted that the dedication proposed at the corner of Wilshire Boulevard and Crescent Drive is neither required by the City nor required as mitigation; rather, the applicant offers it as an opportunity to improve existing conditions at the intersection that are not the result of the project.
11. The Floor Area Ratio is the building area divided by the site area. Section 10-3.178 of the Municipal Code defines site area as:

"Site area" shall mean all of that area (whether one or more lots) legally assembled into one building site by means of covenant, subdivision, or otherwise. When such area consists of more than one lot or parcel of ground, such lots or parcels of ground shall be contiguous or separated only by an alley.

(* 2, Ord. 1179, eff. January 2, 1964; Amd * 1, Ord. No. 95-0-2239, eff. July 7, 1995)

The site area used on Table 2-2 of the DEIR includes the full site area, inclusive of the dedications.

12. The proposed senior housing would provide 119 parking spaces of which 41 spaces are required for the proposed senior housing and the remaining 78 are replacing covenanted parking spaces. There are approximately 99 existing on-site parking spaces. Therefore, approximately 21 public parking spaces will be lost when Senior housing is developed on the northwest corner of Crescent and Clifton. This loss of public parking spaces is independent of the proposed project. See also Response to Comment 20.
13. The 59 spaces in question are parking for the existing 20,900 square foot office/retail building fronting Wilshire Boulevard. This building will be demolished as part of the project and replaced with a 39,975 square foot office building. As shown on page 3-81 of the DEIR, 115 replacement parking spaces will be provided pursuant to the Beverly Hills Parking Code for the new office building. Thus, the 59 parking spaces would be replaced and augmented to reflect the increase in office space proposed for the site. They are not treated as "covenanted" parking spaces because they provide parking for a use on the project site. All of the 251 parking spaces of interest to the commentator will be replaced on the site.
14. There is nothing incorrect with respect to the description of Alternative 3. The requested alternative is a variation on the Alternative 3 concept of Code Conforming With Market Rate Housing and would consist, at a maximum, of 67 apartments and 30,754 sq. ft., 45-foot tall, 3-story office building. This alternative is not substantially different from Alternative 3 and would result in similar impacts.
15. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers. See Response to Comment 18.

LETTER 4

LARRY LARSON
1025 N. Roxbury Drive
Beverly Hills, CA 90210
(Office 323 782 1144)

Via Fax 310 858 5966

August 19, 2002

Planning Commission
Attention: Ms. Rita Naziri
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210-4817

Re: Triangle Gateway Project

Dear Planning Commissioners:

This is to augment my testimony at the Planning Commission hearing on July 31, 2002 in opposition to the above project, as presently designed.

THE COVER TO THE DRAFT EIR IS MISLEADING

The cover to the draft EIR depicts an aerial view of the proposed project, which is misleading and improperly biases city decision makers and other readers in favor of the proposed, non-code conforming development. In my opinion, the cover should depict an elevation so that a reader can easily view the 60' high, five story apartments, the 54' height of the offices (as measured from Wilshire Blvd.), and the overall 2.4 FAR.

16

DESCRIPTION SECTION OF DRAFT EIR FAILS TO MENTION THE SIZE OF THE APARTMENT PROJECT

The initial Description of Proposed Project section of the DEIR on page 2-6 and the Project Characteristics in the Executive Summary fail to include any square footage for the apartment complex, although the square footage is mentioned in the Floor Area section. Indicating only a 2.4 FAR density for the project is inadequate, especially since the total square footage of this

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project is larger than the Gelson's project. The total square footage of the Gelson's project was 151,546. This proposed project has 183,384 square feet, 21% more than Gelson's.

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DISCUSSION OF THE 1957 COVENANT IN DRAFT EIR IS INCOMPLETE

The discussion of the Use covenant on page 3-10 of the DEIR is incomplete and the discussion of the 1957 Covenant is buried on page 3-69. The 1957 Covenant is not even mentioned in the Executive Summary of the DEIR. There is no legislative history provided as to why the city leaders in 1957 wanted to condemn the subject land for the public good. However, it appears from the reading of the covenant that the 1957 City Council believed that our city triangle needs more public parking. Arguably, the demand for public parking in the triangle has increased substantially since 1957.

18

In order to avoid a condemnation of the land, the owners entered into a 1957 Covenant whereby the subject land must be used in perpetuity for public parking, unless a redevelopment project is in the "best interests" of the city, and even then, the project must conform to the zoning on the west side of Crescent.

Arguably, is it in the best interests of the City to change the existing code and to modify the 1957 Covenant in order to allow the increased density and height for the proposed project, which is 22% larger than the Gelson's project? Compared to Alternative #3, this proposed project yields only 22 more luxury apartments than Alternative #3. Alternative #3 would be 9' lower in height on the office development and 32' lower in height on the apartment development.

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NO DISCUSSION OF THE LOCATION WHERE DISPLACED USERS OF THE PARKING LOT WILL PARK

In addition to the users of Spago, Coldwell Banker, and the existing commercial building, others, including Beverly Hills workers, use this parking lot, as well as the parking lot located at Clifton and Crescent. When the Senior Housing Project is developed at Clifton and Crescent, along with the proposed development, there will not be any inexpensive parking for these Beverly Hills workers who will be displaced.

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INCLUDING A REJECTED, NON-CONFORMING, PROJECT AS AN ALTERNATIVE VIOLATES CEQA

CEQA SECTION 15126.6 states:

(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project ...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project..

Also section (f) states, "The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project."

Based on the requirements of CEQA, Alternative #1, the Gelson's project, should have been deleted from the EIR as an Alternative because it is not a "reasonable" alternative and it does not avoid or substantially lessen any of the significant effects of the subject project.

DESCRIPTION OF ALTERNATIVE #3 IS INCOMPLETE AND MISLEADING

The DEIR states that this alternative project would be a 66 unit "condominium" project and a commercial project of 20,000 s.f. of office and 10,000 s.f. of retail. However, this alternative project could also be a 66 unit apartment complex since apartments, 28' high, can also be developed on these parcels. In addition, the developer can develop a 2.0 FAR office complex on the Wilshire lots that is 45' high, as measured from Wilshire, and three stories high. "Since retail use generates more daily trips than office use, having all office on Wilshire would further reduce the daily trips from 1,024, as presently indicated for alternative #3.

In addition, there seems to be a City Council policy goal of developing more market rate apartments in our city. Therefore, alternative #3, apartments not only meet current city code, it also fulfils a policy goals of our City Council.

Alternative #3 must be relabeled "66 unit apartments or condos and office or office/retail." Also, I suggest that Alternative #3 should be listed as the first alternative since a 28' high, 66 unit apartment development and 3 story office is superior to the proposed project because:

1. A 66 unit apartment development has the least environmental impacts according to the DEIR.
2. A 66 unit 28' high apartment development conforms to existing code on the west side of Crescent.

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3. Development of more apartments meets the policy goals of our City Council.
4. Office alone on Wilshire would generate fewer daily trips than office and retail.
5. An office structure of 45', as measured from Wilshire, is superior to a 54', four story office building on Wilshire.

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FEASIBILITY AND ACHIEVEMENT OF OBJECTIVES - ALTERNATIVE #3

On Page 5-11 of DEIR, land values are discussed as possibly affecting the pricing of possible housing units and their marketability. However, this comment is applicable only to condos. As indicated above, apartments can be developed on this site. There is no discussion about feasibility of apartments 28' high. Land values have nothing to do with the achievable rents of apartments.

To date, the only evidence in the first public hearing that apartments with a height of 28' are not economically feasible was a statement from the developer. Clearly, because of the 1957 Covenant, this leased land has to be the least expensive in the Beverly Hills Triangle.

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DRAFT EIR FAILS TO INCLUDE ALL CUMULATIVE IMPACTS

Section 15130(a) of CEQA states:

An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(c).

The City of Beverly Hills has entered into a Memorandum of Understanding for the development of a subterranean parking lot on the city-owned T lot. The new parking garage will abut a multi-level hotel/condo project on adjacent land. In addition, it is my understanding that certain members of the City Council have been appointed to develop ideas for an above grade park on the T lot. Even though the hotel developer has not yet submitted his development plans, this future development must be discussed in this draft EIR since it will have a cumulative impact along with the proposed project.

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DRAFT EIR ALSO FAILS TO DISCUSS ADVERSE AFFECTS FOR CURRENT PARKERS WHO USE BOTH THE SUBJECT SITE AND THE 100 PARKING SPACES AT CLIFTON & CRESCENT

While the developer will provide 197 spaces for some of the Spago patrons and Coldwell Banker employees, other workers and residents use both the subject parking lot and the 100 space parking lot on the northwest corner of Crescent and Clifton. With the development of the planned office building and apartments, along with the elderly housing at Crescent and Clifton, where will these displaced workers park?

Also, the Crescent/Clifton parking lot is also used for Spago's parking overflow. Therefore, 197 parking spaces for Coldwell Banker and Spagos is inadequate.

25

CONCLUSION

Since the developer has successfully recruited supporters for this project based on incorrect and misleading information in the draft EIR, the questions that must be asked are as follows:

1. Would the supporters like this proposed project even more if the number of apartments was reduced from 88 to 66?
2. Would the supporters like this proposed project even more if height on Wilshire was 45' from the Wilshire grade versus 54'?
3. Would the supporters like this proposed project even more if the apartments complied with existing code and were only 28' in height, rather than a five story, 60' height?
4. Is it in the public's best interest to modify a 1957 Covenant which protects public parking in Beverly Hills in order to gain 22 more luxury apartments for a few more wealthy apartment renters and to gain one more floor of offices on Wilshire?
5. Does our city really want five story, high density apartments in our triangle that are similar to others designed by the same architect, including the new Villas at Park Labrea located on 6th Street, or the Palazzo apartments on 3rd St.? It should be noted that Casden's Villa apartment project is only four stories high.
6. Cannot this or another apartment developer lease the subject land and make a reasonable profit

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by developing code conforming apartments to a maximize height of 28' and code conforming offices to 45'?

Because of the 1957 Covenant, which encumbers this subject land, this land, which is being ground leased, is arguably one of the most inexpensive parcels in the triangle. A smart developer like Jerry Snyder would pay an annual ground lease rent taking into consideration the adverse encumbrances including the 1957 Covenant, the Coldwell Banker parking agreement, and the Spagos parking agreement. Therefore, absent some compelling evidence that a lower density project is financially unfeasible, this project should be made to conform to existing code.

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Very truly yours,


Larry Larson

RESPONSE TO LETTER 4
Larry Larson, August 19, 2002

Response to Comment:

16. Comment noted. The EIR cover depicts an aerial view of the project intended to show the massing, scale, modulations, setback and relative heights of the components. The aerial view was selected since it both literally and figuratively presents an overview of the project.
17. Table 2-2 on page 2-6 of the DEIR clearly indicates the square footages of the commercial component, the residential component and the total square footage for the project as a whole. To address the commentator's concern, however, the last sentence of the second paragraph under Project Characteristics on page ES-1 and the first sentence of the third paragraph under Description of Proposed Project on page 2-6 of the DEIR are modified to read:

The residential component of the project consists of an 88-unit, 143,410 square foot, five-story, apartment complex with a modulated height with a maximum height of 60 feet, including 12 townhouse-style units fronting on Crescent Drive.
18. Comment noted. This comment does not raise a new environmental issue. Additional information on the legislative history of the 1957 Covenant would not alter the conclusions regarding the environmental impacts of the project contained in the DEIR. To the extent it exists, such information will be provided to the City's decision-makers in the form of an oral or written Staff Report should the decision-makers indicate that they would find it of use in deciding whether to grant the discretionary approvals required for projects proposed for this location.
19. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
20. There are 251 existing parking spaces on the project site. Of these 59 spaces are intended to serve the existing office/retail building that would be demolished as part of the project and 192 spaces are covenanted for use by Spago and Coldwell Banker. The proposed project will replace all of the existing spaces, as detailed in the following table. There is no net loss of parking. (See also Response to Comment 2.)

	Existing Spaces	Proposed Spaces
Covenant spaces	192	192
Existing office/retail (replacement)	59	59
Net new office space		56
88 new residential units		227
TOTAL	251	534

In terms of the parking operation, with the proposed project, 108 parking stalls would be provided exclusively for Spago's parking. The 115 spaces required for the new office component (including the 59 replacement spaces) as well as 84 of the covenanted spaces would be provided in parking areas designed for commercial use and available to the public. Thus, 199 spaces would potentially be available in areas of the parking structure available for public use. The net effect of the project on parking is thus to ensure that parking covenanted for Spago's use is reserved for use by Spago's. Separate parking would be provided for residents and visitors of the residential component of the project.

Since there is no net loss of parking, the DEIR did not address parking displacement. The impacts of public parking loss associated with the Senior Housing Project were addressed as part of the environmental review of that project. The project's contribution to any cumulative loss of parking in the area will not be cumulatively considerable since the project will not result in a net loss of parking.

21. The basic purpose of CEQA is to: "Inform government decision makers and the public about the potential significant environmental effects of proposed activities." (Section 15002 of the CEQA Guidelines). As indicated in CEQA Guidelines Section 15003(b) the "EIR serves not only to protect the environment but also to demonstrate to the public what is being protected." "The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (CEQA Guidelines Section 15003(d)).

According to Section 15126.6(a) of the CEQA Guidelines: there "is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." The proposed project has been designed in response to guidance given by the Planning Commission when rejecting a prior version of the project proposed by the same applicant, as discussed on page 5-2 of the DEIR and detailed during July 31, 2002 Planning Commission Hearing. It is thus reasonable to assume that the Planning Commission would want information about how the proposed project compares to the prior version of the project, in order to help the

Planning Commission would want information about how the proposed project compares to the prior version of the project, in order to help the Commission assess the degree to which the applicant has complied with the direction given by the Commission and addressed the environmental concerns expressed by the Commission. Alternative 1 is designed to give that information to the City's decision-makers and to serve the larger informational purpose of CEQA. It is clear from the discussion of this alternative in the DEIR that it would have substantially greater impacts than the proposed project.

22. Comment noted. See Response to Comment 14. The alternatives are currently arranged in an order from most to least impacting. The order of the alternatives is one of personal preference and does not alter the conclusions contained in the DEIR. CEQA does not require the DEIR to "consider every conceivable alternative to the project" or every possible variation of the alternatives examined. (CEQA Guidelines Section 15126.6(s).)
23. The commentator is incorrect. Land values have much to do with the rental rates of apartments. The achievable rent is a function of supply and demand. Supply is a function of cost, and land is a component of cost. The minimum rent which the producer of apartments is willing to accept is based on the cost of producing the apartments and achieving a reasonable rate of return on the investment over time. A key component of the cost of production is land. If demand is not sufficient to support this rent rate, then a sensible developer will not produce the apartments. While the existing covenants are likely to have resulted in a reduction in the value of the land for sale or lease purposes, the covenants impose additional construction costs that are the basis for the reduction in land value.
24. The commentator is incorrect; the T-lot project is included on the list of cumulative projects considered in the DEIR. It is project number 11 on Table 4-1 on page 4-2 of the DEIR, and is described as: 222 N. Beverly Drive, and the potential impacts associated with the T-lot project were fully considered in assessing the project's incremental contribution to cumulative impacts in the area.
25. See Response to Comment 20.
26. This comment does not raise a new environmental issue. Comment is noted and will be considered by the City's decision makers.



STAFF REPORT
CITY OF BEVERLY HILLS

For the Planning
Commission Meeting of
July 31, 2002

TO: Planning Commission

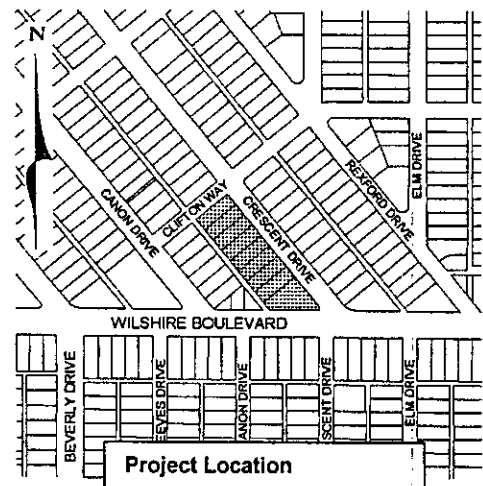
FROM: Rita Naziri, Senior Planner
Larry Sakurai, Environmental Review Manager

THROUGH: Mahdi Aluzri, Director of Planning & Community Development

SUBJECT: Draft Environmental Impact Report, Proposed Mixed-Use Planned Development Overlay Zone, Planned Development Approval and Amendments to Existing Covenants for the Proposed Mixed-Use Project "The Crescent Project" at 131-191 N. Crescent Drive/9355-9377 Wilshire Boulevard

EXECUTIVE SUMMARY

A mixed-use project containing an 88-unit apartment complex and a four-story, 45-foot high, 39,975 square foot office/retail component is proposed on nine lots on the northwest corner of Wilshire Boulevard and Crescent Drive. A Draft Environmental Impact Report (DEIR) has been prepared for the project and was released for public review on July 15, 2002. The comment period (a minimum of 30 days) will end August 14, 2002. A subsequent Planning Commission meeting on the project and DEIR will be scheduled after the end of the comment period. It is recommended the public hearing be continued to the meeting of August 28, 2002, to allow time for the public to review the DEIR, allow the EIR consultant to begin preparing responses to public comments, direct City Attorney's office to prepare an overlay zone ordinance and allow time for the applicant to also consider any remarks and suggestion made at the public hearing.



The following issues should be considered by the Planning Commission:

- Environmental considerations, including the adequacy of the DEIR and findings continued therein (recommendations to the City Council);
- Approval of the proposed Mixed-use Planned Development Overlay Zone (recommendations to the City Council);
- A Planned Development approval ;
- Amendments to existing covenants (recommendation to the City Council).

It is also recommended that the Planning Commission consider the basic policy issues about the proposed overlay zone request before proceeding to the details of the project. The proposed Overlay Zone does not change the uses currently allowed on the overall site.

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

The applicant, the J.H. Snyder Company on behalf of Pacific Partnership and C/L Limited Partnership proposes to construct a mixed-use project on the west side of Crescent Drive between Wilshire Boulevard and Clifton Way. The proposed project consists of commercial and residential components as well as replacing the covenanted parking currently existing on the site:

- o **Commercial Component:** A four-story, 45-foot high, 39,975-square foot office/retail space fronting on Wilshire Boulevard the southerly portion of the project site. Pedestrian access for the commercial component of the project is provided on Wilshire Boulevard. Vehicular access is provided off Crescent Drive and the alley from the garage located under the residential component.
- o **Residential Component:** An 88-unit, five-story, with variable height up to 60-foot high apartment complex located on the remainder of the project site which includes 12 townhouse units fronting Crescent Drive. The vehicular access for the residential units is provided off Crescent Drive.

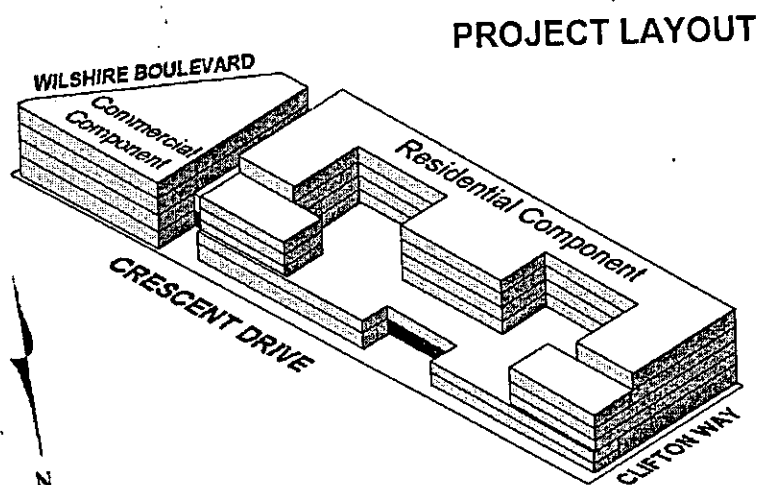
The project will provide a total of 534 parking spaces. All of the parking would be under the residential portion of the building (no parking would be under the office building along Wilshire Boulevard). Parking for the residential component of the project would be provided in a 227-car at grade and below grade structure with access from Crescent Drive. The 115 parking spaces required for the office and retail component of the project would be provided at grade or below grade garage with access from Crescent Drive and the alley. Of the 192 covenanted parking spaces that need to be replaced, 108 parking stalls would be provided specifically for the Spago restaurant (parking for

which is operated under a valet arrangement). Spago's parking would be located primarily on the above grade parking level and accessed from the northerly driveway on the alley with a separate entry/exit. The balance of 84 covenanted parking spaces, largely serving the Coldwell Banker office, would be provided in the parking areas designated for the commercial uses, along with 115 spaces required for project commercial component. The project provides a variety of open space and outdoor living area. Loading facilities would be located at the southern end of the building at the alley near Wilshire Boulevard.

A 2½-foot dedication along Crescent Drive will be provided in order to accommodate space for proposed street tree wells and a five-foot wide sidewalk. Other dedications associated with increased corner turning radii are also proposed.

The proposal is subject to the following approvals:

- o Approval of the proposed Mixed-Use Planned Development Overlay Zone over the Existing RMCP and C-3 zones (proposed development reflects the proposed zoning)
- o A Planned Development approval
- o Amendments to existing covenants which restrict the use of the property to public parking only



Site Area Characteristics. The southern portion of the site, adjacent to Wilshire Boulevard, is currently developed with a two-story office/retail building of approximately 20,900 square feet, and an 18,480 square foot surface parking lot. A 45,750 square foot surface public parking lot covers the northern portion of the site which provides

parking for nearby businesses on Canon Drive. The use of the site is restricted by a 1957 parking covenant.

The project site consists of an entire block (9 lots) located between the City's central business district ("The Business Triangle") to the west, multi-family residential, office uses and a mini-park to the east, mixed retail uses including bakery/café, convenience retail and services, parking and senior housing to the north and commercial uses to the south along Wilshire Boulevard.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on July 12, 2002, to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet from the exterior boundaries of the property. Mailed notices were also sent to the members of public who expressed concerns or interest during the Planning Commission proceedings regarding the previous proposal "Triangle Gateway/Gelson's Project".

The hearing notice was also published in the *Beverly Hills Courier* on Friday, July 12, 2002, and July 26, 2002.

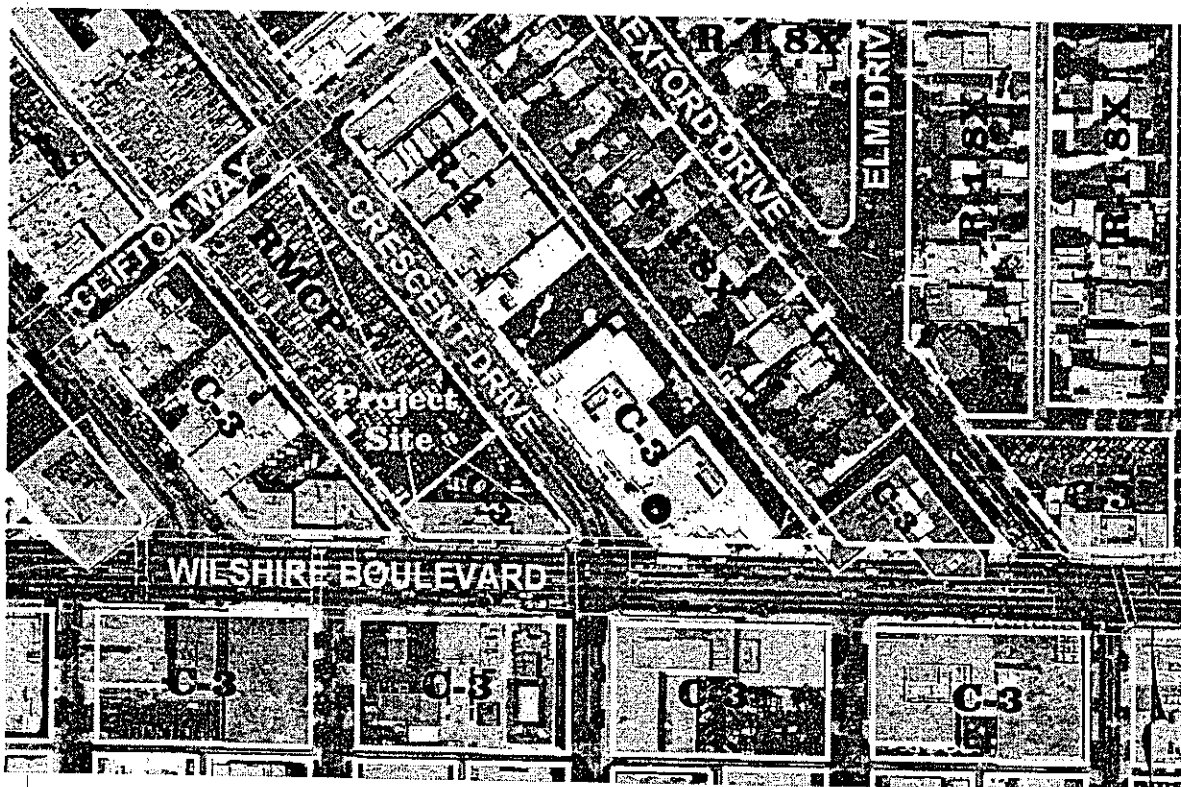
PROJECT DATA SUMMARY				
Categories	Existing	Proposed	Current C-3 & RMCP Development Standards	Proposed Mixed-use Overlay Zone Development Standards
Number of Lots	9	1 (lot tied)	N/A	N/A
Site Area (sq.ft.)	76,377	74,520 ^a Commercial: 15,377 Residential: 61,000	N/A	N/A
Floor Area (sq. ft.)	20,900	Combined mixed-use floor area: 183,386 sq.ft. Commercial: 39,975 sq.ft. Residential: 88-units (143,410 sq.ft.)	Varies based on proposed use	2.5 for entire site Commercial: 40,000 sq.ft. max. w/ 0.5 FAR Residential: One dwelling unit per 1,700 sq.ft. of non-commercial area with a minimum 88 unit entitlement
Height	23'	Commercial: 45' max. Residential: varies; 60' max.	Varies based on use	Commercial: 45' max. Residential: 60' max
Number of Stories	2	Commercial: 4 Residential: 4 & 5	Varies based on use	Commercial: 4 Residential: 5

PROJECT DATA SUMMARY				
Categories	Existing	Proposed	Current C-3 & RMCP Development Standards	Proposed Mixed-use Overlay Zone Development Standards
		stories		
Number of Parking Spaces	251 ^{b/}	534 ^{b/} Commercial: 307 spaces (including 192 required by 1957 covenant). Residential: 227 spaces (including 22 guest spaces)	Varies: based on use	Commercial: One space per 350 sq.ft. Residential: 1 bedroom: 2 spaces 2 bedroom: 2½ spaces 3 bedroom: 3 spaces One guest space for every four units
Setback	5 feet landscaped area along Crescent Drive and Clifton Way ^{c/}	Crescent Dr: Commercial: 5' to 7'4" Residential: varies from 6'9" to 15'3" with 14' average Clifton Way: 5' & 7.5' on upper floors Wilshire Blvd.: 2' (partial) Alley: None Corner of Crescent Dr. & Clifton Way: 3'6" (diagonal)	C-3: None RMCP: 15' for residential & public parking along Crescent Drive, 5' to 15' for structures with convenience retail	Crescent Dr.: a minimum of 6'6" from the new property line ^{d/} and an average of a 14' setback from the new property line Clifton Way: 5' at the ground level and at least 7.5' on upper floors from the property line Rear alley: None Corner of Clifton Way & Crescent Dr.: Not less than 3' from the new property line
Outdoor Living Area (Residential only)	N/A	19,595 Sq.ft.	C-3: None RMCP: 17,600 sq.ft.	17,600 sq.ft.
Green space including outdoor living area (residential only)	N/A	29,775 sq.ft.	(see above) N/A	(see above) N/A
Crescent Drive Modulation (Residential only)	N/A	21,400 sq.ft.	C-3: None RMCP: 1,500 sq.ft. or 4% of the aggregate principal building area	1,500 sq.ft. or 4% of the aggregate principal building area
Crescent Drive paving (residential only in front setback)	N/A	In addition to required exits and driveways, one walkway not to exceed 5' for each dwelling unit along Crescent Dr.	One 5' walkway in the front yard per 50' frontage in any configuration subject to R-4	In addition to any required exit path and vehicular access, one walkway not to exceed 5' for each ground level dwelling facing Crescent Dr.

PROJECT DATA SUMMARY				
Categories	Existing	Proposed	Current C-3 & RMCP Development Standards	Proposed Mixed-use Overlay Zone Development Standards
			Permit approval	
NOTES: ^{a/} The project site is 76,377-sq.ft. (1.75 acres) in area, which would be reduced to 74,520 sq.ft. because of two and a half feet of public right-of-way dedication, the applicant's proposal to dedicate additional land at the corner of Crescent Drive and Wilshire Boulevard and other required dedications to accommodate various circulation movements. ^{b/} The project site currently provides 251 parking spaces(244 marked and 7 unmarked spaces) on surface parking lots. Based on a 1957 use covenant, 192 of these spaces are required to be maintained for space occupied by Spago and Coldwell Banker. The project provides 534 parking spaces of which 74 spaces are tandem spaces located throughout the subterranean parking structure and 16 handicapped spaces. ^{c/} Based on a 1957 covenant, a five-foot setback is required along Crescent Drive. ^{d/} A new property line would be established after 2.5' of the dedication of the public right of way.				

Requested Approvals

The project site is located in a Commercial (C-3) zone and Multi-family Residential-Commercial Parking (RMCP) zone. The proposed project would require the creation of an overlay zone.



Overlay Zone. The overlay zone would permit a combination of retail, office, and housing uses pursuant to a Planned Development approval. Commercial uses would only be permitted on the first lot located at the corner of Wilshire Boulevard and Crescent Drive. Residential and parking uses would be permitted on the remaining eight lots. The proposed Overlay Zone is consistent with the General Plan and City's concept of a transition from the Business Triangle to the residential areas, by providing a mix of uses specified in the City's General Plan for the Transitional Use District (commercial, multifamily residential, parking). It does not allow any new uses that are not permitted in the underlying RMCP and C-3 Zones.

The proposed overlay zone is subject formal action by the City Council. The Planning Commission's role is to review the proposed overlay zone and make recommendations to the City Council. However, the Planning Commission could take final action on the project, contingent on the requested code amendments being adopted by the City Council.

An overlay zone may be recommended by the Planning Commission to the City Council if the Commission finds the public interest, health, safety, morals, peace, comfort, convenience, or general welfare would be served by the amendment.

A summary of the proposed Mixed-Use Overlay Zone standards are provided in a chart attached as Appendix A.

Planned Development Approval. Planned Development approval is required for this project as specified in the proposed overlay zone. In considering an application for Planned Development, the Planning Commission must evaluate the project to ensure that the project is in compliance with Municipal Code Section 10-3.1842 (attached) which requires:

- A detailed plans which include open space, site plans, photographs, elevations, garage lay-outs and landscaping plans,
- All proposed physical improvements,
- Impact of the project on public and private transportation, infrastructure and other essential facilities within the subject zone,
- A program of implementation and operational measures which assures the objectives of the subject zone are advanced, including a parking program, and
- A construction management plan.

Fundamental to a decision on a Planned Development is whether or not the project carries out or adheres to the objectives of the zone in which it is proposed. It is

proposed that the objectives cited in the Planning Commission's resolution of 1163 (attached) serve as the objectives of the proposed overlay zone. These objectives are summarized and addressed in the analysis part of the report.

Other Discretionary Approvals. The use of the site, except for the C-3 lot adjacent to Wilshire Boulevard, is restricted to only public parking by a 1957 covenant. The project site currently provides 244 marked and 7 unmarked parking spaces. 192 of these spaces are required to be maintained by a separate covenant for the buildings currently occupied by Spago restaurant and Coldwell banker on Canon Drive. The applicant proposes to amend the 1957 covenant to allow the proposed mixed-use project. This request will be subject to City Council review and approval.

Additional information regarding the past Planning Commission action and history of the 1957 covenants and RMCP zone are noted in the attached Appendix B.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) was prepared for the project and the Draft was released for public review on July 15, 2002. The Draft EIR identified no significant, unmitigable impacts except for the short-term air quality impact associated with construction. The bulk of the air impact would occur off-site from hauling trucks in transit to/from the site. Other impacts were identified as potentially significant (see table to the right) but measures are proposed that will mitigate these to less than significant levels (see Appendix C), and it is recommended that the measures be imposed as conditions of approval. The public comment period on the Draft EIR will remain open until August 14, 2002.

Environmental Impacts		
Issue	Significant?	After Mitigation
Land Use	No	No
Visual	Yes	No
Population	No	No
Public Services	Yes	No
Traffic/Parking	Yes	No
Air Quality	Yes	Yes*
Noise	Yes	No
Geology	Yes	No
Hazards	Yes	No
*Short term construction impact		

Alternatives Considered by the EIR					
	The Project	Triangle Gateway (Gelson's)	Senior Housing with Supermarket & Office	Market-Rate Housing & Office	No Change
Description	88 dwelling units 30,000 sq. ft. of office 10,000 sq. ft. of retail Height: Five stories 60'	110,900 sq. ft. of office 36,500 sq. ft. of supermarket 4,100 sq. ft. of retail Height: Three stories 45'	140 dwelling units 29,000 sq. ft. of supermarket 30,500 sq. ft. of office Height: Five stories 60'	66 dwelling units 20,000 sq. ft. of office 10,000 sq. ft. of retail Height: Three stories 45'	Surface parking lot (192 spaces) 20,900 sq. ft. of commercial Height Two stories
Impact	Air quality (construction)	Air quality (construction), traffic, loading	Air quality (construction), traffic	Air quality (construction) Environmentally superior build alternative	None Environmentally superior alternative
Remarks		Greatest traffic impact of the alternatives	Similar to Site A South	Reduced feasibility and greater difficulty achieving the project objectives; does not advance the goals of the Housing Element as well as the project	Does not achieve the project's objectives

Because no significant, unmitigable, long-term environmental impacts were identified, there was not as great a need to identify alternatives. The EIR therefore evaluated several "no project" alternatives, as well as the former Triangle Gateway (Gelson's) proposal for comparison purposes. The current proposal will generate substantially less traffic, and have less overall environmental impact than the former Triangle Gateway Project. Two of the three "no project" alternatives are development scenarios under the existing zoning which might be reasonably foreseeable consequences if the project did not proceed. For example, the project site could be developed with senior housing and convenience retail on the ground floor (permissible under existing zoning), together with an office building on Wilshire Boulevard. This alternative is consistent with existing and approved development on the west side of Crescent Drive to the north, but it would have greater environmental impact than the project as proposed. Another scenario is the development of more conventional multiple-family residential

and commercial on the project site. As any development of the site begins with an obligation to provide 192 parking spaces to the Spago and Coldwell Banker, the economic feasibility of ordinary development is harder to achieve. The project is a reflection of this fact, offsetting the economic disadvantage with more housing and office space that is intended to compete in the premium quality marketplace. The project would obviously have greater environmental impact than if no new development were to occur on the site, though one thing the project would do is enclose the valet operation that is conducted in the open currently.

ANALYSIS

In reviewing the proposed project and beyond the project's environmental issues, the Planning Commission has land-use policy issues associated with the proposed overlay zone that should be considered.

Land Use Policy. Criteria in the Beverly Hills Municipal Code (Section 10-3.3908) for a zone change includes a determination that the public interest, health, safety, moral, peace, comfort convenience, or general welfare warrant the reclassification of the subject property's standards. In 2001, when the Planning Commission examined the previously proposed project (Triangle Gateway project), it was suggested that a project with an adequate transition between the Business Triangle and the nearby residential uses to the east would be desirable. The Commission noted that a zone change for the project site could be appropriate. The Commission also noted that a covenant amendment could be considered. The Commission suggested principles which would be desirable in providing a good transition (Resolution No. 1163). The principles are listed below:

Principle

Remarks

- | | |
|--|--|
| <ul style="list-style-type: none">• Ensure that the scale and massing of the development is compatible to the character of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard (South Roadway) through appropriate height limits, modulation, and upper-story setbacks;• Provide pedestrian-friendly amenities at the street level and provide street setbacks that are consistent with the rest of the west side of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard (South Roadway); | <p>The new proposal provides considerable modulation along Crescent Drive. The proposal's 60-foot height is comparable to other existing and proposed structures on the west side of Crescent Drive, and its highest elements are located away from Crescent.</p> <p>The new proposal differs from the City's Site A structures to the north in its absence of retail frontage along Crescent Drive. Instead, its Crescent Drive frontage is residential in character with an ample landscaped front yard setback, and a number of walkways leading to building entrances which contribute to the pedestrian experience.</p> |
|--|--|

Principle

Remarks

- | | |
|--|--|
| <ul style="list-style-type: none"> • Limit land use and density on this site to that which, in aggregate, will not create unmitigable significant traffic impacts on nearby residential streets unless there is an overriding public policy consideration that otherwise justifies an increased density or a more intense land use despite the traffic impacts; | <p>The project as proposed, would increase local traffic within the immediate area but not to a significant degree. The net weekday traffic generated by the project is estimated about 1,296 daily trips of which 103 would occur in the morning peak hour and 179 in the afternoon peak hour.</p> |
| <ul style="list-style-type: none"> • Institute physical standards, such as alley setbacks, loading facility configurations, and turning radii to address deliveries and loading operations in a manner that minimizes impediments to vehicular circulation and protect life and property; | <p>A loading bay to accommodate loading/unloading vehicles will be provided at the southerly end of the alley. The largest truck to be accommodated will be 25 feet. The applicant is proposing to dedicate additional land at the corner of Crescent Drive and Wilshire Boulevard to facilitate a better alignment of Crescent Drive.</p> |
| <ul style="list-style-type: none"> • Address the environmental issues raised in the Draft Environmental Impact prepared for the Triangle Gateway project; and | <p>An EIR has been prepare for this project which indicates that the proposed project will generate substantially less traffic, and less overall environmental impact.</p> |
| <ul style="list-style-type: none"> • Provide that the zoning or any development proposed for the site shall include all nine lots between Wilshire Boulevard and Clifton Way between Crescent Drive and the alley between Canon Drive and Crescent Drive to be treated in a unified manner. | <p>The proposal encompasses the entire site and the arrangement of uses on the site reflect their context to Crescent Drive and the uses allowed under the current zone.</p> |

Proposed Overlay Zone. The existing project site is zoned Multi-Family Residential Commercial Parking (RMCP) and Commercial (C-3). The proposed overlay zone would not introduce any new land uses that are not already permitted in the existing zoning. The proposed overlay zone appears to meet the objectives as laid out by the Planning Commission's Triangle Gateway resolution in terms of scale/massing, pedestrian amenity, residential traffic, setbacks, loading facilities and environmental issues. The proposed overlay zone is consistent with the General Plan, therefore, no General Plan amendment is required. The under lying RMCP and C-3 zone would remain in place with the creation of the overlay zone.

The proposed project would create a usable building area of 183,385 square feet, and would modify the uses and scale of the development on the site; there would be 39,975 square feet office/retail uses and 143,410 square feet of residential uses. Instead of the existing surface parking lot, the project would provide four and 1/4 levels of parking, two and 1/4 levels below grade and one at surface and one level above the surface level,

and all within the residential portion of the building. In addition, the project is designed to provide the parking requirements for proposed use and all existing parking covenant requirements.

The proposed overlay zone development standard for office building height (45 feet) as measured from the high point of grade, is consistent with the existing C-3 zoning. Although the building height for residential uses (60 feet) exceeds the RMCP's maximum permitted height for multi family residential structures (28 feet), the height is consistent with the maximum height allowed for senior housing. The proposal's 60-foot height is comparable to other existing and proposed structures on the west side of Crescent Drive.

In addition, the proposal provides considerable modulation along Crescent Drive and ample open space throughout the development. The Crescent Drive frontage provides residential units with average setback of 14 foot, which is consistent with existing code development standards for residential development in the RMCP zone. The proposed two-story town-homes along Crescent Drive also shield the grade parking structure from public view.

Project Specifics. The proposed project conforms to City's General Plan. Overall, the proposal would have less significant height, mass and shade/shadow impacts when compared to the previously proposed project. The proposal provides greater opportunity for landscaped area along the Crescent Drive and Clifton Way. The project provides approximately 40% green space area through out the entire development. Residential component of the project furthers the goals outlined in the Housing Element by providing 88 market rate rental housing units. The applicant is also dedicating land at the corner of Wilshire Boulevard and Crescent Drive to provide better traffic circulation at that intersection.


RECOMMENDATION

The DEIR for the project was released on July 15, 2002, and public comment period (a minimum of 30 days) will end on August 14, 2002. Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, staff recommends that the Planning Commission continue the public hearing to the meeting of August 28, 2002, to allow time for the public to review the DEIR; allow the EIR consultant to prepare

Staff Report
131-191 North Crescent Drive/9355-73 Wilshire Boulevard
For the Planning Commission Meeting of July 31, 2002

responses to public comments; to direct the City Attorney's office to prepare an overlay zone ordinance and allow time for the applicant to consider any remarks and suggestions made by the Planning Commission at the public hearing.


RITA NAZIRI


LARRY SAKURAI

Attachments:

- Appendix A, B & C
- Background Information Book

APPENDIX "A"

Proposed Mixed-Use Overlay Zone	
Permitted Uses	Uses allowed in a C-3 and RMCP Zones (underlying zones)
Prohibited Uses	All uses prohibited in C-3 and RMCP zones, including medical office uses and restaurant use
Height/Story Restriction	<u>Residential Component:</u> 5 stories or 60 feet <u>Commercial Component:</u> 4 stories or 45 feet
Floor Area Ratio	Total FAR: 2.5 for entire project site
Commercial Floor Area Limit	40,000 sq.ft maximum
Residential Density	One dwelling unit per 1,700 square feet of noncommercial floor area; provided, however, that the minimum entitlement shall be 88 dwelling units.
Setbacks	<u>Residential:</u> Crescent Drive Frontage: A minimum of 6 feet 6 inches from the new front property line (after 2.5 feet of the dedication of the public right-of-way for sidewalk improvement) and an average of a 14-foot setback from the new property line. Clifton Way (side street): 5 feet at the ground level and at least 7.5 feet on upper floors from the property line. (Additional modulation standards are expected to be developed in conjunction with the above setbacks.) Corner of Clifton Way And Crescent Drive: Not less than 3 feet from the property line Rear alley: None <u>Commercial:</u> Wilshire Boulevard Frontage: None Crescent Drive Frontage: 5 feet If the rear or side lot line of the proposed commercial component is adjacent to a residential component, a 30-foot setback shall be maintained between the two components. Balconies and porches are permissible in this area.
Story Definition	Definition applied to non-residential zones would also be applied to mixed-use zones. The non-residential definition does not count parking as stories so long as the number of parking garage levels

Proposed Mixed-Use Overlay Zone	
	above grade does not exceed two.
Floor Area Definition Amendment	Space devoted to parking above grade shall not be considered floor area provided that not less than 40 feet of the ground floor facing the street is used for residential uses.
Setback Landscaping	All residential setbacks from the street shall landscaped with plant materials; provided, however, that in addition to any required exit path and vehicular access, one walkway not to exceed 5 feet for each ground level dwelling facing Crescent Drive shall be permitted.

APPENDIX "B"

Background Information

Triangle Gateway/Gelson's Project Description. Applications submitted by the J.H. Snyder Company LLC for the proposed Triangle Gateway/Gelson's project at 131-191 North Crescent Drive and 9355-9373 Wilshire Boulevard. The proposed three-story, 45-foot project would include:

- A 39,138-square foot grocery store (Gelson's),
- 109,706-square feet of office space, and
- A 3,802-square foot retail space facing Wilshire Boulevard.

Parking for the grocery store would be provided in a 108-car above-ground garage with access from Crescent Drive (an exit would also be provided to the alley). A separate 629-car, subterranean garage is proposed to satisfy the parking requirements of the office and retail spaces, as well as an obligation to provide 192 spaces to a restaurant and certain other nearby commercial uses on Canon Drive (parking covenant). Loading facilities would be located at the northwest corner of the building at the alley and Clifton Way. The proposed office space would be located mostly in two floors over both the grocery store and the grocery store's parking.

The proposal was subject to the following approvals:

- A zone change and General Plan Amendment to allow a zone change from the Commercial (C-3) and Multi-Family Residential-Commercial Parking (RMCP) zones to the new C-3P zone. The proposed C-3P zone would permit the retail, office, and parking uses at the subject site.
- City Council authorization to reverse the direction of the alley from one-way southbound to one-way northbound;
- A Development Plan Review permit (DPR), which is required for all new commercial projects.
- Encroachment permits and a dedication of property adjacent to Crescent Drive for street trees and a sidewalk;
- An Extended Hours Permit to allow the Gelson's Market to be open from 7:00 a.m. to 10:00 p.m. daily, seven days per week, including holidays. The current Code limits Saturday and Sunday opening hours to 9:00 a.m. to 10:00 p.m.
- Amendments to existing covenants which restrict the use of the property to public parking only; and
- A Minor Accommodation Permit to receive deliveries during the extended hours.

The Planning Commission's Triangle Gateway Resolution. During the past year, the City reviewed and denied the proposed Triangle Gateway Project, which included a development of an office/retail building with a grocery store component. The Commission denied the proposal because it did not provide an adequate transition between the business district and residential uses to the east (Resolution No. 1163 attached). It was suggested that a mixed-use project that includes a residential component would be more compatible to the area. The Commission recommended a list of issues to be considered in order to provide an adequate transition, including:

- Ensure that the scale and massing of the development is compatible to the character of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard (South Roadway) through appropriate height limits, modulation, and upper-story setbacks;
- Provide pedestrian-friendly amenities at the street level and provide street setbacks that are consistent with the rest of the west side of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard (South Roadway);
- Limit land use and density on this site to that which, in aggregate, will not create unmitigable significant traffic impacts on nearby residential streets unless there is an overriding public policy consideration that otherwise justifies an increased density or a more intense land use despite the traffic impacts;
- Institute physical standards, such as alley setbacks, loading facility configurations, and turning radii to address deliveries and loading operations in a manner that minimizes impediments to vehicular circulation and protect life and property;
- Address the environmental issues raised in the Draft Environmental Impact prepared for the Triangle Gateway project; and
- Provide that the zoning or any development proposed for the site shall include all nine lots between Wilshire Boulevard and Clifton Way between Crescent Drive and the alley between Canon Drive and Crescent Drive to be treated in a unified manner.

The 1957 Use Covenant. On March 12, 1957, the City Council adopted an ordinance to change the zoning of the properties located on both sides of Crescent Drive north of Wilshire Boulevard and south of Santa Monica Boulevard (except for those commercial lots facing Santa Monica and Wilshire Boulevards) from a single family residential zone (R-1.5) to a multi-family residential zone (R-4). In addition, the ordinance allowed for parking on the west side of Crescent Drive. Immediately upon adoption of the rezoning ordinance, the City initiated action to acquire the properties on the west side of Crescent Drive through condemnation proceedings and began negotiations for

dedication of said lots for public parking purposes. The owners of some of these properties agreed to enter into an agreement with the City which allowed them to maintain ownership of the properties, as long as they remained dedicated for public parking purposes. That use restriction was introduced in the form of a covenant and agreement between the City and the property owners executed on May 13, 1957. The remaining lots on that side of Crescent Drive now constituting Site "A" North and Site "A" South were eventually acquired by the City in December of 1957.

Parking spaces on these Crescent Drive lots were to be used to serve adjacent properties within 500 feet on the east side of Canon and north side of Wilshire Boulevard. The parking was required to be provided at a rate of three times the required code parking at that time but less than one and one half square feet for every square foot of structure floor area. At the time, parking was calculated using area rather than number of spaces. A provision was included in the covenant, which precluded any amendment for a period not less than 15 years.

With consent of majority of owners of the properties subject to the covenant, the covenant was amended in 1982 to reduce the parking dedication from three times the required parking to what the code required in 1982 (similar to the current requirement). All other terms of the covenant including that, which restricted the uses to only parking, remained in effect.

Other Covenants on the Project Site. There were four parking covenants that were recorded on the lots comprising the Triangle/Gateway (project) between 1961 and 1977. The covenant came as a result of addition to and expansion of uses in the now Spago/Prudential building on Canon Drive, the use site for these covenants. These covenants were consolidated into one covenant recorded back in 1982 which required the current 192 parking spaces on lots 11 through 16 along Crescent Drive, south of Clifton Way, be maintained to serve the Spago/Prudential building. The project includes replacing these spaces onsite.

The RMCP Zone. The Multiple-Residential Commercial Parking (RMCP) zone was adopted by the City Council on March 1980. In mid 1979, in response to direction from the City Council, the Planning Commission began studying potential uses of the parking lots that existed on the west side of Crescent Drive south of Brighton Way with emphasis on two equal priorities:

- Maximizing opportunities for public parking.
- Development of senior housing in a manner compatible with existing residential uses to the east.

In late 1979, the Planning Commission forwarded the draft ordinance to the City Council which recommended changing the R-4 zone on the west side of Crescent Drive (see attached Map) to the RMCP zone which permitted the following uses:

- Multi-residential with a maximum height of 28 feet and housing for the elderly and handicapped with height limit of 5 stories and 60 feet, subject to a Conditional Use Permit. Certain setbacks from the front, rear and side property lines were also established.
- Public parking with a height limit of 40 feet and certain setbacks from property lines adjoining the streets.
- Service/Convenience retail and commercial uses in conjunction with the above uses subject to a Conditional Use permit. The area of this use is limited to 25% of the area of the structure and 50% of the ground floor area.
- A combination of the above uses subject to a Conditional Use Permit. Except for senior housing use, 75% of the area, the structure must be for parking purposes. Certain setbacks from all property lines would also apply.

The ordinance was later amended in 1983 to include refinement and reorganization of the code provisions as a result of experience in the application of those Code provisions especially in the case of the City's parking structure and senior housing projects on Site "A" north and south. It should be noted that, for unstated reasons, the parking use restriction in the 1957 covenant on the lots comprising the RMCP zone was not changed to be consistent with the uses allowed in that zone.

APPENDIX "C" MITIGATION SUMMARY*

<u>Issue</u>	<u>Impact</u>	<u>Measure</u>
VISUAL QUALITY/ AESTHETICS: Mass, Scale, and Landscape Compatibility	<p>An significant visual impact has not actually been identified by the EIR. The EIR's analysis is based on the plans and images that have been filed with the City up to this point in time. As such, for the EIR's conclusions to remain valid, the design eventually approved by the Architectural Commission need to be substantially the same as that analyzed by the EIR.</p>	<p>The applicant is to provide landscape, street tree, and exterior lighting plans that are consistent with those in the EIR for architectural review. The building's setbacks, modulation, and massing as reviewed by the Architectural Commission are also to be consistent with that analyzed in the EIR, and no changes to the building's design or landscaping are allowed except with the approval of the City.</p>
PUBLIC SERVICES & UTILITIES: Schools	<p>The project has not been found to cause a significant impact on schools, but this finding is contingent upon the project paying its fair share of school costs. As the project will increase the potential number of households in the City by 88, some additional demand on schools can be anticipated.</p>	<p>The applicant will pay the required development fees for schools when building permits are obtained.</p>
Parks	<p>The residential component of the project can also be expected to marginally increase on the City's recreational facilities. Though not found to be significant, an important basis of this finding is that the implications of project's added development is offset by the City's Park & Recreation Construction Tax on new development.</p>	<p>The applicant will pay the required Park & Recreation Construction Tax when building permits are obtained.</p>
Solid Waste	<p>The project will generate approximately 592 pounds of solid waste each day. The City is required to maintain a reduced waste stream to landfills (i.e. recycle as much as 50% of the solid waste), but the project has proposed no measures to help ensure the City's continued compliance with the State statute.</p>	<p>The applicant is to provide a Solid Waste Management Plan for the City's approval. The Plan would address separation of recyclables from nonrecyclable trash.</p>

* Analysis and measures are summarized. The actual mitigation language will be more detailed and imposed as conditions of approval on the project.

<u>Issue</u>	<u>Impact</u>	<u>Measure</u>
TRAFFIC, CIRCULATION & PARKING		
Congestion Management	The project will not significantly impact the County's Congestion Management Plan (CMP), but management of transportation demand can help reduce the cumulative effects of development in the area.	The project will comply with the City's transportation demand and trip reduction measures under the CMP.
Parking Operations	While the project provides enough parking to meet the project's parking demand, much of the parking is provided in tandem spaces. As such, the facility's ability to meet the project's demand is contingent on effective management of the parking garage operations so that all spaces are available when needed.	A comprehensive parking management plan is to be submitted to the City for approval prior to the issuance of certificates of occupancy.
Parking During Construction	The 192 parking spaces currently provided for Spago and Coldwell Banker are going to be removed during construction. Unless the parking demand of these uses is addressed during construction, it is likely to impact other nearby parking facilities.	A comprehensive construction management plan is to be submitted to the City prior to the issuance of building permits. The plan is to show that arrangements have been made that accommodate parking for 192 cars associated with Spago and Coldwell Banker.
Circulation and Access	In general, circulation and access impacts were not found to be significant, but the findings of the traffic analysis in the EIR were founded on certain conditions proposed in the project. The motor court for residential part of the project is somewhat constrained such that larger vehicles could have difficulty maneuvering.	The parking management plan required above is to include provisions that ensure that left turns into and out of the commercial driveway on Crescent Drive do not occur and that access to the top level of the parking facilities is controlled by Spago Restaurant. The residential motor court design is to be modified accommodate all vehicles that would be using the garage and ensure good visibility between motorists and pedestrians.
Commercial Deliveries and Loading	Because of the proximity of the parallel loading facility to Wilshire Blvd., delivery trucks may encroach into the sidewalk while maneuvering into the forward loading space. If loading operations occur during p.m. peak hours, circulation in the alley could be impaired at a time when it is needed most.	Signage is to be posted advising trucks to pull forward in the loading facility when the space is vacant. This ensures that trucks will back into the northern space, more distant from Wilshire. Large trucks are to be prohibited from using the loading facility during p.m. peak hours.

<u>Issue</u>	<u>Impact</u>	<u>Measure</u>
Construction Traffic	The volume of truck traffic associated with construction can be high, which can cause a nuisance as well as safety concerns.	The construction management plan is to address delivery schedules, routing, worker access, use of the alley, construction parking needs, and provide for flagmen as needed.
AIR QUALITY Construction Activity	The release of nitrous oxides during construction is expected to be high, and emissions associated with construction can be a nuisance to the area.	The construction management plan will include measures to address dust, soil tracked into the public right-of-way, NO _x emissions, and to minimize worker trips.
NOISE Construction Activity	By nature, construction activity is noisy. Construction will include hauling truck traffic during certain phases.	Construction activities will be confined to weekday daytime hours pursuant to the City's noise ordinance. The construction management plan will avoid using haul routes through residential neighborhoods.
GEOLOGY Seismic	Although the evidence suggests that all faults of any significance are located away from the project site, the possibility that a fault is present on the site cannot be ruled out conclusively.	Additional investigation is to occur on the site prior and during construction to confirm the absence of a fault on the site.
HAZARDS Demolition	The existing commercial building on the project site may contain older building materials now deemed to be hazardous, such as asbestos and PCBs.	The applicant is to have the building examined for hazardous materials, and the if found, is to comply with all local, State, and Federal laws regulating the removal of such materials. A construction risk management plan, approved by the City, is to be instituted to specify procedures in the event hazardous materials are discovered.

CITY OF BEVERLY HILLS
City Council Chambers
Commission Meeting Room A

MINUTES

ADJOURNED PLANNING COMMISSION MEETING

July 31, 2002

7:30 pm

The meeting was called to order at 7:40 pm in Council Chambers.

1. ROLL CALL

Commissioners Present: S. Marks, K. Reims, M. Dawson, and Chair J. Felsenthal.

Commissioners Absent: S. Webb.

Staff Present: M. Aluzri, D. Castro, R. Balderas, L. Sakurai, R. Naziri, M. McGrath, G. Millican, and J. Stevens (Planning & Community Development Department); R. Pittman (City Attorney's Office), T. Hamilton (Parsons Transportation), and S. O'Carroll (Willdan and Associates).

2. ORAL COMMUNICATIONS FROM THE AUDIENCE

None.

3. CONSIDERATION OF MINUTES

None.

4. CONSENT CALENDAR

- A. A resolution to conditionally approve a request for a Development Plan Review Permit, an Open Air Dining Permit to allow five tables and ten chairs on private property within 170 feet of a residential zone, and an Extended Hours Permit to accept patrons after 10:00 p.m. at 236 South Beverly Drive (Frida Restaurant). (The public hearing is closed.)

Associate Planner Balderas clarified the conditions in the resolution and summarized the staff report, and the report was entered into the record.

After discussion, the Commission requested that the resolution be modified to include two additional conditions: the Commission retains jurisdiction to review the operation during the first six months of operation and upon a ten-day notice of hearing, hold a public hearing on the project; and signage is to be provided to reflect that the four parking spaces at the rear of the restaurant are reserved.

Action:

Moved by Commissioner Dawson, and seconded by Commissioner Marks.

That the resolution, as amended, conditionally approving the requested Development Plan Review for the Open Air Dining Permit and the Extended Hours Permit; be adopted.

AYES: Commissioners Marks, Reims, Dawson, and Chair Felsenthal.

NOES: None.

CARRIED.

5. ORAL COMMUNICATIONS FROM THE COMMISSION

None.

**6. PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS /
PLANNING AGENCY ITEMS**

PUBLIC HEARINGS

- A. To consider a Draft Environmental Impact Report (DEIR) prepared to assess the environmental impacts of the proposed mixed-use project containing a four-story, 45-foot high, 39,975-square foot office/retail and an 88-unit, five-story apartment complex with variable height up to 60 feet at 131-191 North Crescent Drive / 9355-73 Wilshire Boulevard. The project will provide a total of 534 parking spaces. Parking for the residential component of the project would be provided in a 227-car at-grade and below-grade structure with access from Crescent Drive. The project proposes 307 parking spaces in subterranean and above-grade garages to satisfy the parking requirements for the office and retail spaces as well as an obligation to provide 192 spaces to a restaurant and certain other nearby commercial uses on Canon Drive (parking covenant).

Jerome Snyder, of J. Snyder Company, the applicant, presented highlights of the proposed project. He commented that ample, free guest parking for visitors to the apartments will be provided with a concierge onsite to direct the visitors.

Johannes Van Tilburg, architect representing the applicant, reviewed the features of the office and retail space, the residential units, and the parking plan.

Rudy Cole, representing the applicant, presented petitions expressing support for the proposed project.

Dr. O'Carroll, of Willdan, the EIR consultant, summarized the key elements of the Draft Environmental Impact Report, including the findings, the suggested mitigation measures, and the alternatives. Dr. O'Carroll noted that the project would provide compatible scale and massing for the existing pedestrian-friendly streetscape and would not create a significant traffic impact on the residential neighborhood.

Dr. O'Carroll reviewed the impacts found to be less than significant. She explained that a number of impacts that were identified as significant could be mitigated to less than significant, and those are noted in the DEIR. She noted that the only unavoidable adverse impact would be nitrous oxide emissions (NOX) from combined onsite equipment and onroad trucks and vehicles during the construction, but that the impacts to air quality after construction would be less than significant.

In response to the Commission, Dr. O'Carroll explained that the standards under which a conclusion of whether an impact is significant or not varies by area, the thresholds, and the basis of the significance judgements. She added that some of the analysis can be quantitative in nature such as traffic and air quality and some of the analysis is qualitative such as aesthetics and land-use analysis.

She also clarified that two means of implementing mitigation measures are signage and enforcement. She added that the applicant would be responsible for appropriate signage in the alley to direct truck traffic, noting that one of the mitigation measures requires that no more than two trucks greater than 25 feet in length be allowed in the loading area at the same time.

Dr. O'Carroll explained that the public's written comments on the DEIR would be accepted through August 14, 2002, and then written response will be prepared to all of the comments received as an additional chapter in the final EIR.

Senior Planner Naziri reviewed the legislative issues for the proposed project, describing the zoning around the project and the proposed mixed use overlay zone, noting that the RCMP and C-3 zones would remain in place and the new overlay zone would not introduce new uses other than the ones that are currently allowed. She stated that the parking would be in keeping with what is required in other C-3 and R-4 zones and the proposed overlay zone would be consistent with the General Plan and the objectives listed in Resolution 1163 adopted by the Commission in 2001.

Planning Director Aluzri reviewed the 1957 parking covenant and the 1982 amendment that reduced the parking dedication to what the Code required in 1982. He noted that in 1982, an analysis was made by the Director of Building and Safety that translated the size of the parking area, which was a ratio of 3:1 into a number of spaces, a number equivalent to what is required now using numbers per square foot.

28

The Commission discussed senior housing issues relating to the RCMP Code provision that allows two types of senior housing: senior congregate housing at an affordable rate, and senior housing at market rate, both of which could be built to a height of 60 feet.

Oscar Haimowitz, a resident on Crescent Drive, expressed appreciation to the Commission and staff for the work involved in presenting the project.

29

Ken Goldman, a resident on Crescent Drive, expressed support for the project requesting that the process be expedited for the project. He stated that he was opposed to the former Gelson's project, but felt that the current project would be appropriate for the area. Mr. Goldman submitted a petition from the owners in his building in support of the proposed project.

30

Mitch Waldow, a resident on Rexford Drive, expressed concern that granting the increased height would set a precedent. He noted that this project is a vast improvement over the previous proposal and expressed support for mixed use, but concern for overdevelopment. He stated the DEIR did not appear to address the non-covenanted parking spaces, such as parking for the Farmer's Market on the weekend.

31

Arthur Stone, a resident on South Canon Drive and president representing the Beverly Hills South Homeowners Association, stated that the Association fully supports needed housing in Beverly Hills, but that the project should be compatible with existing building size, scale, and quality. He stated that the proposed project would be too tall and should conform to current zoning standards.

32

Larry Larson, a resident on North Roxbury Drive, stated that Alternative 1 should be eliminated from the DEIR and expressed support for the project if the height is limited to 28 feet. He noted that Alternative 3 in the EIR would achieve this goal. He questioned whether the additional units justified the substantial increase in height.

33

Edward Wah, a business owner (Shanghai Grill) at 9383 Wilshire Boulevard, requested that parking for the restaurant be considered, stating that the customers are currently using six parking spaces on the project site.

34

Herm Shultz, a resident on North Crescent Drive and president of Concerned Citizens of Beverly Hills, spoke in support of the project, stating that it would provide much needed multi-unit rentals. He added that although the building is beautifully designed, the office frontage on Wilshire Boulevard lacks architectural imagination. Mr. Shultz advocated affordability in new housing.

35

Joe Hirt, a resident on North Rexford Drive, noted the current parking problems and requested that the possible long-range impacts that could be created by this project be considered.

36

Zelda Gordon, a resident on Crescent Drive, expressed approval for the project as presented, except for the proposed increased height and the placement of the driveway.

37

A letter from Victor Bardack was read expressing concerns for the project and the proposed height.

38

A letter from Jerry Dobkin, a resident on Alpine Drive, expressing opposition to the proposed height of the project was read.

39

A letter from the Municipal League of Beverly Hills, expressed objection to the proposed height and the increased FAR, the possible traffic and parking impacts, disagreement with the findings of the DEIR of less than significant impact, and the air quality degradation during construction.

40

Selene Walters Lamm submitted a petition from residents on Crescent Drive expressing support for the proposed project.

41

In response to the Commission regarding the potential for left turns into the commercial garage, Mr. Snyder proposed installing a median on Crescent Drive in front of the project to mitigate this concern..

42

Environmental Project Manager Sakurai explained that the existing public parking spaces would be replaced in the project and that parking in the

43

project would be available to the public at market rates the same as it is currently. He noted that the metered spaces on the west side of the street may possibly be removed.

The Commission requested that the environmental consultant prepare responses to comments on the Draft Environmental Impact Report and that the applicant address the visibility of the loading facility from Wilshire Boulevard and consider softening the commercial frontage on Wilshire Boulevard. The Commission also requested that a draft of the zoning ordinance be prepared for the next meeting.

Action:

The public hearing was continued to August 28, 2002; by order of the Chair.

7. ADJOURNMENT

The meeting was adjourned at 10:00 pm to at or after 1:30 pm on August 8, 2002; by order of the Chair.

PASSED AND APPROVED THIS 28th DAY OF AUGUST 2002.

Jerrold Felsenthal, Chair

Submitted by Mahdi Aluzri, Acting Secretary

PUBLIC HEARING

RESPONSE TO COMMENT July 31, 2002 Public Hearing

Response to Comment:

27. The proposed project is item number 6 on the Agenda. These items do not apply to the proposed project.
28. Applicant and staff reports. These comments do not raise new environmental issues.
29. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
30. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
31. Comment noted. See Response to Comments 2 and 20.
32. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
33. See Response to Comment 21.
34. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
35. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
36. See Response to Comments 2 and 20.
37. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
38. See Letter 8. This letter does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
39. See Letter 7. This letter does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
40. See Responses to Letter 2 (comments 3 to 8).

41. This comment does not raise a new environmental issue; comment is noted and will be considered by the City's decision makers.
42. Applicant responses to Commission questions. These responses do not raise a new environmental issue; responses noted and will be considered by the City's decision makers.
43. Staff responses to Commission questions. These responses do not raise a new environmental issue; responses noted and will be considered by the City's decision makers.

COMMENTS ON THE PROJECT

The following letters contain comments on the project, but not on the EIR. These letters do not raise a new environmental issues; they are included herein so the comments can be noted and considered by the City's decision makers:

5. Arthur Stone, President, Beverly Hills South Homeowners Association, July 24 and 25, 2002, letter to Mr. Jerry Snyder, J.H. Snyder Construction Company, and transmittal to City Council and Planning Commission.
6. Darian Bojeaux, July 12, 2002.
7. Jerry Dobkin, July 31, 2002.
8. Victor Bardack, President Beverly Hills North Homeowners Association, July 29, 2002.
9. Petitions in support of the project., July 31, 2002.

LETTER 5

cc: Mahdi
David

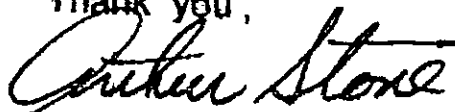
Beverly Hills South Homeowners Association
P.O. Box # 7423 - Beverly Hills, CA. 90212

July 25, 2002

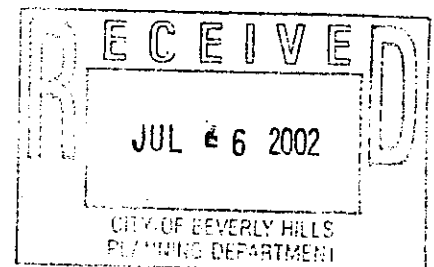
Office of the City Clerk @ Fax ³⁸⁵⁻⁰⁸⁶²~~211~~-1096

Would you kindly distribute the enclosed (that was sent to J. H. Snyder Construction), to members of the City Council and to members of the Planning Commission.

Thank you,



Arthur Stone - President
Beverly Hills South Homeowners Association



RECEIVED
CITY OF BEVERLY HILLS
2002 JUL 25 PM 2:30
CITY CLERK'S OFFICE

Beverly Hills South Homeowners Association
P.O. Box # 7423 - Beverly Hills, CA . 90212

July 24, 2002

Mr. Jerry Snyder
J.H. Snyder Construction Company

Dear Jerry,

I am writing with reference to our phone conversation of yesterday. As I told you, we are in total support of needed housing in Beverly Hills, but, we must have housing that is compatible with its neighbors in size scale and quality. We are deeply concerned of the "Westwoodization" of Beverly Hills.

#1- Your proposed project must conform to the legal height of Beverly Hills Code. Your project violates the codes.

#2- You are proposing a rounded corner on Crescent Dr. and Wilshire Blvd., which is not in keeping with all recent corner buildings that has made sculpture and or fountains part and parcel of the buildings design.

#3- You indicated to Victor Bardack and me that you had no problem with inserting substantial planting on Wilshire Blvd., to avoid the dreaded

CITY CLERK'S OFFICE

2002 JUL 25 PM 2:27

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CITY OF BEVERLY HILLS

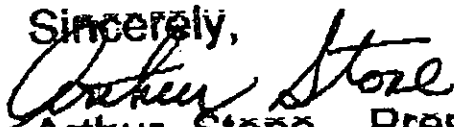
cement to cement façade ,on prestigious Wilshire Blvd.

A few years ago this City "fell down on the job" and allowed the Sav-On building to slip through the cracks. It is because of the existence of this abortion of construction, that we are so vigilant.

As you can appreciate Beverly Hills is our home, our neighborhood. It is where we live. It is not "job site" for us.

You are an experienced reputable builder. I am confident that you can satisfy the community and the municipal requirement and create a successful project.

Sincerely,



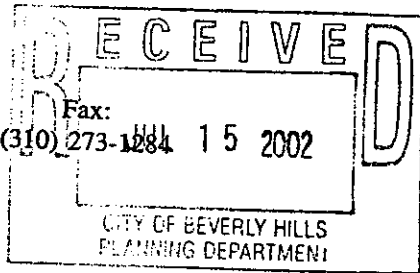
Arthur Stone - President

Beverly Hills South Homeowners Association

Cc. Beverly Hills City Council
Beverly Hills Planning Commission
Executive Advisory Committee of BSHSA
Victor Bardack - President BHNHA
March Schwartz, Publisher Beverly Hills Courier

LETTER 6

Law Offices
of



Barian Bojeaux

9107 Wilshire Boulevard
Suite 500

Beverly Hills, California 90210-5526

Email:

bojeaux@earthlink.net

Member:

State Bar of California

Consumer Attorneys of California

Consumer Attorneys Association of Los Angeles

Telephone:
(310) 278-3213

July 12, 2002

City of Beverly Hills Planning Department
455 North Rexford Drive, Room G-40
Beverly Hills, CA 90210

Attn: Rita Naziri, Senior Planner

Re: The Crescent Project, 131-191 North Crescent Drive
and 9355-73 Wilshire Boulevard

Ladies and Gentlemen:

My husband and I are both residents of Beverly Hills, and we reside on Palm Drive, a few blocks from the proposed project.

We are opposed to the project for the following reasons:

1. It exceeds 3 stories in height.
2. It appears to be built out to the sidewalk with little or no set backs, especially the commercial component. That is precisely what should be avoided in our city--big blocks of building that look like prisons.
3. It appears from the newspaper notice that the use of the property is presently restricted to public parking only. Why should we give up any public parking. One of the good things about Beverly Hills is that the parking situation is tolerable due to the existence of city lots. Without good parking, the adjacent property owners and businesses lose.


I do not see anything good about the proposed project--I think it will only benefit the owners/developers of it, to the detriment of the community.

Bojeaux to City of Beverly Hills
July 12, 2002
Page 2

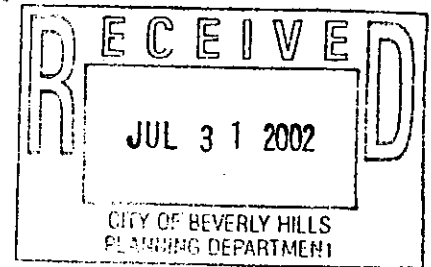
I do not know whether I will be able to attend the meeting on July 31, commencing at 7:30 p.m., but I would appreciate your bringing the above contents and sentiments to the attention of our City Council members.

Thank you for your attention.

Yours truly,


Darian Bojeaux

LETTER 7



Jerry Dobkin
513 No. Alpine Dr.
Beverly Hills, CA 90210

July 31, 2002

VIA FAX - (310) 858-5966
Beverly Hills Planning Commission
Chairman: Jerry Felsenthal
V.C. Mitch Dawson
Steve Webb
Cathy Reims
Stacy Marks

Re: The Crescent Project.

Dear Board Members:

I was upset to learn about the latest development plan to rob the residents of Beverly Hills of their quality of life.

As residents, we are constantly being assaulted by increases in traffic, pollution, and noise. Our municipal services, i.e., water, electric, water and power, police, fire, etc. are being utilized to their fullest. Over development will only add to the problem and the cost to both the city and in turn, its residents. The proposed Crescent Drive project violates our municipal codes as to height and density.

Please recall the 1998 survey that was mailed to Beverly Hills homeowners. It confirmed that 79% of the people opposed increased height unless put to a general vote of citizens. As residents, we look to you, the appointed or elected officials to support and protect both our city and the wishes of an overwhelming majority of its citizens. City officials that act contrary to the interest of its citizens should not remain in office. We know of the time and efforts that it takes to serve our community. We appreciate your devotion to our community, but that should be service the community, not to over zealous developers whose primary interest is their wallets.

We are not against residential development. We support development as long as it's built to code. The Crescent project violates our municipal codes and this massive project over shadows adjacent homes, condos and apartments.

Page 2
Cont'd

I implore you as our representative to represent the wishes of the overwhelming majority of our citizens. Don't let Beverly Hills become abused and violated by profit hungry developers.

I thank you for your time, thoughtfulness and service to our city.

Sincerely,



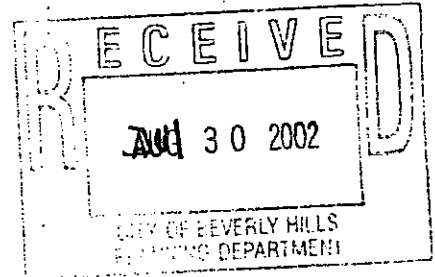
Jerry Dobkin
Board Member - Beverly Hills North Homeowners Association.
Homeowner since 1971

LETTER 8
Beverly Hills North
Homeowners' Association

P.O. Box 1053 • Beverly Hills, California 90213-1053

July 29, 2002

Beverly Hills Planning Commission
 Chairman: Jerry Felsenthal
 V.C. Mitch Dawson
 Steve Webb
 Cathy Reims
 Stacy Marks



Re: The Crescent Project.

Dear Board Members:

Please except this letter in lieu of my attending the July 31st planning commission meeting. Unfortunately, business commitments do not permit me to attend this important meeting.

Over the past few weeks I have received numerous calls regarding this particular project. The residents who have contacted me have been deeply concerned and unanimously opposed to the size and density of this project. It's height (which reaches 60 feet) and "cement to sidewalk" construction on 3 of its sides, dwarfs neighborhood homes, condos and apartments. The developer has no regards for municipal codes as he violates them. Both ours and other citizen's organizations support residential development. We would be the first one to support compatible residential development on this site if it is designed and built within code. To allow a builder to set precedence by disregarding codes, and their intended purpose, ie, the livability of our city is not only wrong but violates the wishes of a overwhelming majority of Beverly Hills residents.

A secondary issue is the creation of this structure with the intention of renting apartments at "market rents". While I understand the desire for a developer to maximize his profits, this does nothing to alleviate the needs of single parents, seniors and young adults, namely the need for affordable housing in Beverly Hills. One need only pickup the Courier and read classified ads to realize the several pages of expensive apartments that are now available in Beverly Hills.

I urge this commission to listen the wishes of our entire community when considering this project. Don't be coerced by a determined builder and his fanciful artistic renderings.

Page 2
Cont'd


Please walk the proposed site. Look at it in context, to the neighboring residents and consider the impact, this big, high, dense, boxed construction will have on our city.

Please also note the majority of the green areas are on the upper levels and while they are a benefit to securing higher tenant rentals, they add little or nothing to the overall ascetics of our community (unless you're flying over the proposed project in a helicopter).

Mr. Snyder is an experienced builder. I am confident that he can create a project that is both in code and compatible with his neighbors and our community.

I thank you for your thoughtful attention to this important project and to the time and expertise that each of you spends in protecting our city.

Sincerely yours,



Victor Bardack

President - The Beverly Hills North Homeowners Association.

**Mayor and Members of the Beverly Hills City Council
Chair and Members of the Planning Commission
City of Beverly Hills
City Hall
Beverly Hills, CA 90210**

Submitted at the Planning
Commission meeting of:

By: Kathy Cole Date: July 31, 2002

We, the undersigned, residents of the City of Beverly Hills, strongly urge you to vote approval of the Mixed Use Residential and Commercial office project proposed at 0255 to 0273 Wilshire Boulevard, Beverly Hills.

This proposal provides the city with urgently needed new apartment units and will benefit city renters, young professionals who want to live in our city, homeowners who hope to increase their property values, and neighboring businesses in need of off street parking.

The commercial element will replace a deteriorating structure and is lower in height than buildings within the immediate vicinity. It will also help make the residential portion economically viable.

The housing proposal provides important open space and a garden like ambience that will further enhance the street and neighborhood.

This is the first significant apartment complex to be offered the city in nearly 32 years. Not only will the housing and office proposal have important benefits for the immediate area, it has, according to the city's own Environmental Impact Study, no significant negative impacts.

NAME (Please Print)

SIGNATURE

ADDRESS

NAME (Please Print)	SIGNATURE
Atasha Labib	<i>Atasha Labib</i>
	309 N. Rexford Dr.

A P E T I T I O N

Submitted at the Planning
Commission meeting of:

July 31, 2002

By: Randy Cole
Mayor and Members of the Beverly Hills City Council
Chair and Members of the Planning Commission
City of Beverly Hills
City Hall
Beverly Hills, CA 90210

We, the undersigned, residents of the City of Beverly Hills, strongly urge you to vote approval of the Mixed Use Residential and Commercial office project being proposed for 131 to 191 North Crescent Drive and 9355 to 9373 Wilshire Boulevard, Beverly Hills.

This proposal provides the city with urgently needed new apartment units and will benefit city renters, young professionals who want to live in our city, homeowners who hope to sell single-family residents now too large for their needs and neighboring businesses in need of off street parking.

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NAME (Please Print) SIGNATURE ADDRESS

Larry F. Bonney 262 N. Crescent Dr #3E

David Davidson 220 N. Crescent Dr. B.H. 90210 #3

Angie Endrey 343 S. Revere Dr. - #202 B.H.

Roya Annehaji 463 S. Rexford Dr. #203 B.H. CA-90210 CA 90210

ORQUINDA TARCOS 703 N. Rexford Dr. B.H. CA 90210

Abbas SOLTANI 226-232 N. Crescent # L2 off H

Shirley Rothman 330 N. Crescent Dr. #101

A P E T I T I O N

Mayor and Members of the Beverly Hills City Council
Chair and Members of the Planning Commission
City of Beverly Hills
City Hall
Beverly Hills, CA 90210

Submitted at the Planning
Commission meeting of:

July 31, 2002
By: Ruby Cole




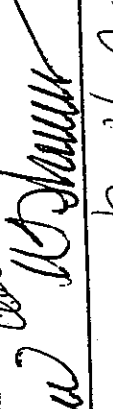


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NAME (Please Print)	SIGNATURE	ADDRESS
Lila Panchig		1141 1/4 S. Doheny Dr.
Susan Hart		1515 Rockledge Apt A B08
Laura Cohen		321 S. Camden Dr 90212
Wesley Samuel		138 N. Hollywood Blvd #17 90210
MARLENE VAN STEY		138 N. Hollywood Blvd
LEONARD SCHWAB		250 S. Spaulding 90210

July 31, 2002

By:

Lady Cole

A PETITION

TO: The City of Beverly Hills

THE UNDERSIGNED MERCHANTS AND STORE OWNERS, MANAGERS OR
REPRESENTATIVES, STRONGLY SUPPORT THE MIXED USE RESIDENTIAL,
OFFICE PROJECT BEING PROPOSED FOR NORTH CRESCENT DRIVE AND
WILSHIRE BOULEVARD.

NAME OF BUSINESS

ADDRESS

REPRESENTATIVES

Whole Foods Market
Pat Uniceff

239 N. Crescent Dr.
B.H. CA 90210

Christie Long

311 N. CRESCENT DR. FASCIA'S DANCE SALON

Beverly Custom Cleaners

309 N. Crescent Dr.

Beverly Hills, CA 90210

(310) 276-7603

KABUKI BEAUTY SALON

313 NORTH CRESCENT DRIVE

BEVERLY HILLS, CA 90210

(310) 858-0101

K. Zammit

A P E T I T I O N

Mayor and Members of the Beverly Hills City Council
Chair and Members of the Planning Commission

City of Beverly Hills

City Hall

Beverly Hills, CA 90210

CITY OF BEVERLY HILLS
PLANNING DEPARTMENT

SUBMITTED AT PLANNING
COMMISSION MEETING OF:

July 31, 2002

by: Ken Goldman

We, the undersigned, residents of the City of Beverly Hills, strongly urge you to vote approval of the Mixed Use Residential and Commercial office project being proposed for 131 to 191 North Crescent Drive and 9355 to 9373 Wilshire Boulevard, Beverly Hills.

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NAME (Please Print)

SIGNATURE

ADDRESS

TAMMIE B PHILLIPS Tammie B Phillips 192 N CRESCENT DR.

MARY FITZGERALD Mary Fitzgerald 180 N. CRESCENT DR. BEVERLY HILLS, CA.

Sylvia ALPERN Sylvia Alpern 188 N. CRESCENT DR. BH 90210

KENT BEAVER Kent Beaver 184 N. CRESCENT DR BH 90210

Ken Goldman Ken Goldman 190 N. Crescent Dr. BH 90210

A P E T I T I O N

Mayor and Members of the Beverly Hills City Council
 Chair and Members of the Planning Commission
 City of Beverly Hills
 City Hall
 Beverly Hills, CA 90210

CITY OF BEVERLY HILLS
 PLANNING DEPARTMENT

SUBMITTED AT PLANNING
 COMMISSION MEETING OF:

JULY 31, 2002

We, the undersigned, residents of the City of Beverly Hills, strongly urge you to vote approval of the Mixed Use Residential and Commercial office project being proposed for 131 to 191 North Crescent Drive and 9355 to 9373 Wilshire Boulevard, Beverly Hills.

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NAME (Please Print)	SIGNATURE	ADDRESS	
SELENE W. HAMM	<i>[Signature]</i>	240 N. Crescent Dr. #104 B7	
ELENOR (JAQUES) FINE	<i>[Signature]</i>	240 N. Crescent Dr. #105 B4	
RUBIE KASTANI	<i>[Signature]</i>	" "	106 B1
MICHAEL EMMANS	<i>[Signature]</i>	" "	107 B1
Wendy OTTS	<i>[Signature]</i>	" "	
Arash Yaghoubzadeh	<i>[Signature]</i>	" "	107 B1
Paul Finner	<i>[Signature]</i>	" "	101 B+
Engelmann	<i>[Signature]</i>	" "	203 B+
FRANKLIN	<i>[Signature]</i>	" "	11 201 B
		" "	" 7-11 B+