

SUBJECT: A REQUEST TO DEVELOP A MIXED-USE PROJECT (EXPANSION/CONVERSION OF AN EXISTING OFFICE BUILDING TO RESIDENTIAL WITH GROUND FLOOR RETAIL AND CONSTRUCTION OF RESIDENTIAL UNITS ON THE ADJACENT PARKING LOT) INCLUDING A GENERAL PLAN AMENDMENT, A SPECIFIC PLAN, A ZONING MAP AMENDMENT, A VESTING TENTATIVE TRACT MAP AND OTHER PERMITS.

ADDRESS: 8899 BEVERLY BOULEVARD AND
8846 – 8908 ROSEWOOD AVENUE

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT
(David J. DeGrazia, Planning Manager, CHPP)
(Emily Stadnicki, AICP, Senior Planner)

STATEMENT ON THE SUBJECT

Officially continued from Thursday, July 17, 2014.

The proposal is to develop a mixed-use project that expands an existing non-conforming office building on Beverly Boulevard and converts it to residential use and constructs new residential units on adjacent parcels on Rosewood Avenue. The total project site is 1.7 acres and development will total 211,395 gross square feet including retail, restaurant, and office uses; market-rate condominium units; affordable apartments; and subterranean parking and at-grade one-car garages on Rosewood.

The applicant is proposing a Specific Plan, and associated amendments to the General Plan, Zoning Map, and Zoning Ordinance to accomplish the following:

1. Allow for the expansion of an existing non-conforming building beyond the current development standards and provide for additional density;
2. Consolidate the property to allow for greater land area with which to calculate FAR and to facilitate shared parking;
3. Allow for deviations from the affordable housing requirements.

HISTORY

On July 17, 2014, this item was continued by the Planning Commission to allow the applicant to revise the project description and for staff to complete their analysis of the revisions. As originally proposed and studied in the EIR, staff had concerns with

deviation from the recently adopted General Plan, with non-conformance with the City's affordable housing regulations, and with the quality of the architectural design of the project. In response to staff's concerns, the applicant has revised the project description.

This report is based on the revised project description. Having completed analysis of the modified project description, as discussed in this report, the project still fails to meet the threshold for the required General Plan Amendment.

RECOMMENDATION

Staff recommends that the Commission hold a public hearing, consider all pertinent testimony, recommend to the City Council deny the request and adopt the following:

- 1) Draft Resolution No. PC 14-1090 **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL DENY A DEMOLITION PERMIT, DEVELOPMENT PERMIT, GENERAL PLAN AMENDMENT, ZONING MAP AMENDMENT, VESTING TENTATIVE TRACT MAP, SPECIFIC PLAN WHICH CONSTITUTE THE APPLICATION TO DESIGNATE THE SITE “8899 BEVERLY SPECIFIC PLAN (SP8999)” AND PROPOSE AN APPROXIMATELY 211,395 GROSS SQUARE-FOOT MIXED USE DEVELOPMENT, FOR THE PROPERTY LOCATED AT 8899 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA, AND 8846 – 8908 ROSEWOOD AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (EXHIBIT A)**

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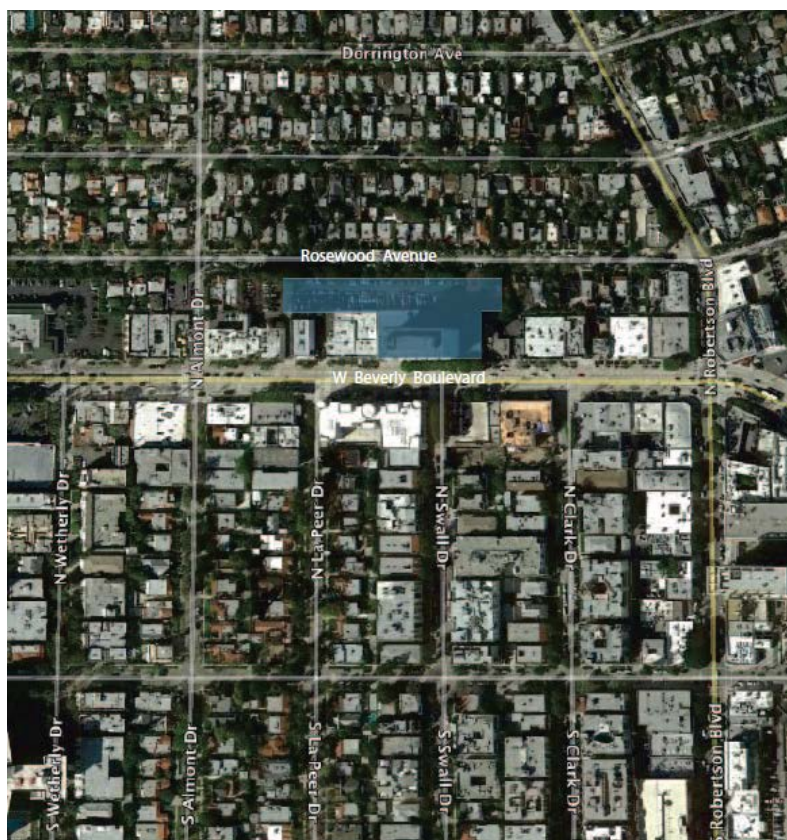
BACKGROUND

Application Information

A. Date of Application:	December 20, 2012
B. Deemed Complete:	January 17, 2013
C. Applicant:	Beverly Blvd Associates, L.P.

D. Property Owner:	Beverly Blvd Associates, L.P.
E. Location:	8899 Beverly Boulevard and 8846 – 8908 Rosewood Avenue
F. Zoning / General Plan:	Community Commercial 1 (CC-1) and Single-family and Two-Family Residential, (R1B)
G. Environmental Status:	A Draft Environmental Impact Report (DEIR) was completed and released to the public on December 24, 2013, beginning a 60 day comment period.
H. Public Notices:	The public hearing noticed for and convened on July 17, 2014 was advertised in accordance with the West Hollywood Municipal Code (WHMC) and state law. The Commission continued the public hearing to August 7, 2014, to allow time for the applicant to submit revisions and the staff to analyze the revisions

Project Vicinity



Neighboring Land Uses

This southwest portion of the City is a commercial sub-area identified by the Land Use and Urban Form Element of the General Plan as the Melrose/Beverly District. The Melrose/Beverly District, also known as the West Hollywood Design District, is composed of segments of Melrose Avenue, Robertson Avenue, Robertson Boulevard, and Beverly Boulevard and surrounds the landmark Pacific Design Center (PDC). Specifically, Beverly Boulevard is a major commercial strip in West Hollywood with a high concentration of low-rise commercial and office buildings. North of the project

is a residential neighborhood, bounded by Rosewood Avenue to the south, Rangely Avenue to the north, and Robertson to the east. The alley directly east of Doheny Drive serves as the western boundary. This neighborhood consists of one and two-story single-family residences, mostly from the early mid-20th century period with some homes remodeled recently in modern styles. The residential area is further characterized by its gridded streets, narrow sidewalks, and regularly planted Jacaranda trees. The project's surrounding land uses include the following:

North	The project site's surface parking lot adjoins residential lots improved with one and two units to the north side of Rosewood Avenue.
South	The existing building is across Beverly Boulevard from a new commercial development located on the south side between Swall and La Peer Drives. Other uses on the south side include furniture stores and design-related businesses. The properties on the south side of Beverly Boulevard are zoned CC2.
East	The existing building adjoins commercial uses on the east and west sides that are zoned CC1. The Project Site's surface parking lot adjoins a residential lot developed with three units to the east.
West	The project site's surface parking lot adjoins a commercial parking lot to the west.

Project Site and Area Conditions

The project site is located at 8899 Beverly Boulevard, on the north side of Beverly Boulevard and is located between the intersections of Almont Drive to the west and Robertson Boulevard to the east. The access to the building and associated surface parking lot is from Beverly Boulevard with no access to Rosewood Avenue.

The project site encompasses a total area of 75,700 square feet (1.73-acres) and is developed with a 10-story, 121 foot tall building built in 1962 with a surface parking lot to the rear that fronts Rosewood Avenue. The existing building is within the Commercial, Community 1 (CC1) zone and is located upon five lots with an area of 27,500 square feet, which contains a total of 89,630 square feet of floor area, including: a 3,879 square feet restaurant in the basement (level 1), 21,249 sf of retail uses on level 2, and 64,502 square feet of office space on levels 4 through 9.

The CC1 zone has a base density of 1.5 FAR and 35 feet/3 stories. The Beverly portion of the project is a 27,500 square foot lot; without any bonuses, that would allow for a total of 41,250 square feet. The existing building is 89,630 square feet (3.3 FAR).



Environmental Review

An EIR has been prepared for this project. Comments from the public and other governmental agencies were reviewed during the comment period and have been incorporated into a Final Environmental Impact Report (FEIR).

The EIR identified significant and unavoidable impacts in only one area: Noise (short term during construction). The EIR assumes the associated legislative changes would be approved as part of the project approvals and therefore concludes no land use impacts. Because there are no mitigation measures available for the short-term construction noise impacts that would reduce their impact to a less than significant level, approval of this project would require the City Council to adopt of Statement of Overriding Considerations.

Staff believes the proposed project and the required Specific Plan are inconsistent with the policies and provisions of the General Plan and the Zoning Ordinance. Therefore, staff is recommending that no action related to the certification of the EIR be taken at this time.

Although the EIR studied the previous iteration of the project, the revised project would not result in new or greater environmental impacts pursuant to CEQA and Section 15088.5 of CEQA that would otherwise require additional analysis or recirculation of the EIR.

Neighborhood Meeting

A neighborhood meeting was held on February 12, 2013 in an open house style format, with several stations as well as a presentation and discussion period. Approximately 30 to 40 people were in attendance and viewed the project renderings and plans. Staff answered questions and concerns regarding the City process and environmental review

along with the environmental consultant. In addition to the neighborhood meeting, concerns of the public were conveyed to the City in writing during the comment period for the Draft EIR. The City received over 40 public comment letters on the DEIR. The response to comments in the Final EIR addresses these comments in detail.

Design Review Subcommittee Meeting

The revised project proposal was reviewed by the Planning Commission Design Review Subcommittee on June 13, 2013. The Subcommittee expressed general support for the project's adaptive re-use design. However, the Subcommittee also had concerns about the prominence of the garages on Rosewood Avenue.

Public Comments & Correspondence

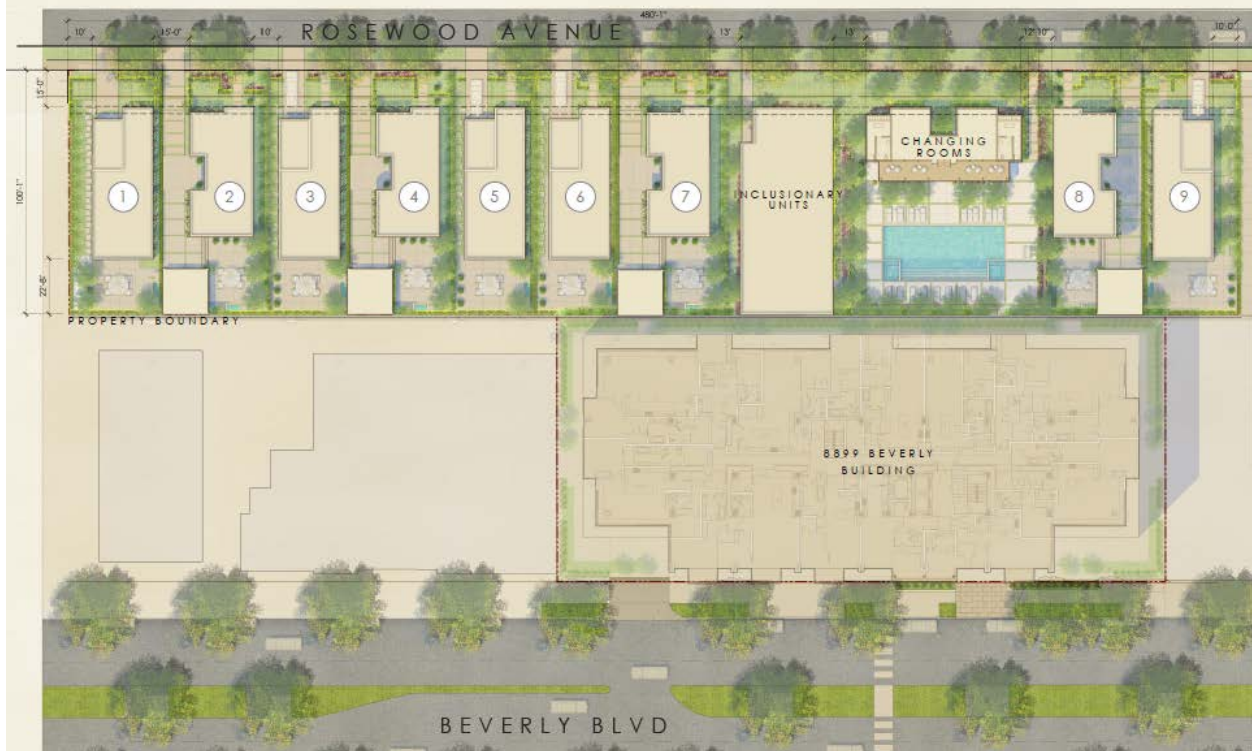
At the time the staff report was published, staff had received seven letters/emails in support of the project and six letters/emails in opposition; they are attached as Exhibit F. Comments submitted by the public on the Draft EIR and the City's responses are included in Section II of the Final EIR (Exhibit B). At the public hearing on July 17, 2014 there were seven speakers who spoke in support of the project, 19 speakers in opposition, and ten speakers with concerns.

ANALYSIS

Project Description

The proposed project is a mixed-use development including the expansion and adaptive re-use of an existing 10-story (including basement and penthouse) 121-foot tall retail/commercial office building at 8899 Beverly Boulevard and development of new residential uses to the rear along Rosewood Avenue on an existing surface parking lot serving the existing building. The total number of units within the project would be 81, including 64 market-rate units and 17 affordable units. See Exhibit M for project plans.

The existing office building (currently 89,630 square feet) would be expanded to include 65 residential units (55 condominium units and ten affordable apartment units) and approximately 39,728 square feet of office, street-front retail and restaurant space. The building would be expanded on the north, east and west elevations by approximately 53,401 square feet to accommodate the proposed condominium uses. In addition, the third floor of the building currently used as parking would be enclosed and converted to office space and ten affordable apartments (25,722 square feet). The 89,630 square foot building would be expanded by 79,123 square feet for a new total 168,753 square feet of occupied space (in the tower) when construction is complete.



Site plan.

The project also includes new construction on the surface parking lot (at the rear of the existing building, fronting Rosewood Avenue) of 16 residential units (including 9 single-family homes and seven affordable apartment units) totaling approximately 31,264 square feet and an approximate 1,125 square foot pool house and pool. (The new construction on Rosewood Avenue sits on a subterranean parking garage that connects to the existing parking in the tower.) Total new construction on the project site would be approximately 121,765 square feet. With the existing office building, the total square footage would be approximately 211,395 square feet. The project is made up of several distinct components:

Condominium Units - Tower

The proposed project would convert the office space that currently occupies levels 4 through 9 of the existing building, and the mechanical penthouse located on the roof level, into 55 condominium units. In addition, new residential floor area totaling approximately 53,401 square feet is proposed to be added to the east, north and west sides of the existing building at levels 4 through 10. The mechanical penthouse on level 10 would also be reconstructed to a slightly lower height than currently exists and expanded to include habitable floor area as well as space for mechanical equipment.

The proposed condominiums include 16 one-bedroom units, 23 two-bedroom units, and 16 three-bedroom units on seven levels of the building. Excluding the project's penthouse units, the average unit size for the standard 43 condominiums is approximately 1,726 square feet. The average area of the twelve penthouse condominiums is approximately 3,754 square feet. Access to the condominiums is provided by a lobby opening onto Beverly Boulevard and a lobby adjacent to the valet

parking area on level 1. Parking would be provided in a subterranean garage accommodating up to 244 spaces that would be shared with other on-site uses.

Single-family Homes – Rosewood

The project also includes the construction of nine new single-family homes along Rosewood Avenue on the existing parking lot that serves the existing building. The homes are technically air-space parcels proposed to be constructed above the subterranean parking garage and would be approximately 25 feet in height, in two stories. They would be set back a minimum of 15 feet from the Rosewood Avenue property line, which is equal to the 15-foot setback required in the R1B zone. The homes are also separated from the existing building by a minimum 22-foot wide private open space area, including landscaped and paved areas. A 10-foot wide setback, including landscaped and paved areas, is provided on the east and west sides of the project site, which exceeds the 5-foot wide setback requirements of the R1B zone.

The proposed homes include four three-bedroom units and five four-bedroom units, with an average area of 2,666 square feet each. Parking would be provided with individual one-car garages for each single-family unit and a subterranean garage accommodating up to 244 spaces that would be shared with other on-site uses.

Affordable Apartments – Tower and Rosewood

The proposed project would provide 17 on-site clustered affordable apartment units; ten units would be provided in the existing building and seven units would be provided in the new structure on Rosewood Avenue. The new structure would be set back approximately 15 feet from Rosewood Avenue. The proposed affordable apartments would include two 520 square-foot studio units, fourteen 675 to 800 square foot one bedroom units, and one 1,040 square foot two-bedroom unit. A 1,400 square foot amenity space, including a lounge area, kitchen, and fitness area, and a 2,000 square foot outdoor roof deck, would be provided for use by occupants of the apartments. Additionally, an 800 square foot community meeting room would be provided to offer meeting space for local neighborhood community groups, community organizations and other city organized events. The community meeting room could also be available when not in use by the community groups or the city to host meetings for the commercial office tenants. The total floor area of the affordable component within the proposed project would be a minimum of 22,265 square feet. Separate access to the affordable apartment area and the community meeting room would be provided by a lobby opening onto Beverly Boulevard, located at the western edge of the building. Parking would be provided free of charge to all households, manager and support staff in a subterranean garage accommodating up to 244 spaces that would be shared with other on-site uses.

Commercial

Level 1 of the existing office building would be reconfigured to provide a minor expansion of the existing approximately 3,879 square foot Madeo restaurant, to a total of approximately 4,394 square feet. The restaurant is currently 125 seats and under future conditions will operate as a 125-seat restaurant. (There are no requests to change the hours of operation or other operating factors that would affect the Minor Conditional Use Permit.) Level 2 would be reconfigured to provide a total of

approximately 19,875 square feet of retail floor space in flexible leasing configurations. The existing ramp system along the front of the building would be reconfigured so that direct street-level access to Beverly Boulevard would be provided for several of the tenant spaces. A new pedestrian entry would also be created along Beverly Boulevard providing access to the main building lobby. Level 3 would be reconfigured to provide a total of approximately 10,562 square feet of office space (as well as the affordable unit apartments described above). The total area of the commercial component, including the basement restaurant and approximately 4,897 square feet of circulation areas, is approximately 39,728 square feet. Parking would be provided in a subterranean garage accommodating up to 244 spaces that would be shared with other on-site uses.

Parking

The existing site currently has 231 parking spaces (97 in the tower and 134 spaces on the surface parking lot). The following table indicates the amount of parking required by Code for the proposed project and the proposed parking per the Specific Plan based on a “shared parking” study done for the EIR, found in the Appendix (see Exhibit D):

Proposed Use	Size	Parking Ratio	Required Parking	Proposed per Specific Plan
Restaurant	4,394 square feet	9 / 1,000	40	31
Retail/Commercial	19,875 square feet	3.5 / 1,000	70	45
Office	10,562 square feet	3.5 / 1,000	37	3
Commercial Subtotal			147	89
Market-rate Residential	16 one-bedroom units	1space/units*	16	
	48 two and three bedroom units	2 spaces/unit*	96	
Affordable Residential	16 studio/one-bedroom units	1 space/units*	16	
	1 two-bedroom units	2 spaces/unit*	2	
Residential Guest Parking*			0	
Residential Subtotal			130	168
TOTAL			277	257

* Per WHMC 19.22.050.F (Affordable Housing Incentives)

The Specific Plan proposed by the applicant proposes to reduce the required parking to 257 spaces for the project based upon the mixed-use nature of the project and the variability of parking demands for each of the proposed uses throughout the day. A “shared parking” evaluation of the actual anticipated parking demands of the project was prepared by the applicant’s consultant and reviewed by staff). The shared parking analysis identified the peak weekday parking demand of 247 (ten less than the 257

proposed) parking spaces at 7:00 pm, including a residential parking demand of 168 spaces, retail parking demand of 45 spaces, restaurant parking demand of 31 spaces, and office parking demand of three spaces. The shared parking analysis identified the peak weekend parking demand of 241 parking spaces at 7:00 pm, including a residential parking demand of 168 spaces, retail parking demand of 43 spaces, restaurant parking demand of 31 spaces and zero office parking demand. The estimated retail parking demand likely overstates the actual demand since the many of the project's retail uses would be expected to close by 7:00 pm, consistent with other retail operations in the immediate area. The projected parking demand can be accommodated by the project's proposed parking supply of 257 parking spaces with a valet-assist program.

Shared Parking Demand

	Residential	Retail	Restaurant	Office	Total Demand
Weekday Peak (7 pm)	168	45	31	3	247
Weekend Peak (7 pm)	168	43	30	0	241

The proposed project would continue to provide parking within the existing parking garage area on Level 1 of the existing building, and would provide new parking spaces within a new subterranean parking garage in the location of the existing surface parking lot. Approximately 32 parking spaces would be provided within the existing garage, and the new subterranean garage, which would be internally connected with the existing garage, would provide approximately 212 parking spaces, including 162 standard spaces and 50 tandem spaces, for a total of 244 parking spaces. Parking in these areas would be valet-assisted and served by parking attendants 24 hours per day, seven days per week. In addition, each single-family home would have individually accessible one-car garages, for a total of 9 parking spaces. Each single-family home would also have the right to an additional parking space within the subterranean garage, but there is no direct access to the single-family homes to the subterranean garage. In total, the project would provide off-street parking in garages for approximately 257 vehicles. In addition, the single-family home driveways would each accommodate parking for one vehicle, although these spaces are not counted in the parking supply totals.

Affordable Housing

After the July 17, 2014 Planning Commission meeting, housing staff and the applicant had several meetings to discuss how the project could be revised to better meet the affordable housing needs of the City. A tentative housing deal was reached but since that time the applicant submitted more detailed plans that showed the change from an indoor pool house to an open-air pool, at the request of the Rosewood neighbors. The current configuration has the affordable units looking down on a pool they are prohibited from using. This very obvious delineation of amenities runs contrary to West Hollywood's policies of inclusiveness and equal access for all. While the revised project addresses most of staff's concerns, housing staff remains unable to support the proposed project because there would be separate amenity areas for the affordable

housing tenants and the market-rate homeowners. If the project were conditioned to ensure all amenity areas would be shared by all residents, housing staff would support the affordable housing component of the project. A brief code analysis for this project follows. Additional discussion and housing staff's recommendation is provided in Exhibit E.

The project proposes a Specific Plan, which would establish alternative affordable housing requirements for this site:

- Affordable requirement (19.22.030.B.4 - Projects of 41 units or more)

There are two ways to calculate the required affordable housing requirements: a. 20 percent of the of total (non-inclusionary) unit count provided in comparable size and finish quality or b. 20 percent of gross residential floor area of all non-inclusionary units (when it would result in additional units and units that better serve the affordable needs of the City).

The minimum number of affordable units required is 12 units of similar size and quality to the non-inclusionary units (60 is the base number of units; 20-percent of 60 is 12). As proposed the affordable units are not comparable to non-inclusionary units (affordable units are smaller and have lower-quality finishes); therefore, the requirement is a square footage equal to 20-percent of floor area of non-inclusionary units and the units must "better serve the affordable housing needs of the city," which would be a minimum of 1-bedroom, 650 square feet in size, finishes and appliances builder's quality or better. Therefore, more than 12 units are required using the floor area calculation, and 14, one-bedroom and two-bedroom units that are closer in size to the comparable units in the City's inclusionary housing program (City's inclusionary program includes 650 square foot 1-bedrooms and 900 to 1,000 square foot 2-bedrooms) along with two studios and an on-site manager's unit are being provided, which satisfies the requirement (19.22.030.B.4). The two studios provided would not typically be allowed under the code; however, provision of the two studios, due to their 500 square foot plus size and the currently expressed housing need on the City's inclusionary list, would address the affordable housing needs of the city.

- Clustering Affordable Units (19.22.030.D.3)

To cluster affordable housing units, either 1) additional units are required above the 12 units being provided to meet the requirements of 19.22.030.B.4, or 2) a documented public benefit must be provided. The applicant has proposed to provide as a documented public benefit an 800 square foot community meeting room, provision of a non-profit affordable housing provider as affordable housing area manager, linkage to the commercial area of the project and commitment from the commercial property owner to cover any financial losses that result in the affordable area operating in the negative financially, and provide a \$1,000,000 contribution to the City Affordable Housing Trust Fund.

In summary, housing staff does not support the affordable housing portion of the project as proposed, but would support the affordable housing portion of the project as

conditioned in the Housing Recommendation and Analysis (Exhibit E) and Resolution (Exhibit I).

Design Analysis

Adaptive re-use of an older building, especially one of this size, that improves and refreshes the building is typically something to be applauded. If additions are to be made to this tall building, they should be strategically located in a way that provides an elegant massing scheme and a fully integrated design. However, the proposal for renovation of 8899 Beverly Boulevard office building includes additions on the east, west and roof resulting in a building that is much more massive and imposing than the existing tall building, already unique in its size along the street.

The design of the proposed development along Rosewood appears as single-family homes in a pattern not dissimilar to the neighborhood. However, the building designs could be improved to be more unique and authentic in design expression and appropriate to the neighborhood.

Beverly Boulevard Frontage

Site and Street Level

The existing building has retail on the ground floor with office occupancy above. At the street level the existing condition is elevated above the street, with stair and ramps up to the retail. The proposed retail at the ground level appears to be flush with street grade, an improvement over the existing condition. However, the overall design at the street level is generally uninspired.



Beverly Boulevard elevation

Mass and Scale

The building at 8899 Beverly is a tall slab approximately 157 feet long and 56'-6 feet deep on a 2-story base of 110 feet deep by 204 feet in length along Beverly. The existing building is 8 stories tall with mechanical penthouse for an overall height of 116'-8". The surrounding context consists of primarily 2-story commercial buildings along Beverly Boulevard, although there is a larger 3-story building across the street. One and two story single-family residential buildings are to the north on Rosewood Street. As the building is much taller than the surrounding context, it is highly visible and has a commanding presence on the street.

The proposal is an adaptive re-use of the existing building with an addition on the east west and north sides for a new total length of 250 feet and 104'-9" depth. The proposal alters an existing building that is somewhat tall and slender in its proportions to a building that is far more massive, creating the appearance of a vertical wall along Beverly Boulevard. While a fresh face along Beverly Boulevard would be an improvement, the massive, 10-story horizontal slab is inappropriate to the low-scale context.

At the north side of the building, the addition is flush with the existing envelope and all expressed as floor-to-ceiling glass for the 250 foot length. At 10 stories, this creates a monolithic wall as viewed from the low-scale, single-family neighborhood to the north.

Design and Detailing

The existing tall building on Beverly is a concrete slab building built in the 60's, with solid walls at the east and west faces. The north and south facades are concrete and glass while the south elevation facing Beverly features concrete balconies cantilevered more than 5 feet from the building face. The existing building is simple, yet with a strong identity.

The adaptive re-use proposes to remove much of the concrete from the building envelope, maintaining the concrete frame and providing infill glazing. The existing concrete balconies are proposed to be re-used and replaced. The additions to the east, west and north appear as concrete floor and roof slab extensions, with infill glazing. There is one vertical element on both the east and west sides, and four vertical elements on the south side where the glazing appears to be in front of the floor slab, implying the use of curtain wall at these locations, yet the drawings are unclear. Modification of these elements to be storefront glazing rather than curtain wall would be a significant design change and a reduced level of quality.

Due to the stepback of the building addition above the second floor, the outline of the existing building remains visible. Meanwhile, the building additions, with the extended floor and roof slabs appear characteristically different. The resulting effect is that the additions look like a new and different building that has been "tacked on" to the sides

and top, leaving elements of the existing Beverly Boulevard façade, including the balconies, in unharmonious competition.

Rosewood Street Frontage

Site and Landscaping

There are now nine units proposed which are designed to look as if they are single-family buildings, a 2-story building with seven inclusionary units (with a roof terrace) and a recreation building along the Rosewood frontage. Four of the individual units have detached garages; five of the nine have garages at the face of the building. This represents an improvement compared with the proposal reviewed by the Design Review Subcommittee, who commented that the garages seemed too prominent. All the buildings that front Rosewood, with the exception of the recreation building are two stories.

The full height fence wall along the front property line on Rosewood Street appears to have been reduced in height. While many of the properties across the street from the existing surface lot feature hedges at the front property line, a more open front yard and building are more typical of the street and the neighborhood in general. The reduced height fences are more suitable to the overall street.

Mass and scale

There are a total of 11 individual buildings along the Rosewood frontage, including the Recreation building. Although the buildings have hipped roofs, they are essentially contemporary. The size and scale of the window openings, particularly at the ground level appear to have a commercial feel. The recreation building is a lower scale with a small open space in between two forms. The elevation appears suitable for the street, although the plan appears to be a different massing than shown in elevation.



Rosewood Avenue elevation.

Note that Rosewood Avenue is currently within the proposed Neighborhood Conservation Overlay Zone, but because this application was deemed complete before that effort was underway, these lots would be excluded.

Design and Detailing

The two-story buildings along Rosewood appear to have a generic design with what appears to be two or three different models among the nine single units. The ground floor appears to have large glazed openings that give it a bit of a commercial feel. The repetition of individual building design makes it look like a single development. Each design should be a different and unique design to properly blend into the neighborhood.

LEGISLATIVE REQUESTS

The proposed project does not comply with the General Plan or the Zoning Code. Therefore, the following legislative approvals are required to permit these deviations: 1) General Plan Amendment 2) Zoning Map Amendment, and 3) a new Specific Plan/Zone Text Amendment.

General Plan Amendment and Zoning Map Amendment

The applicant is requesting an amendment to the General Plan and the Zoning Map to change the existing General Plan Land Use designation from Community Commercial (CC1) and Two Family Residential (R1B) to 8899 Beverly Specific Plan (8899SP) in order to create a unified development site with a single land use designation and allow the development as proposed with deviations from current zoning ordinance. The overall land area is needed to reduce the resulting FAR.

When the new General Plan was adopted, the City decided to leave 8899 Beverly as a non-conforming structure rather than up-zone the property to reflect its current density. The community did not envision increased development in this area or the scale of the existing 8899 building. Had the City Council wanted to make the use conforming and encourage a larger development on this parcel, it could have done so when adopting the new General Plan. It chose to keep the parcel under its existing General Plan and zoning designation. The project proposes the City reconsider that determination and thus requires a General Plan Amendment.

The General Plan was adopted just three years ago in 2011, after extensive public input and debate; this application was submitted a year after the adoption of the General Plan. The Land Use Element of the General Plan offers guidance on the criteria to be used when contemplating increases in the permitted FAR and height (LU-2.8). It specifies increases for projects in commercial designations that provide one or more of the following:

- a. Expand existing facilities or introduce new uses which are considered to be of significant importance (public benefits, historical use, socially-valued use, etc.)

(The project expands and converts an existing non-conforming office building that is already significantly over scaled for the neighborhood to create luxury condominiums.)

- b. Provide significant benefits to the City.
(The project does not include a Development Agreement; the proposed benefits satisfy the requirements to cluster the affordable units and use the square footage calculations but do not meet the threshold for a General Plan amendment.)
- c. Offer architectural design that is of unusual merit and will enhance the City.
(The design of the building does not meet this threshold.)
- d. Affordable Housing.
(The proposed project currently includes an additional five units over the minimum number of required units, which, in staff's opinion, does not justify an amendment the General Plan. More importantly, the project, as proposed, includes separate and unequal amenities for the affordable units, which is out of compliance with affordable housing provisions and contrary to City policy.)

Staff has determined that this project does not meet any of the thresholds to the extent required. The City has previously approved a General Plan Amendment in unique circumstances that include quantifiable public benefits, usually through a Development Agreement with a significant number of affordable housing units, a parking garage, or other substantial revenue stream attached (like the Pacific Design Center).

State planning and zoning law authorizes the City to adopt a Specific Plan for the systematic implementation the general plan. While an applicant can certainly apply for a General Plan Amendment, staff does not believe that amending the General Plan to accommodate a Specific Plan meets the intent of state planning and zoning law.

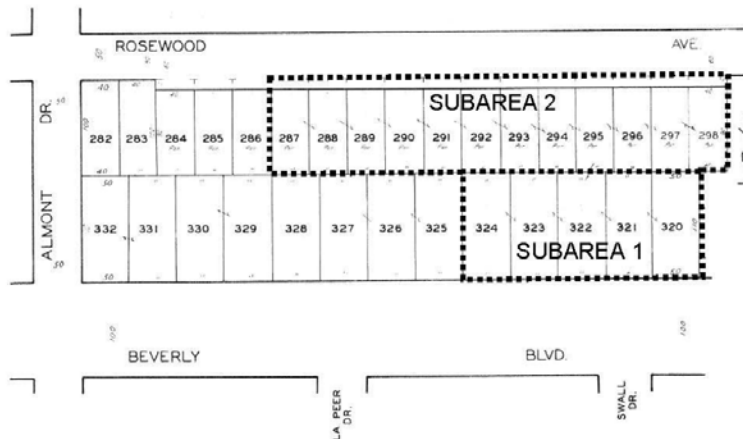
As analyzed and stated above in the Specific Plan discussion, the proposed project far exceeds the allowable building envelope of the project site and is not consistent with the General Plan or Zoning Ordinance. For these reasons, Staff does not recommend approval of the General Plan Amendment or the Zone Map Amendment.

Specific Plan

State planning and zoning law authorizes the City to adopt a specific plan for the systematic implementation of the General Plan. A specific plan must be consistent with the General Plan. The proposed specific plan requires amendments to the General Plan before it could meet the consistency requirement. The applicant is proposing a Specific Plan (Exhibit C) that would consolidate the properties into one single land use designation with different development standards, including height, floor area, and setbacks for two subareas. It would also establish the permitted uses and affordable housing provisions applicable to development within the Specific Plan area. Subarea 1 has a frontage of 250 feet along Beverly Boulevard and a depth of 110 feet. Permitted Uses in Subarea 1 are limited to Commercial and residential uses permitted in accordance with the Commercial Community (CC1) zone, as set forth in WHMC

Chapter 19.10. Subarea 2 has a frontage of 480 feet along Rosewood Avenue and a depth of 100 feet and is immediately north of Subarea 1. Subarea 2 limits the uses to:

- a. A maximum of 16 dwelling units;
- b. Home businesses in compliance with WHMC 19.36.040;
- c. Residential recreational facilities; and
- d. Subterranean parking facilities.



Proposed Specific Plan subareas.

The following tables outline the development standards in the proposed 8899 Beverly Specific Plan and those required by Code for the proposed project:

Development Standards	Subarea 1 Proposed	WHMC Requirements
Density (FAR)	(2.8 for total project) 6.1 for tower portion alone	1.5 base FAR .5 mixed-use bonus .1 green building bonus <u>.7 35% density bonus</u> 2.8 total FAR (tower portion)
Height	120.5', 10 stories	55', 5 stories (with density bonus and mixed-use bonus)
Front yard setback	None	No minimum
Side yard setback	None	No minimum
Rear yard setback	None	10 ft. if adjacent to residential or more to provide 15 ft. between residential and commercial

Development Standards	Subarea 1 Proposed	WHMC Requirements
Private open space	Market rate: 120 square feet/unit (average) Affordable: None	120 square feet/unit
Common open space	Market rate: None (shared with Subarea 2 market rate units) Affordable: None (shared with Subarea 2 affordable units)	2,000 square feet minimum (available to all units)

Development Standards	Subarea 2 Proposed	WHMC Requirements
Density (FAR)	(2.8 for total project) .675 for Rosewood portion alone 16 units in 12 lots on Rosewood	2 units per 12 lots = 24 .5 (if subdivided into lots as originally developed)
Height	25' (single-family homes) 28' (affordable units)	25'
Front yard setback	15'	15'
Side yard setback	5'	5'
Rear yard setback	15'	15'
Private open space	Market rate: 120 square feet/unit (average) Affordable: None required	Market rate: None required other than setbacks Affordable: 120 square feet/unit
Common open space	Market rate: 5,700 square feet Affordable: 2,035 square feet	Market rate: None required Affordable: 200 square feet

The proposed Specific Plan also includes details on Beverly Boulevard encroachments, and affordable housing requirements that deviate from the Zoning Code and City policy to varying degrees. The WHMC standards and requirements not addressed in the Specific Plan would continue to apply to new development within the Specific Plan area.

Staff has objections to the proposed FAR because it is much denser than would otherwise be allowed in this area. CC1 has a base density of 1.5 FAR and 35 feet/ 3 stories. Even with applicable Green Building, Mixed-use and SB 1818 density bonuses, a new project in this location would never be able to be built to this intensity. While the existing office building could be rehabilitated for residential uses, the expansion of the building is inconsistent with the General Plan. The purpose of a Specific Plan is to create a concise development plan for multiple parcels with differing zoning designations, to implement the General Plan, not solely to exempt the project from

certain development standards. The project as proposed far exceeds the density for the site contemplated by the General Plan, and would be one of the most intense FARs in the City.

The deviations from the affordable housing provisions in Chapter 19.22 further complicate the proposed Specific Plan. The Specific Plan is at odds with the affordable housing provisions on shared amenities as detailed in the attachment to this report. A Specific Plan must be in conformance with the goals, policies, and objectives of the General Plan and other adopted goals and policies of the City.

California State Senate Bill 1818 (Government Code Section 65915) Density Bonus

Notwithstanding that the applicant has requested approval of a specific plan to set its own maximum density and development standards for the site, the applicant has also requested a density bonus for providing affordable housing onsite. WHMC Chapter 19.22 and SB 1818 authorize a 35% density (FAR) bonus above the maximum allowable density and two concessions for the contribution of affordable housing. The applicant has requested the General Plan Amendment and Specific Plan as concessions, and the above mentioned density bonus. This request creates an unusual situation because not only is the applicant asking to set its own maximum allowable density, it is also asking for a density bonus to expand an existing nonconforming building that already far exceeds the allowable development standards for the site.

The City's Affordable Housing Ordinance implements SB1818. In this case, the requested density bonus in effect has already been exceeded in the size of the existing nonconforming building that far exceeds the maximum density for the site. By way of comparison, a new project on the site of the existing office building, (zoned CC1) with the maximum bonuses could achieve a maximum 2.8 FAR (with a 35% density bonus).

- 1.5 Base FAR
- .5 Mixed-use Bonus
- .1 Green Building Bonus
- .7 35% Density Bonus
- 2.8 Total FAR

The existing building is 89,630 square feet on a 27,500 square foot lot; that is an existing FAR of 3.3. Thus the existing footprint of the building already far exceeds the maximum allowable density and a "density bonus" would already be included in the building.

Further, the proposed project includes 79,123 square feet of new construction for a total of 168,803 square feet; that is an FAR of 6.1. The density of the tower portion of the project necessitates the Specific Plan to join the properties (currently zoned R1B and CC1) so the density is spread across a greater area, thereby reducing the total project's FAR to one that appears more in line with current zoning. The proposed Specific Plan, included as part of the application, will administer an alternate zoning designation for the entire site. While SB1818 is intended to grant flexibility for developers who build affordable housing, it does not mandate approval of these legislative changes necessary to approve the project

By requesting a density bonus, the applicant is splitting its request into part discretionary (the legislative changes) and part mandatory (the “bonus” included in the legislative changes). The applicant is suggesting that the City would be obligated to approve the project under state law. SB 1818 obligates the City to approve additional density and concessions if a project provides a certain amount of affordable housing. This procedure is codified in WHMC Chapter 19.22. SB 1818 regulates the effect of on projects of existing standards, it does not require the City to approve *legislative changes* necessary to accommodate an applicant’s proposal that is not consistent with the City’s General Plan or Zoning Ordinance. In fact, SB 1818 contemplates approval of development projects by waiving certain development standards, not by changing the underlying development standards and general plan designations to accommodate the proposal. SB 1818 specifically says that a legislative change is not required to grant the concessions, incentives and development standard waivers necessary to accommodate approval of a development project with an affordable housing component. To require legislative approvals under 1818 would take away the City’s legislative and land use authority and staff does not believe that 1818 has such an intent or reach. Especially as in this case when the project is inconsistent with the General Plan and requires a General Plan amendment.

As discussed on page 16, the proposed Specific Plan is not consistent with the City’s General Plan. Thus, staff is recommending denial of the legislative amendments, not of the density bonus itself. Staff favors the provision of affordable housing, and the mandates of SB 1818 are codified and implemented in WHMC Chapter 19.22, of which this project also does not comply.

ENTITLEMENTS

Demolition Permit

The Applicant is requesting a demolition permit pursuant to WHMC Section 19.50.020 to permit a substantial remodel of the existing building. The Project proposes to remove more than 50% of the exterior wall area, including walls, windows and doors, and is therefore required to obtain approval of a demolition permit. The demolition is necessary to facilitate the replacement of existing glazing and to accommodate the additions proposed for the north, east and west sides of the existing building. Section 19.50.050.A of the Zoning Code requires approval of all required planning entitlements for the proposed new construction of the site, prior to approval of a demolition permit.

It should be noted that when a building meets the definition of demolition it thereby loses all the non-conforming rights. This issue is accommodated within the proposed Specific Plan, but is one more deviation from the City’s Zoning Code.

Development Permit

The Applicant is requesting a development permit pursuant to WHMC §19.48.020 to adaptively reuse the existing building as a mixed-use building with commercial, apartment and condominium residential uses, and to construct new single-family homes, an outdoor pool and separate accessory building, and a new subterranean parking garage to serve all uses

As analyzed and stated above in the requests for a General Plan Amendment, Zoning Map Amendment, and a Specific Plan, the proposed project far exceeds the allowable building envelope of the project site, is not consistent with the General Plan or Zoning Ordinance. For these reasons, staff does not recommend approval of a development permit as currently proposed.

Additional Permits

The applicant is also requesting the following entitlements:

- Vesting Tentative Tract Map: The Applicant is requesting approval of VTTM No. 72177 pursuant to WHMC Section 20.04.05 (adding Chapter 21.64 of the L.A. County Code regarding Vesting Tentative Maps) in order to facilitate condominium parcels for the condominiums and single-family homes, and to create airspace lots for the commercial uses, the apartments, the parking garage, and the pool house. A tentative map cannot be approved under state law for a project that is inconsistent with the general plan.
- Easement Vacation: The Applicant is requesting the vacation of a 10-foot easement for public road and highway purposes across the northern portion of the Project Site along Rosewood Avenue that is no longer required for public road and highway purposes, and that is not required by the project for transportation or circulation purposes. This item will be agendaized on the Planning Commission's Consent Calendar at a later date if the City Council ultimately approves the proposed project.

As analyzed and stated above in the requests for a General Plan Amendment, Specific Plan Amendment and Zoning Map Amendment, the proposed project exceeds the allowable building envelope of the project site, is not consistent with the General Plan or Zoning Ordinance. For these reasons, staff does not recommend approval of any of these permits.

SUMMARY

Staff does not support the project based on the following:

- The project expands an existing non-conforming structure, requiring a General Plan Amendment, a Specific Plan, and a Zone Map Amendment. The project, as proposed, exceeds the density for the site contemplated by the General Plan. The height and the density on Beverly Boulevard was specifically studied in the General Plan in 2011 and increased to 45' and 2.0 FAR on the south side of the street but kept at 35' and 1.5 FAR on the north side.
- The proposed project is inconsistent with the General Plan and the Municipal Code in regard to the amenities for the affordable housing units.

- The proposed Specific Plan is not consistent with the General Plan. The purpose of a Specific Plan under state law is to implement the General Plan (as is), not change the General Plan to accommodate a particular development. So while approval of a General Plan Amendment would have the effect of making the Specific Plan consistent with the General Plan, the proposal itself is inherently inconsistent with the General Plan. The project does not meet the required findings for a General Plan Amendment. Previous projects that have included a General Plan Amendment were done either before the new General Plan was adopted and/or have included a Development Agreement that offered the City a tangible public benefit.

The proposed project is asking for increased building mass and square footage while deviating from City's density standards resulting in a project with reduced commercial square footage. Based on this analysis, staff recommends the Planning Commission adopt the attached draft resolution to deny the legislative approvals, which would in turn require a denial of the permits. However, should the Planning Commission determine the public benefits meet the threshold for a General Plan Amendment, staff has included the required draft resolutions to approve the project.

ALTERNATIVES

The Planning Commission could take the following actions:

1. Recommend denial of the application, without prejudice, as recommended by staff;
2. Continue the item and direct the applicant to revise the proposal to be:
 - a) consistent with the affordable housing provisions on shared amenities;
 - b) compliant with the density outlined in the General Plan; and
 - c) responsive to the design recommendations; and return for a Planning Commission review; or
3. Recommend the City Council certify the Final EIR and approve the project, contingent on shared amenities and further design review, as conditioned in the draft resolutions attached for Commission's consideration.

EXHIBITS

- A. Draft Resolution No. PC 14-1090
- B. Final EIR
- C. Applicant's Specific Plan proposal
- D. Shared Parking Analysis from the EIR (Gibson Transportation Consulting)
- E. Housing Analysis and Financial Study
- F. Correspondence
- G. Draft Resolution No. PC 14-1091
- H. Draft Resolution No. PC 14-1092
- I. Draft Resolution No. PC 14-1093
- J. Draft Resolution No. PC 14-1094
- K. 500 Foot Radius Maps
- L. Vesting Tentative Tract Map
- M. Project Plans

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RESOLUTION NO. PC 14-1090

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL DENY A DEMOLITION PERMIT, DEVELOPMENT PERMIT, GENERAL PLAN AMENDMENT, SPECIFIC PLAN, ZONING MAP AMENDMENT, VESTING TENTATIVE TRACT MAP WHICH CONSTITUTE THE APPLICATION TO DESIGNATE THE SITE "8899 BEVERLY SPECIFIC PLAN" (SP8999) AND PROPOSE AN APPROXIMATELY 211,395 GROSS SQUARE-FOOT MIXED USE DEVELOPMENT, FOR THE PROPERTY LOCATED AT 8899 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA, AND 8846 – 8908 ROSEWOOD AVENUE, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood hereby resolves as follows:

SECTION 1. An application for General Plan Amendment 012-003, Zoning Map Amendment 012-017, Vesting Tentative Tract Map 012-004, Demolition Permit 012-022, and Development Permit 012-043 was filed by the applicant, Beverly Blvd Associates, L.P. on December 20, 2012 and deemed complete on January 17, 2013. The Specific Plan application (SP 014-002) was added to the project on April 2, 2013.

SECTION 2. In accordance with the California Environmental Quality Act, CEQA, a Draft Environmental Impact Report (DEIR) was prepared for the proposed project and released to the public on December 24, 2013, for a 60-day review period. Comments received have been reviewed and responded to in the Final Environmental Impact Report (FEIR) released July 10, 2014. Since projects which are disapproved are not subject to CEQA, no action on the EIR is being taken at this time.

SECTION 3. Notice of the public hearing before the Planning Commission on July 17, 2014 was posted on the site for a period of at least twenty-eight days, beginning on June 3, 2014. An advertisement was posted in the West Hollywood Independent and in the Beverly Press on July 3, 2014, and notices were mailed to surrounding property owners and residents, Neighborhood Watch groups, and constituents requesting notification of proposed hearings on July 3, 2014. At the July 17, 2014 Planning Commission public hearing, after the Commission listened to comments from the public and the applicant, the item was continued to August 7, 2014, to allow the applicant an opportunity to submit a revised proposal.

SECTION 4. The Planning Commission makes the following findings regarding General Plan Amendment 2012-003:

1. The proposed change would codify a Specific Plan that would permit the expansion of an existing non-conforming use that already exceeds the height and Floor Area Ratio envisioned for the area.
2. The proposed change (and consolidation) in the General Plan land use designation from Community Commercial (CC1) and Two Family Residential (R1B) to a designation of 8899 Specific Plan does not meet one or more of the findings outlined in the General Plan to guide amendments for increases in the permitted FAR and height:
 - a. Expand existing facilities or introduce new uses which are considered to be of significant importance (public benefits, historical use, socially-valued use, etc.)
(The project expands and converts an existing non-conforming office building that is already significantly over scaled for the neighborhood to create luxury condominiums.)
 - b. Provide significant benefits to the City.
(The project does not include a Development Agreement; the proposed benefits satisfy the requirements to cluster the affordable units and use the square footage calculations but do not meet the threshold for a General Plan amendment.)
 - c. Offer architectural design that is of unusual merit and will enhance the City.
(The design of the building does not meet this threshold.)
 - d. Affordable Housing.
(The proposed project currently includes an additional five units over the minimum number of required units, which, in staff's opinion, does not justify an amendment the General Plan. More importantly, the project, as proposed, includes separate and unequal amenities for the affordable units, which is out of compliance with affordable housing provisions and contrary to City policy.)
3. When the new General Plan was adopted, the City decided to leave 8899 Beverly as a non-conforming structure rather than up-zone the property. Following significant public comment, the community did not envision increased development in this area or the scale of the existing 8899 building.

SECTION 5. In accordance with Section 19.68.40 of the West Hollywood Municipal Code, the Planning Commission makes the following findings regarding Specific Plan 014-002:

1. As noted in Section 4 above, the findings to approve the General Plan Amendment cannot be made.

2. The proposed Specific Plan is not consistent with and does not implement the existing General Plan as required under state law.

SECTION 6. In accordance with Section 19.78.060 of the West Hollywood Municipal Code, the Planning Commission makes the following finding regarding Zoning Map Amendment 012-017:

1. Because findings could not be made to approve General Plan Amendment 2012-003 and Specific Plan 014-002, the project is inconsistent with General Plan.
2. The City cannot adopt a map amendment that is inconsistent with General Plan.

SECTION 7. In accordance with Section 19.48.50 of the West Hollywood Municipal Code, the Planning Commission makes the following findings regarding Demolition Permit 2012-022 and Development Permit 2012-043:

1. The proposed project is not allowed by Article 19.2 within the applicable zoning district, and does not comply with all other applicable provisions of the General Plan, Zoning Ordinance and the Municipal Code.
2. As noted in Section 4 above, the findings to approve the Specific Plan and General Plan Amendment to consolidate the property cannot be made. Therefore, the project does not comply with density (1.5 FAR) and height limits (35 feet).
3. The applicant has requested a density bonus under SB 1818. It is unclear how a density "bonus" is applicable to this project given that the proposed Specific Plan sets a new maximum density for the site. The CC1 zone has a base density of 1.5 FAR and 35 feet/3 stories. A new project on the site of the existing office building, (zoned CC1) with the maximum bonuses could achieve a maximum 2.8 FAR (with a 35% density bonus). The existing building is 89,630 square feet on a 27,500 square foot lot; that is an existing FAR of 3.3. Thus the existing footprint of the building already far exceeds the maximum allowable density, and a density "bonus" would already be included in the building. The proposed project includes 79,123 square feet of new construction for a total of 168,753 square feet; that is an FAR of 6.1. The density of the tower portion of the project necessitates the Specific Plan to join the properties (currently zoned R1B and CC1) so the density is spread across a greater area, thereby reducing the total project's FAR to one that appears more in line with current zoning. Additionally, a density bonus cannot be combined with any other density bonus provided in the Code in the residential zone. (See WHMC 19.22.050.) Thus, the proposed project far exceeds the existing maximum allowable density. While SB1818 is intended to grant flexibility for developers who build affordable housing, a density "bonus" is already included in the density of the existing nonconforming building and inapplicable to creation of a Specific Plan that sets its own maximum density.

4. The applicant has requested that the General Plan Amendment and Specific Plan be approved as concessions under SB 1818 and 19.22.050. Legislative changes are not available as incentives and concessions under state or local law. SB 1818, and Chapter 19.22 implementing that state law, contemplates waiver of development standards without variances and legislative changes. The applicant has requested a Specific Plan and has not provided the required list of specific standards that the applicant requests as (1) incentives or concessions necessary to provide affordable housing, or (2) modifications to development standards that would physically preclude construction, and a written justification for why each standard must be waived. The Specific Plan would consolidate the properties into one single land use designation with different development standards, including height, floor area, and setbacks for two subareas. It would also establish the permitted uses and affordable housing provisions applicable to development within the Specific Plan area. This Specific Plan is inconsistent with the General Plan and requires a General Plan amendment. SB 1818 does not mandate that the City rezone the property, amend the General Plan, and approve legislative changes as incentives or concessions.
5. Thus, the Planning Commission is recommending denial of the legislative amendments, not of the density bonus or incentive/concessions and waivers (to the extent they were requested). The Planning Commission favors the provision of affordable housing, and the mandates of SB 1818 are codified and implemented in WHMC Chapter 19.22, of which this project does not comply.

SECTION 8. In accordance with Section 20.04.050 of the West Hollywood Municipal Code, the Planning Commission makes the following findings regarding Vesting Tentative Tract Map 2012-004:

1. Because findings could not be made to approve General Plan Amendment 012-003 and Zoning Map Amendment 012-017 and Specific Plan 014-002, the required findings necessary to approve the tentative map for the project to be constructed cannot be made. A tentative map cannot be approved under state law if the underlying project is not consistent with the General Plan.

SECTION 9. Pursuant to the above findings, the Planning Commission of the City of West Hollywood hereby recommends to the City Council denial of General Plan Amendment 012-003, Specific Plan 014-002, and Zoning Map Amendment 012-017, and the corresponding Vesting Tentative Tract Map 012-004, Demolition Permit 012-022, and Development Permit 012-043 for the proposed 211,395 square foot mixed-use project and all associated permits/approvals.

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ON THIS 7TH DAY OF AUGUST, 2014.

ROY HUEBNER, CHAIRPERSON

ATTEST:

DAVID DEGRAZIA, PLANNING MANAGER
CURRENT & HISTORIC PRESERVATION PLANNING

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PREFACE

In accordance with the City of West Hollywood Guidelines for implementation of the California Environmental Quality Act (CEQA) and Sections 15088, 15089 and 15132 of CEQA, the City of West Hollywood has prepared the Final Environmental Impact Report (EIR) for the proposed 8899 Beverly Boulevard project.

City staff did not support the project as proposed. Subsequent to the publication of the Final EIR on July 8, 2014, the project applicant, Beverly Blvd Associates, L.P. (the Applicant) legal representatives, submitted a letter on July 15, 2014 proposing amendments to the project that they hoped would better serve the City's affordable housing needs and provide some public benefits. The applicant worked with City housing staff on portions of the proposal.

The project has been revised and reflects the following changes:

- 17 affordable units are now provided, with 10 units in the Beverly Boulevard building and 7 units in the Rosewood Avenue building (overall unit count remains at 81 units, as follows: 17 affordable, 55 condominiums, and 9 single-family).
- The affordable unit amenity room is provided on the third floor of the Beverly Boulevard building, with direct access to the 2,000+ SF common outdoor terrace on the roof of the Rosewood Avenue building.
- The market-rate units on Rosewood Avenue in Subarea 2 of the Specific Plan have been reduced from 13 to 9 with an FAR limited to 0.5:1, and will all be detached single-family homes instead of attached two- and three-unit buildings. The homes will observe R1B height and setback requirements. The FAR of the entire Rosewood Avenue frontage will be limited to 0.675:1 (equal to the R1B limit of 0.5 plus the 35% density bonus).
- Garages have been relocated from the front to the rear for four of the nine homes.
- The two-story, 4,417 square foot indoor pool house and indoor pool has been eliminated, and replaced with an outdoor pool adjoining the 8899 Beverly Building and one-story, 1,125 square foot changing room/amenity space building adjoining Rosewood Avenue.
- An approximately 800 square-foot community/neighborhood meeting room is included in the Beverly Boulevard building.

The applicant has proposed to reduce the number of market-rate units to be constructed on Rosewood Avenue from 13 to 9. The 9 homes would be detached single-family structures, rather than the 13 attached townhomes proposed in the application as duplex and triplex dwellings as analyzed in the EIR. Four of the garages would be located in the rear of the single-family dwellings. The indoor pool and two-story, 4,417 square foot pool house in the original application would be replaced with an outdoor pool and a one-story, approximately 1,125 square-foot accessory building that would act as a physical and noise barrier between the pool and Rosewood Avenue (while still respecting the 15 foot front yard setback). The building on Rosewood Avenue containing affordable units would remain. With these

changes, the development along Rosewood Avenue would respect all material zoning requirements of the R1B zone including height limit, setback requirements, and density limits (the floor area ratio would be 0.675:1).

The applicant has proposed to reduce the number of market-rate units in the existing 8899 Beverly building from 56 units to 55 units, such that the overall unit count of the project would remain at 81 units. The applicant has proposed to increase the number of on-site affordable units from 12 to 17, the overall number of units within the project would be maintained at 81 units. This would be accomplished by reducing the 13 townhomes proposed on Rosewood Avenue portion of the project site to 9 single-family units reducing the intensity on Rosewood side and by combining units in the existing building (8899 Beverly) to reduce the total number of market rate condominium units from 56 to 55. The reduction in the number of units on Rosewood Avenue side would likely reduce the time during which this side of the project is under construction.

The EIR does not meet the requirements of recirculation as no new significant impacts or new mitigation measures have been created as a result of the project design changes. Though this alternative would be replacing the 13 townhomes with 9 single-family units on Rosewood Avenue, the overall unit count of the project would remain the same at 81 units. This new project site design would achieve all of the project objectives. Further, this alternative would provide more affordable housing units than the proposed project by including 17 affordable units versus 12 units under the proposed project with 10 units in the existing building on Beverly Boulevard and seven units in the Rosewood Avenue building. Because the unit count has not changed, there are no changes to the amount of traffic generated by the project and no new or additional traffic impacts would be generated by this new project site design. If anything, project circulation on Rosewood Avenue would be slightly reduced with fewer units and vehicular access. Further, the new project site design has reduced the overall massing along Rosewood Avenue. As a result, visual impacts as seen from Rosewood Avenue have been reduced which have decreased the impacts rather than substantially increase the severity of the environmental impact. This reduction in massing also responds to concerns from the neighborhood about the size and intensity of the project adjacent to the single-family home neighborhood. The revisions make the Rosewood side of the project more compatible with existing uses. Thus, the project would not result in new or greater environmental impacts pursuant to CEQA and Section 15088.5 of CEQA that would otherwise require additional analysis or recirculation of the EIR. Therefore, no additional environmental analysis would be warranted or required by CEQA.



The following Planning Commission Exhibit is not included in the Thursday, August 7, 2014 Agenda Packet:

Item 10.A. Exhibit B

Hardcopies will be available for viewing during the Planning Commission Meeting and at the Current Historic Preservation Planning Division of the Community Development Department.

The following links from the City's website have also been provided for your review:

Volume I

<http://cms6ftp.visioninternet.com/weho/files/planning/V1.pdf>

Volume II

<http://cms6ftp.visioninternet.com/weho/files/planning/V2.pdf>

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Revised Draft 8899 Beverly Boulevard Specific Plan

19.16.020 8899 Beverly Boulevard Specific Plan.

A. *Location and Description.* The 8899 Beverly Boulevard Specific Plan (the “8899 Beverly Specific Plan”) applies to the 1.73 acre property located at 8899 Beverly Boulevard, on the west side of West Hollywood, and is generally bound by Almont Drive to the west, Rosewood Avenue to the north, Robertson Boulevard to the east, and Beverly Boulevard to the south. The precise boundaries of the 8899 Beverly Specific Plan are depicted on Figure 1. The 8899 Beverly Specific Plan is divided into two Subareas, Subarea 1 and Subarea 2, as delineated on Figure 1. Subarea 1 has a frontage of 250 feet along Beverly Boulevard, extending north to a depth of 110 feet. Subarea 2 has a frontage of 480 feet along Rosewood Avenue, extending south to a depth of 100 feet and is immediately north of Subarea 1.

B. *Permitted Uses.*

1. *Subarea 1.* Uses within Subarea 1 shall be limited to the following:

a. Commercial and residential uses permitted in accordance with the commercial community (CC) zone, as set forth in Chapter 19.10.

b. Alcoholic beverage sales for on-site consumption shall be permitted in connection with one restaurant. Alcoholic beverage sales in connection with any other establishment shall require the approval of a Conditional Use Permit or Minor Conditional Use Permit pursuant to the requirements set forth in Chapter 19.52.

2. *Subarea 2.* Uses within Subarea 2 shall be limited to the following:

a. A maximum of sixteen (16) dwelling units.

b. Home businesses shall be permitted pursuant to the requirements of Section 19.36.040.

c. Residential recreational facilities.

d. Subterranean parking facilities.

C. *Floor Area Ratio.*

1. The base floor area ratio (“FAR”) within the 8899 Beverly Specific Plan shall not exceed a total of 1.5:1.

2. The base FAR may be increased by 0.5 pursuant to the requirements of Section 19.10.050.A for mixed-use projects that contain both commercial and residential development. Commercial and residential uses are not required to be combined in a single structure for the purposes of this bonus.

3. As provided by State law, a housing density bonus of up to 35% shall be granted for a development project that meets the requirements of Section 19.22.050.D and Section 65915 of the California Government Code. The density bonus shall be calculated pursuant to the provisions set forth in Section 19.22.050.D.2.b.

4. Commercial or mixed-use projects may obtain an additional 0.1 FAR increase, consistent with the provisions of Section 19.20.070.C.4. Commercial and residential uses are not required to be combined in a single structure for the purposes of this bonus.

5. The total FAR within the 8899 Beverly Specific Plan, inclusive of all bonuses allowed pursuant to this Section, shall not exceed 2.8:1.

6. The following areas located in the Basement (Level 1) of the existing building in Subarea 1 are excluded from the definition of floor area: restaurant, circulation area, and affordable housing support area.

7. The total floor area within Subarea 2, shall not: i) exceed an overall FAR of 0.675:1, which equals the base FAR permitted within the R1B zone plus a 35% density bonus; and ii) exceed an FAR of 0.5:1 for the single-family homes. The entire land area of Subarea 2 shall be used for the purposes of calculating FAR pursuant to this Section.

D. *Maximum Building Height.*

1. *Subarea 1.* The maximum building height of all structures in Subarea 1 shall not exceed 120.5 feet.

2. *Subarea 2.* The maximum building height of all structures in Subarea 2 shall not exceed 25 feet, except that the affordable housing structure shall not exceed 28 feet. The area that exceeds 25 feet in height shall be set back a minimum of 50 feet from the front property line.

E. *Setbacks.*

1. *Subarea 1.* No minimum setbacks shall be required.

2. *Subarea 2.* Minimum setbacks for structures above finished ground level shall be provided as follows:

a. *Front.* 15 feet.

b. *Rear.* 15 feet.

c. *Side.* 5 feet from the east and west property lines.

d. No setbacks shall be required for a subterranean parking structure located below the finished ground level.

e. A one-story attached or detached garage or carport may be located within required setbacks in accordance with the provisions of Section 19.36.311.A.

F. *Beverly Boulevard Encroachments.*

1. Existing balconies on the existing building located in Subarea 1 may continue to encroach upon the Beverly Boulevard right-of-way, and may be maintained and reconstructed provided the encroachment into the Beverly Boulevard right-of-way is not increased beyond that existing as of the effective date of the 8899 Beverly Specific Plan.

2. Building entry stairs and planters adjoining the primary building entrance along Beverly Boulevard shall be permitted to encroach upon the Beverly Boulevard right-of-way for a maximum distance of 5 feet 6 inches, measured perpendicular to Beverly Boulevard, and a maximum distance of 86 feet, measured along the Beverly Boulevard frontage. The maximum width of the stairs, measured along Beverly Boulevard, shall not exceed 22 feet. The maximum height of the stairs shall not exceed 5 feet 6 inches and the maximum height of the planters shall not exceed 3' feet, both as measured from the adjacent sidewalk.

G. *Open Space.* The provisions of Section 19.36.280(A) shall be modified for the 8899 Beverly Specific Plan as follows:

1. Affordable housing units shall not be required to provide private open space.

2. All other units shall be provided with an average of 120 square feet per unit, with no minimum amount.

3. Affordable housing units shall be provided with a minimum of 2,000 square feet of common open space, including rooftop common open space.

4. Rooftop common open space that includes active or passive recreational facilities or landscaping shall count in its entirety toward the common open space requirement.

5. Common open space may include the setback areas adjoining any common residential recreational facilities and affordable housing units provided in Subarea 2.

H. *Loading.* No off-street loading spaces shall be required.

I. *Parking.*

1. A minimum of 247 parking spaces shall be provided based upon the maximum permitted FAR of 2.8:1 and the following breakdown by use: i) retail - 19,875 square feet; ii) office - 10,562 square feet; iii) restaurant – 4,394 square feet; iv) 1 studio unit; iv) 25 one bedroom units; and v) 55 two and three bedroom units. If the mix of uses specified above is changed, a shared parking analysis shall be prepared by a licensed traffic engineer to determine the number of parking spaces required for the changed mix of uses, subject to the approval of the Director.

2. Residential parking spaces may be located in the same parking area as the commercial parking spaces to allow for shared parking between the two uses.

3. Tandem parking may be arranged to be no more than three spaces in depth, provided that the operator of the parking facility provide a valet or attendant at all times that the tandem parking is used. The parking supply may include valet-assisted parking spaces for up to 50 vehicles located within the drive aisles. Mechanical parking lifts may be used to provide parking spaces to satisfy parking requirements.

4. Parking spaces and drive aisles in the existing building in Subarea 1 are non-conforming and may be maintained. The seismic retrofit required for the building will result in minor encroachments into both the parking spaces and drive aisles due to widening of certain columns and construction of shear walls. Such encroachments shall be permitted notwithstanding the nonconforming status of the parking spaces and drive aisles.

J. *Affordable Housing Requirements.* Notwithstanding Chapter 19.22 of this Code, the following shall apply to the provision of affordable housing within the 8899 Beverly Specific Plan:

1. *Minimum Number of Units Required.* A minimum of 17 units shall be reserved as affordable housing units, with a minimum of seven units reserved for very low income households. These affordable housing units provided shall contain a minimum interior area of 650 square feet for units with one or more bedrooms, and 475 square feet for studio units, with finishes and appliances of “builders quality” or better, and may be clustered within the 8899 Beverly Specific Plan. The number of affordable units required shall be reduced commensurately if the number of non-income-restricted units decreases.

2. *Area of Affordable Housing Component.* The area of the affordable housing component, including the units, and common areas such as the indoor amenity space (lounge, kitchen, meeting room, etc.), laundry, storage, circulation, and any other area serving the affordable housing component, shall be equal to or greater than 20% of the residential floor area of all non-inclusionary units, not including any floor area added as a result of any density bonus pursuant to Section 19.16.030.C.3. The area pursuant to this Section shall be calculated by subtracting the non-residential floor area from the total floor area allowed pursuant to Sections 19.16.030.C.1 and 2 (which allows a total FAR of 2.0:1), and multiplying that total by 20%.

3. *Location of Units.* The affordable housing units required by Section 19.16.020(J)(1) shall be provided within the 8899 Beverly Specific Plan area.

K. *Infrastructure.* Due to the urbanized nature of the surrounding area, the 8899 Beverly Specific Plan area is currently provided with adequate facilities for sewage, water, drainage, solid waste disposal, and energy. As limited in size and intensity of use by the 8899 Beverly Specific Plan, the 8899 Beverly Specific Plan area will not require the development of additional sewage, water, solid waste disposal, energy, or other essential facilities. However, the developer will be required to pay its fair share to mitigate any cumulative impacts on City

facilities. In addition, all utility construction, connections and maintenance shall conform to the provisions of the West Hollywood Municipal Code.

1. *Water.* The City of Beverly Hills provides water to the 8899 Beverly Specific Plan area. The existing supply and distribution of water can accommodate the level of water demand from the commercial and residential uses proposed in the 8899 Beverly Specific Plan area. Figure 2 shows the location and size of the water distribution system that serves the 8899 Beverly Specific Plan area.

2. *Sewer.* Wastewater generated from the 8899 Beverly Specific Plan area would be conveyed through these lines and treated at the Hyperion Water Treatment Plant in El Segundo. The calculations prepared by the City in connection with its review of the Specific Plan indicate that the existing sewer lines are adequate to accommodate the level of wastewater generated by the 8899 Beverly Specific Plan. Figure 3 shows the present size and location of the sewer facilities servicing the 8899 Beverly Specific Plan area.

3. *Solid Waste Disposal.* Solid waste disposal for the 8899 Beverly Specific Plan area is provided through a franchise with the City. All solid waste generated by uses within the 8899 Beverly Specific Plan area will be disposed of at landfills in Los Angeles or Riverside Counties. Based on the projected solid waste generation, the 8899 Beverly Specific Plan area will not have significant solid waste disposal impacts, and existing solid waste disposal facilities and landfill capacities are sufficient to accommodate the 8899 Beverly Specific Plan's projected solid waste.

4. *Storm Drains.* The 8899 Beverly Specific Plan area is currently developed with a commercial building and parking lot. Implementation of the 8899 Beverly Specific Plan will not materially increase the amount of impermeable land or result in changes in absorption rates that would increase the amount of stormwater runoff from the 8899 Beverly Specific Plan area. In addition, development within the 8899 Beverly Specific Plan area is required to comply with all requirements of the City's National Pollution Discharge Elimination System Permit (NPDES) and the City's stormwater and urban runoff pollution control ordinance (Article 3, Chapter 15.56, Title 19 of the West Hollywood Municipal Code). The storm drain plan for the 8899 Beverly Specific Plan Area is shown on Figure 4.

5. *Energy.* The Southern California Edison Company provides electricity to the 8899 Beverly Specific Plan area. The Southern California Gas Company provides natural gas to the 8899 Beverly Specific Plan area. According to the studies prepared for the 8899 Beverly Specific Plan, the existing supply and distribution of electricity and natural gas can accommodate the level of demand from the uses proposed in the 8899 Beverly Specific Plan. Figure 5 illustrates electrical and gas facilities.

L. *Implementation Measures.*

1. *Financing.* The developer will be responsible for all on-site improvements and will pay its fair share allocation of any off-site improvements as required to mitigate any significant environmental impacts associated with implementation of the 8899

Beverly Specific Plan, as may be identified in the Final EIR. No public funds are necessary to implement the 8899 Beverly Specific Plan.

2. In the event of a conflict between the provisions of the 8899 Beverly Specific Plan and Title 19 of the West Hollywood Municipal Code, the 8899 Beverly Specific Plan shall govern. In addition, the provisions of the 8899 Beverly Specific Plan shall supersede the demolition provisions of Section 19.72.040.D.

M. *Relationship to the West Hollywood General Plan.* The General Plan serves as the long-term planning guide for future development throughout the City. The General Plan operates as a guide to the type of community desired for the future and provides the means to accomplish that goal. California law requires a specific plan to be consistent with the adopted general plan. The 8899 Beverly Specific Plan has been adopted in conjunction with general plan amendments to (a) add text in the Land Use Element of the General Plan regarding the development of the 8899 Beverly Specific Plan area that is consistent with the development permitted under the 8899 Beverly Specific Plan, and (b) amend the Land Use Element to change the land use designation for the 8899 Beverly Specific Plan area from “Community Commercial 1” (CC1) and “Two Family Residential” (R1B) to “8899 Beverly Specific Plan” in order to permit a mix of residential and commercial uses in the 8899 Beverly Specific Plan area based on the direction given in the General Plan, as amended.

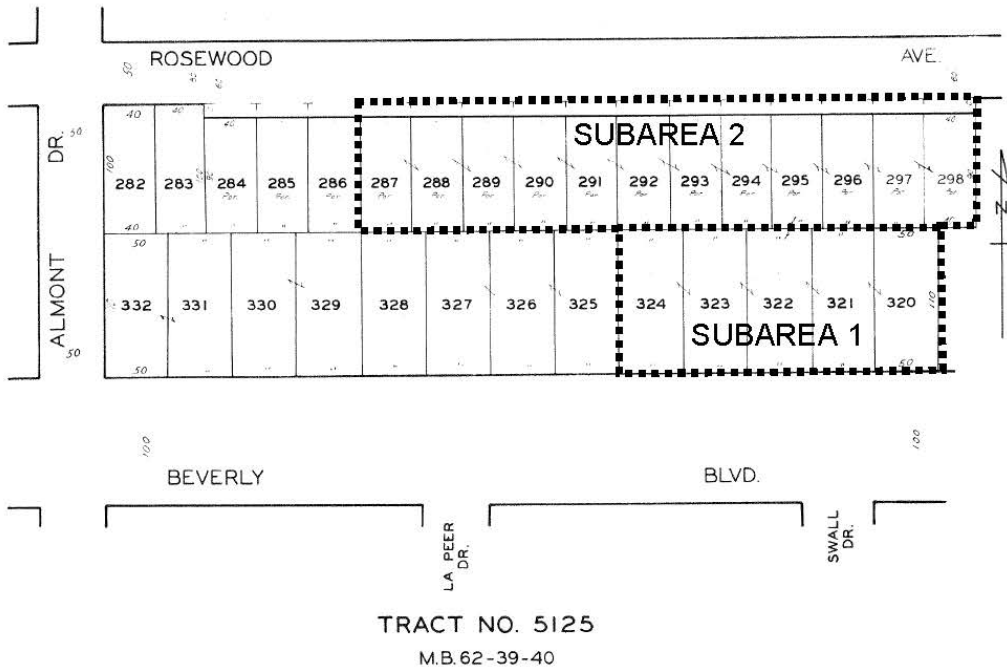
Consistent with the Land Use Element of the General Plan, the 8899 Beverly Specific Plan encourages the mixture of uses and activities, open space and buildings, improved street design and traffic circulation and enhanced pedestrian amenities. The 8899 Beverly Specific Plan guides and manages the growth and development of the 8899 Beverly Specific Plan area to provide opportunity for needed housing and to expand the City's economic base by generating property and sales tax revenues.

Consistent with the Housing Element of the General Plan, the 8899 Beverly Specific Plan enhances the quality of the City's housing stock by encouraging the adaptive reuse of an existing structure for residential purposes and providing newly-constructed residential units that comply with current life-safety and energy standards, and provides for a mix of residential units that are diverse in size, type and income, that will help meet the housing needs of the City.

Consistent with the Mobility Element of the General Plan, the 8899 Beverly Specific Plan furthers the general directives to improve the quality of life and public health and increase mobility and access. The 8899 Beverly Specific Plan area is located on a major commercial corridor and is close to numerous mass-transit opportunities within the immediate area or a short walk from the 8899 Beverly Specific Plan area. In addition, the 8899 Beverly Specific Plan will enhance the pedestrian experience along Beverly Boulevard by creating street-level storefronts with direct access from Beverly Boulevard and adding new landscaping.

8899 Beverly Boulevard Specific Plan

Figure 1



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Code Parking Summary

As detailed in the analyses above, the analysis indicates a parking deficit of 59 spaces and the Project would not be able to satisfy the *West Hollywood Municipal Code* off-street parking requirements as currently proposed.

It should be noted that the parking requirements are not necessarily reflective of the parking demands experienced with a development as a whole. Code parking requirements represent the sum of the peak parking requirements for each individual land use and do not take into account the shared parking concept (i.e., the hourly and/or day of the week variations in parking demand generated by individual land uses), nor for the synergy between uses. The code analysis assumes that the demand for each land use peaks at the same time, which may lead to the provision of more parking than is needed at any given time (i.e., overestimation of required parking). Accordingly, a shared parking analysis was performed to determine the appropriate number of parking spaces to support the Project.

SHARED PARKING DEMAND ANALYSIS

A shared parking demand analysis of the Project was performed to help determine the appropriate amount of parking needed to adequately serve the peak parking demand generated by the multiple proposed land uses of the Project. The Project Applicant is seeking the approval of a shared parking agreement as the development is made up of a number of different land uses on the Site that will share the parking supply.

The parking analysis was performed using the model in *Shared Parking, 2nd Edition* (Urban Land Institute [ULI] and the International Council of Shopping Centers [ICSC], 2005), which describes shared parking as follows:

Shared parking is defined as parking space that can be used to serve two or more individual land uses without conflict or encroachment. The opportunity to implement shared parking is the result of two conditions:

- *Variations in the peak accumulation of parked vehicles as the result of different activity patterns of adjacent or nearby land uses (by hour, by day, by season)*

-
- *Relationships among land use activities that result in people's attraction to two or more land uses on a single auto trip to a given area or development*

Most zoning codes provide peak parking ratios for individual land uses. While this appropriately recognizes that separate land uses generate different parking demands on an individual basis, it does not reflect the fact that the combined peak parking demand, when a mixture of land uses shares the same parking supply, can be substantially less than the sum of the individual demands. For example, retail uses peak in the early to mid-afternoon while restaurant uses peak in the lunchtime and/or evening hours (depending on the type of restaurant).

Shared Parking Assumptions

The shared parking model utilizes a series of assumptions, in addition to the base ULI/ICSC data, to develop the parking demand model.

Parking Ratio. The ULI/ICSC methodology requires that each land use select parking ratios; that is, the parking ratio for each land use if used independently. The base parking demand ratios were developed through an extensive research and documentation effort by ULI/ICSC; these base rates reflect a national average. For the purposes of this analysis, the base rates were modified based on the amount of code-required parking for each land use with the exception of weekend rates for the office portion of the development. The standard ULI/ICSC rate of 0.38 spaces per 1,000 sf of development was utilized to more accurately predict weekend office parking demand.

Time of Day. The time of day factor is one of the key assumptions of the shared parking model. This factor reveals the hourly parking pattern of the analyzed land use; essentially, the peak demands are indicated by this factor. The research efforts of ULI/ICSC have yielded a comprehensive data set time of day factors for multiple land uses. As the demand for each land use fluctuates over the course of the day, the ability to implement shared parking emerges. Minor adjustments were made to the base time of day factors for the restaurant and yoga studio. These adjustments were made based on a survey of local characteristics for similar land uses.

Weekday vs. Weekend. Each shared parking analysis measured the parking demand on a weekday as well as on a Saturday. Research has indicated that a source for variation in parking demand can be traced to the difference between weekday and weekend demand.

Seasonal Variation. The shared parking analysis in this report was based on the peak month of the year. The total parking demand of the Project was compared over the course of the year; the peak month's demand is reported.

Mode Split and Captive Market. One factor that affects the overall parking demand at a particular development is the number of visitors and employees that arrive by automobile. It is common that mixed-use projects and districts have patrons/visitors captured within the site itself based on the mixed-use nature of the Project. The mode split accounts for the number of visitors and employees that do not arrive by automobile (that use transit, walk, and other means) or are internally captured. The Project is located in proximity to an existing and future transit corridor; existing express and local bus service is available at the intersection of Beverly Boulevard & Robertson Boulevard, approximately one-quarter mile walking distance to the east. In addition, the Project is surrounded by residential and office developments that are not part of the Project. Due to these factors, the Project may experience higher volumes of walk-in traffic and public transit usage than the base model assumes; therefore, adjustments were made to the mode split for each land use.

Approximately 10% of retail and restaurant customers were assumed to arrive by a means other than a single occupant vehicle (transit, walk, bike, etc.), while an additional 10% were assumed to be internally captured within the development. This represents 20% for transit usage, internal capture and walk-in. The remaining 80% of customers to the retail and restaurant portion were assumed to arrive by single passenger vehicle. Approximately 20% of retail and restaurant employees were assumed to arrive by a means other than a single occupant vehicle; the remaining 80% were assumed to arrive by single passenger vehicle. The retail and restaurant portions of this development are small community-serving facilities as opposed to destinations that will draw consumers from a wide area of the region.

The mode split for employees of the office was reduced to 90%, or 10% transit usage.

Auto Occupancy. The Project's shared parking analysis used the national averages for auto occupancy, i.e., the typical number of passengers in each vehicle parking at the site, for all land uses. No changes were made to the ULI/ICSC average rates.

Reserved Parking. Typically, the residential portions of mixed-use projects offer at least one reserved space per dwelling unit. The remaining spaces are generally shared within the pool of unreserved parking for the rest of the project; guest parking spaces are commonly included within this shared pool of residential parking. For the purposes of this analysis, one parking space is assumed to be reserved per residential unit.

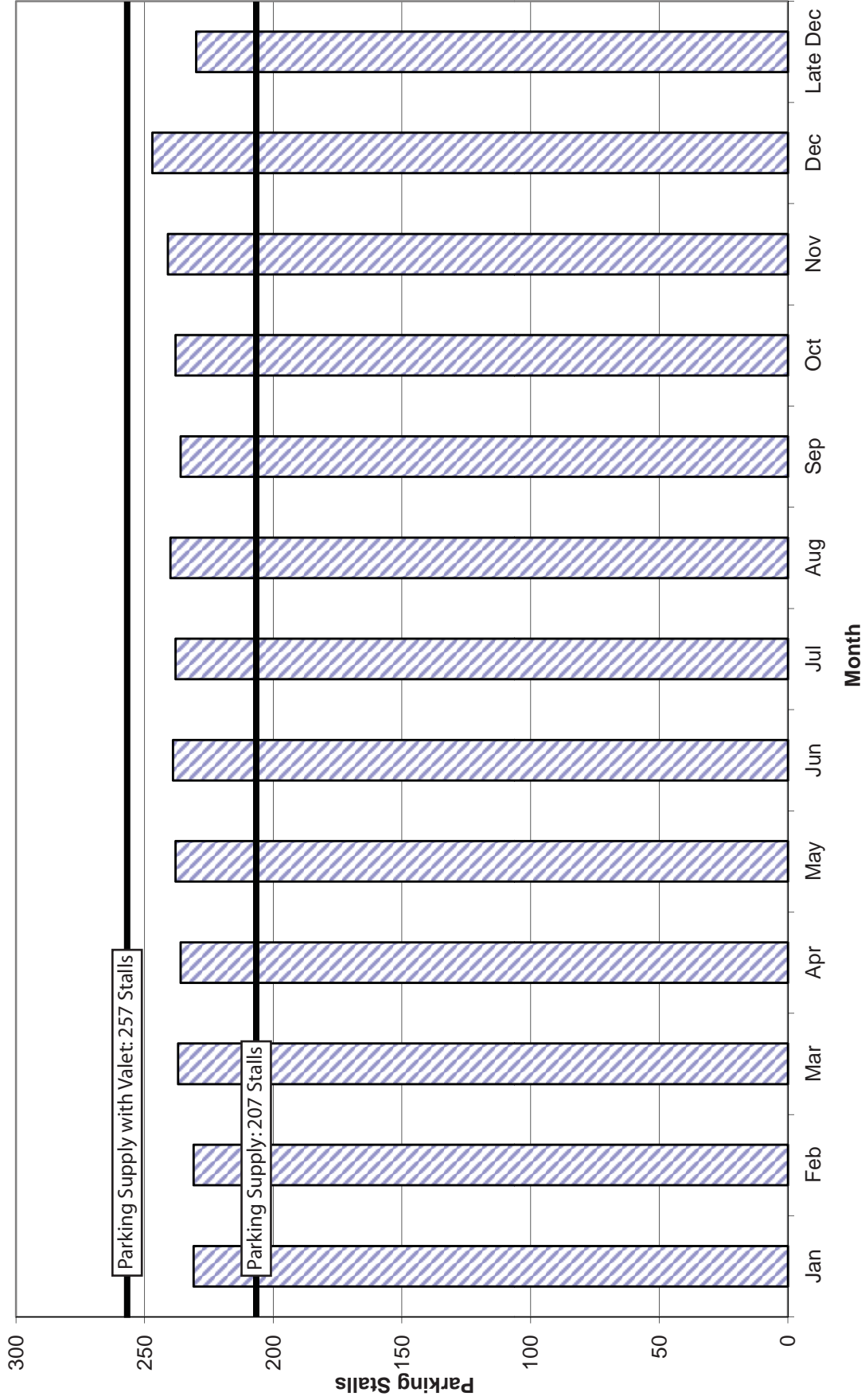
The shared parking model applies these assumptions/inputs and considers each land use separately, in order to identify the peak parking demands of each project component (i.e., restaurant was separated from retail). A shared parking model was prepared for the two proposed land use variations.

Project Shared Parking Demand

Tables 13 and 14 detail the input assumptions and summary of the Project's shared parking analysis. For each land use, the tables show the base parking demand ratio for a weekday and a Saturday, the mode adjustment (mode split), the non-captive ratio (internal capture), and the peak hour and peak month adjustment ratios (the shared parking model calculates the peak demand to occur at 7:00 PM on a December weekday, the busiest hour of the year for parking demand).

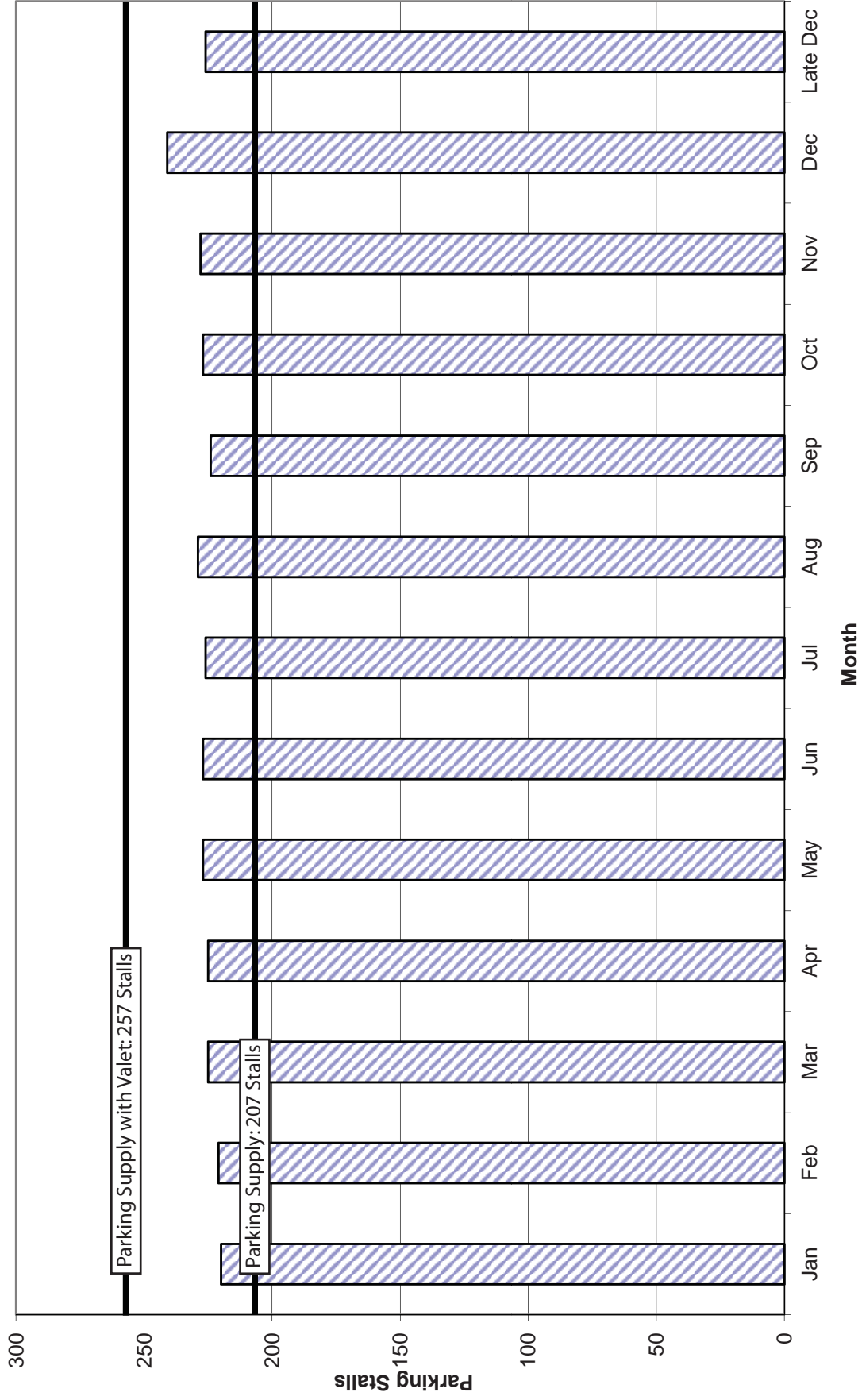
Figures 17 and 18 illustrate the peak hour parking demand occurring during each month of the year for the weekday and weekend, respectively. Figure 19 illustrates the hourly parking demand pattern during the peak month of December.

By component, the model estimates that the busiest hour of the year would experience a combined residential parking demand of 168 spaces, retail parking demand of 45 spaces, office parking demand of three spaces, and a restaurant parking demand of 31 spaces. The peak parking demand totals 247 spaces. Compared to the proposed parking supply of 257 parking



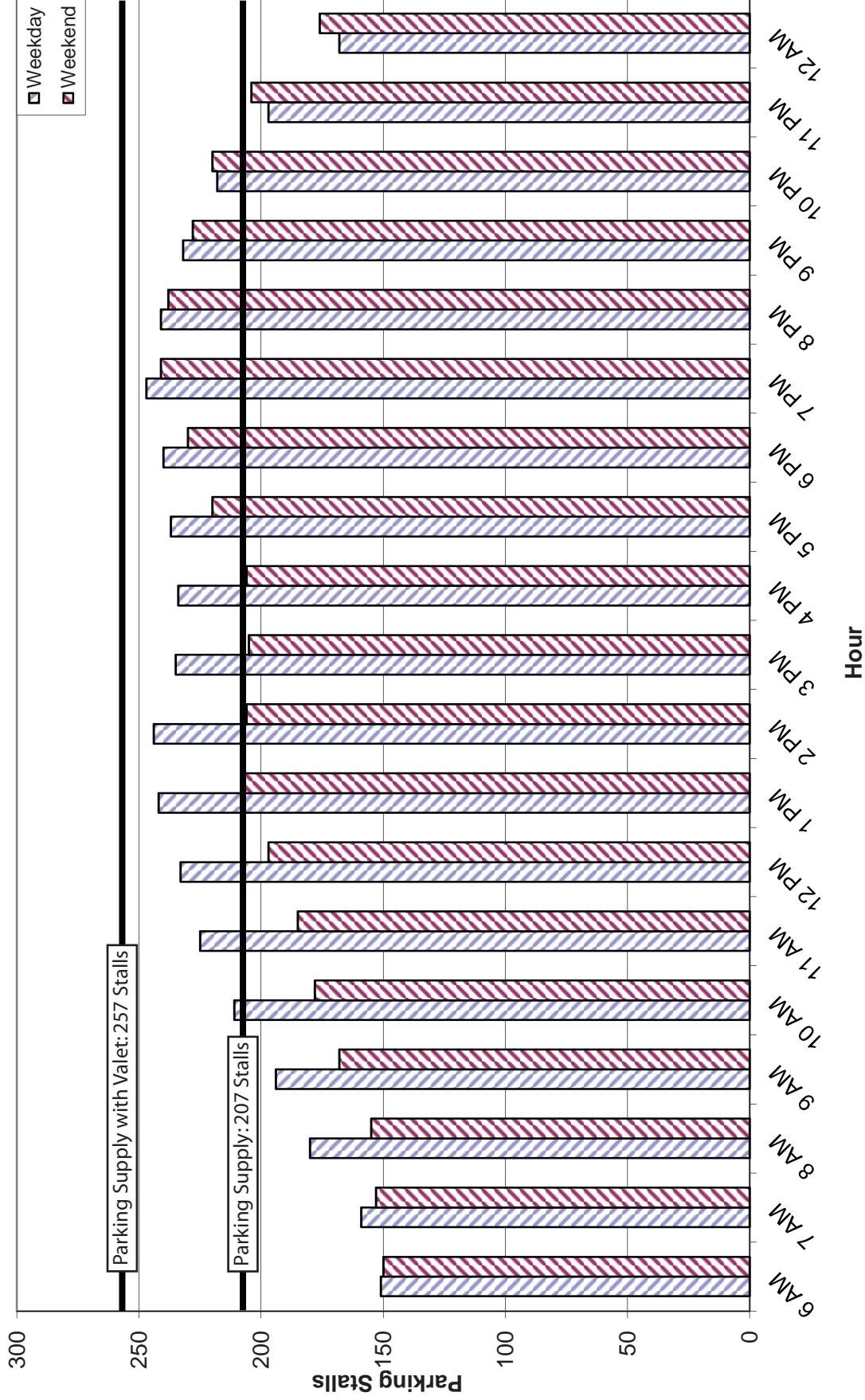
WEEKDAY MONTH-BY-MONTH ESTIMATED PARKING DEMAND

FIGURE 17



WEEKEND MONTH-BY-MONTH ESTIMATED PARKING DEMAND

FIGURE 18



PEAK MONTH DAILY PARKING DEMAND BY HOUR

FIGURE 19

TABLE 13
SHARED PARKING DEMAND SUMMARY

PEAK MONTH: DECEMBER -- PEAK PERIOD: 7 PM, WEEKDAY

Land Use	257 Stalls		Weekday						Weekend							
	Project Data Quantity	Unit	Base Rate	Mode Adj	Non- Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non- Captive Ratio	Project Rate	Unit	Peak Hr Adj 7 PM	Peak Mo		Estimated Parking Demand
														December	Adj	
Community Shopping Center (<400 ksf)	19,875	sf GLA	2.85	0.90	0.90	2.31	/ksf GLA	2.85	0.90	0.90	2.31	/ksf GLA	0.75	1.00	1.00	35
Employee			0.65	0.80	1.00	0.52	/ksf GLA	0.65	0.80	1.00	0.52	/ksf GLA	0.95	1.00	1.00	10
Fine/Casual Dining Restaurant	4,394	sf GLA	8.00	0.90	0.90	6.48	/ksf GLA	8.00	0.90	0.90	6.48	/ksf GLA	1.00	1.00	1.00	28
Employee			1.00	0.80	1.00	0.80	/ksf GLA	1.00	0.80	1.00	0.80	/ksf GLA	1.00	1.00	1.00	3
Residential, 1 Bedroom Units	26	units	0.50	1.00	1.00	0.50	/unit	0.50	1.00	1.00	0.50	/unit	0.97	1.00	1.00	13
Reserved			1	1.00	1.00	1	/unit	1	1.00	1.00	1	/unit	1.00	1.00	1.00	26
Guest	26	units	0.25	1.00	1.00	0.25	/unit	0	1.00	1.00	0	/unit	1.00	1.00	1.00	7
Residential, 2-3 Bedroom Units	55	units	1.00	1.00	1.00	1.00	/unit	1.00	1.00	1.00	1.00	/unit	0.97	1.00	1.00	53
Reserved			1.00	1.00	1.00	1.00	/unit	1.00	1.00	1.00	1.00	/unit	1.00	1.00	1.00	55
Guest	55	units	0.25	1.00	1.00	0.25	/unit	0.25	1.00	1.00	0.25	/unit	1.00	1.00	1.00	14
Office <25 ksf	10,562	sf GLA	0.20	1.00	1.00	0.20	/ksf GLA	0.03	1.00	1.00	0.03	/unit	0.02	1.00	1.00	0
Employee			3.30	0.90	1.00	2.97	/ksf GLA	0.35	0.90	1.00	0.32	/unit	0.10	1.00	1.00	3
ULI base data have been modified from default values.																
													Customer	84	Customer	83
													Employee	82	Employee	77
													Reserved	81	Reserved	81
													Total	247	Total	241

TABLE 14
PEAK MONTH SHARED PARKING SUMMARY

		December														Overall Pk 7 PM		Footnote							
		Weekday Estimated Peak-Hour Parking Demand																							
Projected Parking Supply: 257 Stalls		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM					
Community Shopping Center (<400 tsf)	100%	-	2	7	14	25	35	42	46	46	46	44	39	37	35	30	23	14	5	-	35	35	46	35	1
Employee	100%	1	2	4	8	9	10	10	10	10	10	10	10	10	9	8	4	2	-	-	10	10	10	10	2
Fine/Casual Dining Restaurant	100%	-	-	-	-	4	11	21	18	11	14	21	27	28	28	28	28	27	21	7	28	11	18	28	3
Employee	100%	-	1	2	2	2	3	3	3	3	2	2	3	3	3	3	3	3	3	1	3	3	3	3	4
Residential, 1 Bedroom Units	100%	13	12	11	10	10	9	8	9	9	9	9	11	12	13	13	13	13	13	13	13	9	9	13	-
Reserved	100%	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	-
Guest	100%	-	-	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5
Residential, 2-3 Bedroom Units	100%	55	50	47	44	41	39	36	39	39	39	41	47	50	53	54	54	55	55	55	55	39	39	53	6
Reserved	100%	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	-
Guest	100%	-	1	3	3	3	3	3	3	3	3	3	3	6	8	14	14	14	11	7	14	3	3	14	7
Office <25 tsf	100%	-	-	-	1	2	1	2	1	2	1	2	1	-	-	-	-	-	-	-	1	2	2	-	8
Employee	100%	1	9	24	30	32	32	28	28	32	32	28	16	8	3	2	1	-	-	-	3	32	32	32	9
Customer	-	4	11	19	35	51	67	72	70	62	62	69	76	84	79	72	62	43	18	-	84	51	70	84	-
Employee	70	74	88	94	95	93	85	89	93	92	91	87	83	82	81	79	75	73	69	-	82	83	93	82	
Reserved	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	-	81	81	81	81	
GRAND TOTAL DEMAND		151	159	180	194	211	225	233	242	244	235	234	237	240	247	241	232	218	197	168	247	225	244	247	
Subtotal Demand by User Type																247	225	244	247						
ULI base data have been modified from default values.																247	225	244	247						

Footnote(s):

		December														Overall Pk 7 PM		Footnote							
		Weekend Estimated Peak-Hour Parking Demand																							
Monthly Adj		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM					
Community Shopping Center (<400 tsf)	100%	-	2	5	16	28	32	39	44	46	46	44	42	37	35	30	23	16	7	-	35	32	42	35	1
Employee	100%	1	2	4	8	9	10	10	10	10	10	10	10	9	8	4	2	-	-	-	10	10	10	10	2
Fine/Casual Dining Restaurant	100%	-	-	-	-	4	14	16	13	13	13	17	26	27	28	26	26	26	14	3	27	4	17	27	3
Employee	100%	-	1	1	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	2	3	2	3	3	4
Reserved	100%	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	-
Guest	100%	-	-	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5
Residential, 2-3 Bedroom Units	100%	55	50	47	44	41	39	36	39	39	39	41	47	50	53	54	54	55	55	55	55	39	39	53	6
Reserved	100%	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	-
Guest	100%	-	3	3	3	3	3	3	3	3	3	3	6	8	14	14	14	14	11	7	14	3	3	14	7
Employee	100%	-	1	2	3	3	4	3	3	2	1	1	-	-	-	-	-	-	-	-	4	-	-	-	-
Customer	-	6	9	20	32	40	57	64	63	63	61	68	75	83	79	70	63	50	25	-	83	40	68	83	-
Employee	69	66	65	67	65	64	59	63	62	61	64	71	74	77	78	77	76	73	70	-	77	64	71	77	
Reserved	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	-	81	81	81	81	
GRAND TOTAL DEMAND		150	153	155	168	178	185	197	208	206	205	206	220	230	241	238	228	220	204	176	241	185	220	241	
Subtotal Demand by User Type																241	185	220	241						
ULI base data have been modified from default values.																241	185	220	241						

spaces with a valet assist program, the projected demand can be accommodated and there is a surplus of 10 parking spaces.

Figure 19 illustrates the hourly parking demand pattern for weekdays and weekends during the peak month of December for the Project. As shown in Figure 19, on weekdays in December, parking demand will exceed the on-site without valet assist supply of 207 parking spaces from approximately 9:00 AM to 11:00 PM. On weekends in December parking demand will exceed the on-site without valet assist supply of 207 parking spaces from 1:00 PM to 2:00 PM and again from approximately 5:00 PM to 11:00 PM. During these hours, the Project must operate a valet assist stack parking program to provide at least 247 spaces on weekdays and 241 on weekends in December.

Table 15 provides a summary of when the valet assist program will be needed throughout the year based on peak parking demands. As shown in Table 15, some form of valet assist program that provides additional parking spaces will be required every day of the year, but will generally be required from 11:00 AM to 11:00 PM on weekdays and from 6:00 PM to 11:00 PM on weekends.

Shared Parking Summary

As illustrated by the shared parking analysis, with a valet assist program in place, the projected peak parking demand for the Project (247 spaces) results in a surplus of 10 parking spaces when compared to the projected parking supply of 257 parking spaces.

**TABLE 15
SUMMARY OF VALET ASSIST NEEDS**

Month	Weekday			Weekend		
	Time Period When Demand Exceeds Supply ¹	Peak Period Parking Demand	Additional Spaces Required ²	Time Period When Demand Exceeds Supply ¹	Peak Period Parking Demand	Additional Spaces Required ²
January	11:00 a.m. - 10:00 p.m.	231	24	6:00 p.m. - 11:00 p.m.	220	13
February	11:00 a.m. - 10:00 p.m.	231	24	6:00 p.m. - 11:00 p.m.	221	14
March	11:00 a.m. - 11:00 p.m.	237	30	6:00 p.m. - 11:00 p.m.	225	18
April	11:00 a.m. - 11:00 p.m.	236	29	6:00 p.m. - 11:00 p.m.	225	18
May	11:00 a.m. - 11:00 p.m.	238	31	6:00 p.m. - 11:00 p.m.	227	20
June	11:00 a.m. - 11:00 p.m.	239	32	6:00 p.m. - 11:00 p.m.	227	20
July	11:00 a.m. - 11:00 p.m.	238	31	6:00 p.m. - 11:00 p.m.	226	19
August	11:00 a.m. - 11:00 p.m.	240	33	6:00 p.m. - 11:00 p.m.	229	22
September	11:00 a.m. - 11:00 p.m.	236	29	6:00 p.m. - 11:00 p.m.	224	17
October	11:00 a.m. - 11:00 p.m.	238	31	6:00 p.m. - 11:00 p.m.	227	20
November	11:00 a.m. - 11:00 p.m.	241	34	6:00 p.m. - 11:00 p.m.	228	21
December	10:00 a.m. - 11:00 p.m.	247	40	1:00 p.m. - 2:00 p.m. & 5:00 p.m. - 11:00 p.m.	208 241	1 34

Notes:

¹Supply of 207 permanent spaces

²Above and beyond the 207 permanent spaces

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EXHIBIT E
HOUSING RECOMMENDATIONS

As stated on Page 10 of the staff report, housing staff remains unable to support the proposed project because it does not provide equal access to all amenities and there would be separate amenity areas for the affordable housing tenants and the market-rate owners. Since the July 17, 2014 meeting, the applicant provided scaled conceptual designs for the revised project. Housing staff and the Applicant then had several conversations regarding the proposal and how to best meet the affordable housing needs of the city.

This project would add 17 new affordable units to the existing or entitled 126 affordable units currently west of N. Hayworth Avenue, and would equal the number of units provided by the Sunset/ La Cienega Project. In contrast, there were 35 affordable housing units east of N. Hayworth Avenue prior to development of the recent Monarch/Essex projects.

As a result of plan revisions and further conversations with the Applicant, modifications were made to the housing recommendations. Those changes are reflected in the chart below.

RECOMMENDATIONS

The following recommendations were provided in the July 17, 2014 Planning Commission report in Exhibit E. Language in italics indicates changes. The Applicant team supports these changes, except the requirement for shared amenities in bold.

1. Reduce affordable unit sizes to match affordable units in City's inclusionary program.
Units have been reduced in size
Require 20-percent of market-rate floor area for affordable housing and public benefit.
Tract map will be revised to reflect the affordable housing floor area
2. Require minimum of 17 affordable units with an appropriate mix of one and two bedrooms, and reserve seven units for Very Low Income households.
Unit mix now also includes two studio apartments
3. Require a fee in-lieu of providing three additional Very-Low Income units.
Require an additional fee payment as contribution to the Affordable Housing Trust Fund.
A \$1,000,000 contribution was negotiated in-lieu of the calculations
4. Require a non-profit affordable housing provider as operator of the affordable housing area.
5. Require operational agreement(s) with the HOA and commercial management company preventing the HOA from charging the affordable tenants extraordinary building operation and maintenance costs.
6. Require that the affordable unit component be linked with commercial component to ensure long-term viability if property sold in the future.
This would be done through ties on the tract map and through covenants
7. Require comparable amenity space with windows and possible outside access.
A 1,000 square foot room would be provided adjacent to the common open space.
Housing recommends shared amenities, and these spaces along with the market-rate

pool area would be available to all residents¹.

8. Require a separate neighborhood meeting room with windows and outside access, and specify the number of meetings free for the neighborhood and city.
Meeting room location would be interior with access off elevator lobby, and access to restrooms and beverage/food prep area. Minimum number of meetings 24 each year. Room size minimum of 800 square feet, as opposed to 1,800 square feet.
9. Allow common open space to be 2,000 square feet in-lieu of private open space, subject to Director's approval.
10. Require parking provided free of charge in perpetuity.
11. Require funds to move a City Shuttle stop on Beverly Boulevard closer to the project.

Recommendations have been developed into conditions of approval and included in the resolution recommending approval of the project and resolution recommending approval of the tract map. These conditions are provided below.

CONDITIONS

Housing staff could support this project with the following conditions.

General

- 3.1) The entirety of Chapter 22 of Title 19 of the West Hollywood Municipal Code, Affordable Housing Requirements, applies to this Specific Plan and Project except for those requirements modified by the 8899 Beverly Boulevard Specific Plan.
- 3.2) The affordable/inclusionary housing area layout and floor area shall substantially conform to the revised conceptual plans reviewed by the Planning Commission on August 7, 2014, to the satisfaction of the Director.
- 3.3) All inclusionary units in a residential development shall be constructed concurrently with or before the construction of the non-inclusionary units.
- 3.4) Within 30 days of the approval of the project, the applicant shall execute and record the City's Agreement Imposing Restrictions on Real Property (Inclusionary Housing Agreement).

Require Non-Profit Affordable Housing Provider (#4)

- 3.5) Prior to issuance of a certificate of occupancy, the property owner shall retain an experienced non-profit affordable housing provider to operate and manage the affordable housing component of the project.

¹ Separate amenities have only been approved for projects that included multiple buildings, with affordable units located within one of the buildings. This project locates market-rate and affordable units in the same building. Further, the plan revisions layout most affordable units so that the units look over the market-rate pool area; without allowing access.

Require Operational Agreements (#5)

- 3.6) Prior to issuance of a certificate of occupancy, the applicant/property owner shall execute and record operational agreements with the commercial and non-inclusionary residential (Home Owner's Association) components of the project removing any operational or building maintenance obligation from the affordable/inclusionary housing component.

Funds to Relocate City Shuttle (#11)

- 3.7) Prior to issuance of building permits, the applicant/property owner shall submit funds adequate to cover the costs of relocating an existing City shuttle stop closer to the affordable/inclusionary housing entrance on Beverly Boulevard.

Require 20-Percent of Market-Rate Floor Area for Affordable Housing (#1)

- 3.8) This project utilizes the City's square footage calculation for determining affordable housing requirement; therefore, the project shall include an affordable/inclusionary housing area equal to 20-percent of the gross non-inclusionary residential floor area; in no circumstances, including reduction of the non-inclusionary residential floor area, shall the affordable housing area, consisting of residential floor area of affordable units, amenity area, community meeting room/affordable housing recreation area, hallways, elevators, laundry and trash rooms, and other incidental building areas be less than 22,265 square feet in floor area measured pursuant to City's definition of gross floor area, to the satisfaction of the Director. Although not included in the floor area calculation, the common open space provide on top of the inclusionary building on Rosewood Avenue shall be considered associated with the affordable/inclusionary units because it is being provided in-lieu of private open space for those units.

Require Minimum of 17 Affordable Units (#2)

- 3.9) Seventeen affordable housing units shall be constructed and reserved for households qualifying for affordable income limits. Final bedroom count could be as follows, to the satisfaction of the Director.

Number of Units	Affordability Level	Bedroom Count
2	Moderate Income	Studio
7	Very Low Income	1-bedroom
6	Moderate Income	1-bedroom
1	Moderate Income	2-bedroom
1	Manager's Unit (not income-limited)	1-bedroom

- 3.10) The affordable/inclusionary housing area shall be located on the north side of the third floor in the Beverly Building, and in the adjacent building fronting on Rosewood Avenue.

The Beverly Building shall contain at a minimum 10 one-bedroom apartments, amenity area, community meeting, laundry facilities, trash room, storage area, and access elevator to the first floor lobby and below ground garage. The Rosewood Avenue Building shall contain up to seven affordable units and elevator access to the below ground garage and access to Rosewood Avenue.

Allow Common Open Space In-Lieu of Private Open Space (#9)

- 3.11) Private outdoor space shall not be required in exchange for the provision of at least 2,000 square feet of common outdoor space provided in whole and located on the top of the affordable/inclusionary housing building fronting on Rosewood Avenue.

Require Affordable Unit Component be Linked with Commercial Component (#6)

- 3.12) Prior to submitting an application for final tract map approval, the affordable/inclusionary housing area shall be legally tied to the commercial component of the project by a legally binding and recorded lot tie agreement in a form approved by the City Attorney.
- 3.13) Prior to submitting an application for final tract map approval and because fewer units than would be financially self-sufficient over the long-term are proposed, and as part of the documented public benefit to justify clustering the affordable units, the applicant shall record covenants against the commercial component and the affordable housing area assigning financial responsibility for the affordable housing to the owner of the commercial area and specifically obligating the owner of the commercial component to fund the difference between the revenue from the statutory affordable rents and the operating budget for the affordable housing project.

Require 20-Percent of Market-Rate Floor Area for Affordable Housing (#1)

- 3.14) Prior to finalizing the tentative tract map, the affordable/inclusionary housing area shall be revised to be 22,265 square feet in floor area and accurately reflect the affordable/inclusionary area as depicted on the plans reviewed by the Planning Commission on August 7, 2014.

General

- 3.15) The project shall provide seven affordable units reserved for very low income households. The base unit count stated for this project is 60, which shall yield a maximum of 21 additional, 'bonus', units inclusive of the 17 affordable units required provided that the affordable units are continuously offered for rent.
- 3.16) In no circumstances shall less than 17 affordable units, which is the minimum requirement for utilizing the City's square footage calculation, be constructed and continuously offered, managed, and maintained as rental units for households qualifying for the specified income limits as stated prior.

Documented Public Benefit for Clustering Units (#3, #8)

- 3.17) The applicant/property owner shall provide the following documented public benefit: Prior to final tract map provide covenants against the affordable housing area and commercial area as described above, prior to issuance of building permits provide a \$1,000,000 dollar contribution to the City's affordable housing trust fund, and upon

issuance of a Certificate of Occupancy enter into an agreement with a non-profit housing provider to provide management for the affordable housing area and also provide a community meeting room designed and operated substantially as described following.

- 3.18) The community meeting room shall be at least 800 square feet and shall be located substantially as depicted on the plans reviewed by the Planning Commission on August 7, 2014. Main access to the community room shall be provided from an elevator lobby. The community room shall be made available to the City or community organizations/groups a minimum of two times per month or 24 times in a calendar year. A beverage/food preparation area and public restrooms shall be made available for participants to use during events.

Reduce Units Sizes to Match Affordable Units in Inclusionary Program (#1)

- 3.19) Affordable/inclusionary units shall be sized substantially in proportion to the units reviewed by the Planning Commission on August 7, 2014, and shall be of 'builder's quality' in terms of appearance, finished quality, materials, and appliances as approved by the review authority, to the satisfaction of the Director.

Provide Shared Amenity Space (#7)

- 3.20) At least 1,000 square feet of amenity space with windows and direct access outside shall be provided in the location depicted on the plans reviewed by the Planning Commission on August 7, 2014.
- 3.21) Amenity space shall be shared in common between the affordable/inclusionary housing unit tenants and the non-inclusionary home owners and residents shall have access to all amenities.

Provide Parking Free of Charge (#10)

- 3.22) Parking for the affordable/inclusionary housing component including parking for tenants, on site manager, and supporting staff shall be provided free of charge in perpetuity.

CONCLUSION

As revised housing staff still does not support the project because amenity areas would not be shared by all residents. Housing Staff, however, would support the project if amenities were shared and all conditions recommended were included. The conditions in whole are intended to ensure that the provided units align with the City's affordable housing policies and requirements, ensure that the units would be financially successful, and ensure that the units would be compatible with the inclusionary program and help meet the city's affordable housing need.

If the Planning Commission wished to recommend approval of the project, staff would request that the approval be conditioned on housing staff's recommendations included in this exhibit.

...

Attachment:

July 24, 2014 – 17 Unit Affordable Housing Analysis, Keyser Marston Associates

EXHIBIT E
Attachment 1

17 Unit Affordable Housing Analysis
Keyser Marston Associates

TABLE 1

30 YEAR CASH FLOW PROJECTION
 2 STUDIO, 14 ONE-BDRM & 1 TWO-BDRM UNITS
 7 VL INC, 9 MOD INC & 1 MGR UNITS
 8899 BEVERLY BOULEVARD
 WEST HOLLYWOOD, CALIFORNIA

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
I. Gross Income								
Tenant Rents	\$166,056	\$170,207	\$174,463	\$178,824	\$183,295	\$187,877	\$192,574	\$197,388
Laundry Income	816	836	857	879	901	923	946	970
Potential Residential Gross Income	\$166,872	\$171,044	\$175,320	\$179,703	\$184,195	\$188,800	\$193,520	\$198,358
Vacancy & Collection Allowance	(8,344)	(8,552)	(8,766)	(8,985)	(9,210)	(9,440)	(9,676)	(9,918)
Effective Gross Income (EGI)	\$158,528	\$162,492	\$166,554	\$170,718	\$174,986	\$179,360	\$183,844	\$188,440
II. Operating Expenses								
Annual Operating Expenses	(\$95,893)	(\$99,249)	(\$102,723)	(\$106,318)	(\$110,039)	(\$113,891)	(\$117,877)	(\$122,003)
On-Site Manager Salary	(15,000)	(15,525)	(16,068)	(16,631)	(17,213)	(17,815)	(18,439)	(19,084)
Parking Space Rentals	0	0	0	0	0	0	0	0
Property Taxes & Assessments	(10,700)	(10,914)	(11,133)	(11,355)	(11,582)	(11,814)	(12,050)	(12,291)
Replacement Reserve Deposits	(5,950)	(6,158)	(6,374)	(6,597)	(6,828)	(7,067)	(7,314)	(7,570)
Total Operating Expenses	(\$127,543)	(\$131,847)	(\$136,298)	(\$140,901)	(\$145,663)	(\$150,587)	(\$155,680)	(\$160,948)
III. Net Annual Operating Income (NOI)	\$30,985	\$30,645	\$30,256	\$29,816	\$29,323	\$28,773	\$28,164	\$27,492

Notes:

- Increases are set at 2.5% per year.
- Based on 2 Moderate Income studio units at \$816 per month; 7 Very-Low Income one-bedroom units at \$636 per month; 6 Moderate Income one-bedroom units at \$932 per month; and 1 Moderate Income two-bedroom unit at \$1,230. The on-site manager unit rent is set at Moderate Income.
- Set at \$4.00 per unit per month.
- Set at 5% of Gross Income.
- Increases are set at 3.5% per year for all operating expenses except for property taxes.
- Set at \$5,641 per unit per year. Includes readjustments from the Base Case to reflect fixed expenses and the elimination of premium costs for large units.
- Assumes that 18 spaces are provided. The parking rate is set at \$0 per space per year.
- Assumes the Very-Low Income units and the on-site manager unit will pay assessment overrides at \$250 per unit per year. The property tax expense for the Moderate Income units is based on the NOI from the Moderate Income units capitalized at a 7.0% rate and a 1.25% tax rate. Property taxes are increased at 2.0% per year.
- Set at \$350 per unit per year.

TABLE 1

30 YEAR CASH FLOW PROJECTION
 2 STUDIO, 14 ONE-BDRM & 1 TWO-BDRM UNITS
 7 VL INC, 9 MOD INC & 1 MGR UNITS
 8899 BEVERLY BOULEVARD
 WEST HOLLYWOOD, CALIFORNIA

	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16
I. <u>Gross Income</u>								
Tenant Rents	\$202,323	\$207,381	\$212,566	\$217,880	\$223,327	\$228,910	\$234,633	\$240,499
Laundry Income	994	1,019	1,045	1,071	1,097	1,125	1,153	1,182
Potential Residential Gross Income	\$203,317	\$208,400	\$213,610	\$218,951	\$224,424	\$230,035	\$235,786	\$241,680
Vacancy & Collection Allowance	(10,166)	(10,420)	(10,681)	(10,948)	(11,221)	(11,502)	(11,789)	(12,084)
Effective Gross Income (EGI)	\$193,151	\$197,980	\$202,930	\$208,003	\$213,203	\$218,533	\$223,996	\$229,596
II. <u>Operating Expenses</u>								
Annual Operating Expenses	(\$126,273)	(\$130,692)	(\$135,267)	(\$140,001)	(\$144,901)	(\$149,972)	(\$155,221)	(\$160,654)
On-Site Manager Salary	(19,752)	(20,443)	(21,159)	(21,900)	(22,666)	(23,459)	(24,280)	(25,130)
Parking Space Rentals	0	0	0	0	0	0	0	0
Property Taxes & Assessments	(12,537)	(12,788)	(13,044)	(13,305)	(13,571)	(13,842)	(14,119)	(14,401)
Replacement Reserve Deposits	(7,835)	(8,109)	(8,393)	(8,687)	(8,991)	(9,306)	(9,631)	(9,968)
Total Operating Expenses	(\$166,397)	(\$172,033)	(\$177,862)	(\$183,892)	(\$190,129)	(\$196,579)	(\$203,252)	(\$210,154)
III. <u>Net Annual Operating Income (NOI)</u>	\$26,754	\$25,947	\$25,067	\$24,111	\$23,075	\$21,954	\$20,744	\$19,442

TABLE 1

30 YEAR CASH FLOW PROJECTION
 2 STUDIO, 14 ONE-BDRM & 1 TWO-BDRM UNITS
 7 VL INC, 9 MOD INC & 1 MGR UNITS
 8899 BEVERLY BOULEVARD
 WEST HOLLYWOOD, CALIFORNIA

	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24
I. <u>Gross Income</u>								
Tenant Rents	\$246,511	\$252,674	\$258,991	\$265,465	\$272,102	\$278,905	\$285,877	\$293,024
Laundry Income	1,211	1,242	1,273	1,304	1,337	1,371	1,405	1,440
Potential Residential Gross Income	\$247,722	\$253,915	\$260,263	\$266,770	\$273,439	\$280,275	\$287,282	\$294,464
Vacancy & Collection Allowance	(12,386)	(12,696)	(13,013)	(13,338)	(13,672)	(14,014)	(14,364)	(14,723)
Effective Gross Income (EGI)	\$235,336	\$241,220	\$247,250	\$253,431	\$259,767	\$266,261	\$272,918	\$279,741
II. <u>Operating Expenses</u>								
Annual Operating Expenses	(\$166,277)	(\$172,097)	(\$178,120)	(\$184,354)	(\$190,807)	(\$197,485)	(\$204,397)	(\$211,551)
On-Site Manager Salary	(26,010)	(26,920)	(27,862)	(28,838)	(29,847)	(30,891)	(31,973)	(33,092)
Parking Space Rentals	0	0	0	0	0	0	0	0
Property Taxes & Assessments	(14,689)	(14,983)	(15,283)	(15,589)	(15,900)	(16,218)	(16,543)	(16,873)
Replacement Reserve Deposits	(10,317)	(10,678)	(11,052)	(11,439)	(11,839)	(12,254)	(12,682)	(13,126)
Total Operating Expenses	(\$217,294)	(\$224,678)	(\$232,317)	(\$240,219)	(\$248,393)	(\$256,848)	(\$265,595)	(\$274,643)
III. <u>Net Annual Operating Income (NOI)</u>	\$18,043	\$16,541	\$14,933	\$13,212	\$11,374	\$9,413	\$7,323	\$5,098

TABLE 1

30 YEAR CASH FLOW PROJECTION
 2 STUDIO, 14 ONE-BDRM & 1 TWO-BDRM UNITS
 7 VL INC, 9 MOD INC & 1 MGR UNITS
 8899 BEVERLY BOULEVARD
 WEST HOLLYWOOD, CALIFORNIA

	Year 25	Year 26	Year 27	Year 28	Year 29	Year 30
I. <u>Gross Income</u>						
Tenant Rents	\$300,350	\$307,859	\$315,555	\$323,444	\$331,530	\$339,818
Laundry Income	1,476	1,513	1,551	1,589	1,629	1,670
Potential Residential Gross Income	\$301,826	\$309,371	\$317,106	\$325,033	\$333,159	\$341,488
Vacancy & Collection Allowance	(15,091)	(15,469)	(15,855)	(16,252)	(16,658)	(17,074)
Effective Gross Income (EGI)	\$286,734	\$293,903	\$301,250	\$308,782	\$316,501	\$324,414
II. <u>Operating Expenses</u>						
Annual Operating Expenses	(\$218,955)	(\$226,619)	(\$234,550)	(\$242,760)	(\$251,256)	(\$260,050)
On-Site Manager Salary	(34,250)	(35,449)	(36,689)	(37,974)	(39,303)	(40,678)
Parking Space Rentals	0	0	0	0	0	0
Property Taxes & Assessments	(17,211)	(17,555)	(17,906)	(18,264)	(18,630)	(19,002)
Replacement Reserve Deposits	(13,586)	(14,061)	(14,553)	(15,063)	(15,590)	(16,136)
Total Operating Expenses	(\$284,002)	(\$293,684)	(\$303,699)	(\$314,060)	(\$324,778)	(\$335,866)
III. <u>Net Annual Operating Income (NOI)</u>	\$2,733	\$219	(\$2,449)	(\$5,279)	(\$8,277)	(\$11,453)

[REDACTED]

From: JOEL BECKER [REDACTED]
Sent: Thursday, July 17, 2014 6:23 PM
To: Brian Lewis; Emily Stadnicki
Subject: 8899 Development

Dear Planning Commission Members,

My name is Joel Becker resident at 8747 Ashcroft Ave, due to an emergency I cannot attend tonight's meeting but would like to have this read.

I wish to support Tyler Siegel and John Irwin 's project. At first they presented a proposal to our neighborhood that was not acceptable in size or scope. However after numerous meeting with various members of our community I think they have tried to address many of the concerns successfully.

I hope the planning commission will give them the opportunity to work with them to allow this exciting and needed development to go forward. Also, I disagree with the staff's assessment that the aesthetics are uninspired, eg I believe the type of glass curtain walls they propose are attractive and "top of the line"

They have put a great deal of work into meeting the community concerns.

Sincerely,

Joel L. Becker, Ph.D.

Director and Founder, Cognitive Behavior Associates and

Cognitive Behavioral Therapy Institute Clinical Professor, Department of Psychology, UCLA Diplomate, Fellow, Certified Trainer/Consultant,

Academy of Cognitive Therapy

Asst. Clinical Professor, Department of Psychiatry and Biobehavioral Sciences,

David Geffen School of Medicine at UCLA

310-858-3831
[REDACTED]

Please respond to [REDACTED]

Please note that CBA staff does not maintain 24-hour access to email. Do not attempt to communicate urgent clinical matters via email. In the event of an emergency, please call 911 and/or go to your local emergency room immediately.

Email communication of confidential information is not recommended due to limited assurance of privacy, despite efforts to maintain it. This e-mail and any attachments may be legally privileged, and can contain confidential information meant for the sole use of intended recipients. If you received this message in error, please inform me of its delivery by return email. You may not retain, distribute, disclose or use any of the contained information.

Sent from my iPad

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Sharita Ellies

From: Alek <alek3000@sbcglobal.net>
Sent: Wednesday, July 30, 2014 11:20 AM
To: Emily Stadnicki
Subject: Support of 8899 Beverly Blvd. project

Dear Representative:

I am a local resident, and am in strong support of the 8899 Beverly Blvd project. I am excited that the project will transform the outdated design - which is currently very anti-pedestrian and too car-oriented - into a more pedestrian-friendly, walkable environment! I am also happy that landscaping and better streetscape will be implemented.

I would also strongly suggest to install better sidewalk covering - e.g. decorative, block-stone / brick-stone / tile covering, to enhance pedestrian experience. In other words, something other than plain concrete & cement should be used on sidewalks.

Last but not least. I'm quite appalled by the local NIMBY opposition, who make no sense in their arguments. It appears, the NIMBY's just oppose for the sake of opposing! I strongly hope City of WeHo will use common sense and do not take the opposing arguments seriously, as they make no sense.

Thank you, in advance, for your consideration. I look forward to City of West Hollywood's full approval of the project, and to the successful & timely completion of 8899 Beverly Blvd transformation!

Sincerely,
Alexander Friedman,
Hollywood, California
(323) 465-8511

July 15, 2014

West Hollywood Planning Commission
8300 Santa Monica Boulevard
West Hollywood, CA 90069

Re: 8899 Beverly Boulevard
DMP-012-022, DVP-012-043, GPA-012-003, TTM-012-004, ZMA-012-017

Dear Chair DeLuccio and Honorable Commissioners:

We are writing on behalf of our client, Beverly Blvd Associates, L.P. (the “**Applicant**”), the owner and developer of the proposed mixed-use project located at 8899 Beverly Boulevard (the “**Project**”), in response to the Community Development Department Staff Report (the “**Staff Report**”) prepared for the July 17, 2014 Planning Commission meeting on the Project. We would like to thank the members of the City’s staff, particularly in the Community Development Department and the Rent Stabilization and Housing Division, for all of their hard work on the Project and in preparation of the Staff Report.

Although the Staff Report recommends disapproval of the Project, the vast majority of the Staff Report was written before the Rent Stabilization and Housing Division Staff proposed the affordable housing conditions contained in Exhibit E to the Staff Report (“**Exhibit E**”). With the adoption of the conditions described in Exhibit E, which are acceptable to the Applicant, the Project provides the extraordinary public benefits that justify the Planning Commission’s ability to recommend that the City Council adopt the Specific Plan, amend the General Plan, and approve the Project.

I. THE PROJECT PROVIDES EXTRAORDINARY PUBLIC BENEFITS

The Project is important for the City because it will increase housing opportunities in the southwest corner of the City and provide a significant amount of affordable units in an area where few, if any, exist. With the conditions outlined in Exhibit E, the Project will provide substantially more affordable units than would otherwise be required by the state’s affordable housing density bonus law, commonly known as SB 1818 and codified in Section 65915 of the California Government Code, or Section 19.22.050 of the West Hollywood Municipal Code (the “**City Code**”). The Project would now provide 17 on-site affordable units, and pay an in-lieu fee for three additional affordable units as well as an additional fee payment as contribution to the City’s Affordable Housing Trust Fund, for a total payment of more than \$1 million.

The Applicant has applied for the Project under SB 1818, which requires that only 11% of the base units, or 7 units, be affordable in order to qualify for the requested density bonus. Under the City Code, only 20%, or 12 units, are required to be affordable in order to satisfy the City’s

West Hollywood Planning Commission
July 15, 2014
Page 2

inclusionary housing requirements. As conditioned by Exhibit E, 33% of the base units contained in the Project, or 20 units (17 on-site and an in-lieu payment for three units), would be provided, which is significantly higher than what either state law or the City Code require. The Project would contain the largest number of affordable units ever built in the western part of the City. Moreover, 50% of the affordable units will be reserved for very low-income households (including the in-lieu fee payment), even though the City Code requires no units to be set aside for very low-income households. Similarly, the units would be set aside as rental rather than for-sale units, and the Applicant would pay fees of more than \$1 million, as described above. Taken together, the Project as conditioned by Exhibit E provides an extraordinary public benefit to the City.

II. THE PLANNING COMMISSION MAY FIND THAT THE EXTRAORDINARY PUBLIC BENEFITS THE PROJECT PROVIDES JUSTIFY ADOPTING THE SPECIFIC PLAN AND AMENDING THE GENERAL PLAN

The Staff Report discusses the criteria that should be used to consider increases in the General Plan's permitted FAR and height on pages 17-18, pointing out that increases could be approved when one or more of the four criteria were met (General Plan Policy LU-2.8), and concluding that the Project as submitted did not meet any of the four criteria. As conditioned by Exhibit E, however, the Planning Commission may find that the Project meets one or more of the four criteria;

- a. Expand existing facilities or introduce new uses which are considered to be of significant importance (public benefits, historical use, socially-valued use, etc.)

The Project would now include 17 on-site affordable units, including 7 for very low-income households and 10 for moderate-income households, making the Project's affordable housing component the largest ever provided on the west side of the City. The Project would provide enhanced amenities for the affordable units, as well as space for meetings and gatherings for use by the neighbors and City, as well as more than \$1 million in additional public benefits as payment to the City's Affordable Housing Trust Fund and an in-lieu payment.

- b. Provide significant benefits to the City.

The Project would now include more than 40% more on-site affordable housing units than proposed, the most ever provided on the west side of the City, a payment of more than \$1 million to the City's Affordable Housing Trust Fund, along with numerous other programmatic benefits described in Exhibit E, inclusive of a neighborhood/community meeting room, that would not otherwise occur.

PAUL HASTINGS

West Hollywood Planning Commission
July 15, 2014
Page 3

- c. Offer architectural design that is of unusual merit and will enhance the City.

At the Planning Commission's Design Review Subcommittee meeting on the Project, held on June 13, 2013, the Subcommittee members enthusiastically endorsed the design of the 8899 Beverly building, referring to it as "elegant and understated" and "absolutely sensational."¹ Commissioner Altschul stated that he was very pleased with the design, found that the horizontal aspect of the building is compatible with the existing Beverly Boulevard streetscape, and that the proposed changes continue the horizontal look in a "majestic way." Commissioner Aghaei indicated that he was pleased with the juxtaposition with other surrounding buildings, and that the changes pay respect to the "understated, simplistic and elegant style" of the existing building by highlighting and setting the new additions back from the existing façade. Contrary to the discussion in the Staff Report, the Subcommittee unanimously expressed strong support for the proposed changes to the 8899 Beverly building. The Subcommittee and some of the neighbors on Rosewood Avenue have expressed some concerns with the design of the Rosewood Avenue portion of the Project relating to the appearance and massing of the townhomes in the context of the surrounding neighborhood. In order to address these concerns, the Applicant would be willing to accept a condition to reduce the 13 townhomes fronting on Rosewood Avenue to 10 detached single-family homes, and to eliminate the street-front garages for four of these units, as described in more detail in Section IV of this letter.

- d. Affordable Housing.

The Project's on-site affordable housing units would be increased by more than 40%, for a total of 17 units, making the Project's affordable housing component the largest ever provided on the west side of the City, and an in-lieu fee for three additional very low-income units, as well as an additional payment to the City's Affordable Housing Trust Fund, totaling more than \$1 million, would be paid to the City pursuant to the conditions outlined in Exhibit E. The Project would also include very low-income units, which the City would not otherwise require. In addition, unit sizes would be reduced, and they would remain for-rent rather than for-sale, to fit the City's affordable housing needs more closely.

In addition to meeting one or more of the criteria to be used to allow increases in the General Plan's permitted FAR and height, the Environmental Impact Report prepared for the Project (the "EIR") found no inconsistencies between the Project as proposed and the General Plan, but rather found the Project to be consistent with the applicable goals and policies of the Land Use and Urban Form Element of the General Plan.

¹ James Mills, "8899 Beverly Project Gets Mixed Design Review," *WEHOville*, 6/14/2013, <http://www.wehoville.com/2013/06/14/8899-beverly-project-gets-mixed-design-review>. The Staff Report appears to repeat most of the language from the City's staff report prior to the Subcommittee meeting, and does not reflect the Design Review Subcommittee's strong support for the unusual merit of the design of the 8899 Beverly building.

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Further, the Project is fully consistent with the uses currently prescribed by the General Plan for the Project site. In fact, the Project converts a fully commercial parking lot that is within the R1-B zoned neighborhood to 100% residential uses, and provides new residential uses within the existing commercial building, which is not only permissible, but encouraged under the General Plan.

Finally, the Applicant believes that the repositioning of the Project as a mixed-use development will serve as a catalyst for the continued revitalization of this stretch of Beverly Boulevard and the surrounding area. A detailed discussion of the many additional benefits of the Project is attached as Exhibit A.

III. UNDER APPLICABLE STATE LAW AND THE CITY'S MUNICIPAL CODE, THE CITY MAY NOT DENY THE PROJECT, SINCE IT QUALIFIES FOR A DENSITY BONUS AND PROVIDES AFFORDABLE HOUSING

The Applicant is relying upon the density bonus provisions of SB 1818 as set forth in Section 65915 of the California Government Code, and Section 19.22.050 of the City Code, in connection with the Project. The requested density bonus is entirely consistent with the density bonus calculations set forth in Section 19.22.050.D.2.b of the City Code and with the densities permitted for other development projects that have used the density bonus provisions. Without the density bonus, no affordable housing units would be provided on the Project site.

Contrary to the claim on page 18 of the Staff Report that the Applicant has not requested any concessions in connection with the requested density bonus, the Applicant's request for the General Plan Amendment and the Specific Plan, with site-specific development standards, is itself the requested concession, incentive and waiver of development standards necessary for the production of affordable housing units pursuant to Government Code Section 65915 and City Code Section 19.22.050.E.2.g, as has been made explicit in the numerous letters, emails and meetings with Staff. Pursuant to Government Code Section 65915(k)(2), an incentive includes the approval of mixed-use zoning in conjunction with a housing project if commercial and office land uses will reduce the cost of the housing development and if such uses are compatible with the housing project and the existing or planned development in the area where such a project is proposed. This is exactly the case with the Project, where the Applicant is requesting an incentive of a General Plan Amendment and Specific Plan to allow a mixed-use project on a site that is currently split between commercial and residential zoning, since the mixed-use zoning will allow compatible commercial uses that will reduce the cost of the housing development.

According to California Government Code Section 65915(d)(1), the City must grant the requested concessions and incentives unless it finds that the concessions and incentives (i) would have a specific adverse impact upon public health or safety or the physical environment or a historic resource, or (ii) are not required in order to provide for affordable housing costs, or (iii) would be contrary to state or federal law. These findings cannot be made. As disclosed by the EIR, the Project would not have any long-term significant impacts, and would only have a short-

term noise impact during some phases of the Project's construction, like any other construction project.

Nevertheless, the Staff Report appears to argue on page 19 that the Specific Plan should be denied because it is not consistent with the City's General Plan. However, California Government Code Section 65589.5(d)(2), which defines "specific, adverse impact" for the purposes of California Government Code Section 65915(e)(1), is crystal clear: "[I]nconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety." Therefore, any claims of the Project's inconsistency with the Zoning Ordinance or General Plan cannot be used as a basis for a finding of a specific, adverse impact. If there is no specific adverse impact, the concession requested – in this case the General Plan Amendment and Specific Plan – must be approved.²

The Staff Report's attempted distinction between the density bonus and the legislative act of approving the General Plan Amendment has no basis in SB 1818 or any other provision of state law or the City Code. In addition, if the Specific Plan and General Plan Amendment are approved, there would be no inconsistency, since the applicable regulations would have been amended by legislative action of the City to accommodate the Project. Therefore, there are no specific adverse impacts upon the public health and safety, and the Project must be approved.

California Government Code Section 65915(e)(1) also provides that a City shall not apply any development standard that will have the effect of physically precluding the construction of a housing development that qualifies for a density bonus, and that an applicant may submit a proposal for the waiver or reduction of development standards that physically preclude the construction of such a housing development. In this case, the current zoning of the Project site precludes the construction of such a housing development containing 17 affordable units (or even the 7 affordable units required under SB 1818). A city must approve a proposal for the waiver of development standards that physically prevent the construction of a qualifying housing development, unless it finds that such waivers would have a specific, adverse impact upon health, safety or the physical environment. Again, the EIR demonstrates that the Project will not have a specific adverse impact upon health, safety and the physical environment. Therefore, the Applicant is requesting the Specific Plan in order to allow the construction of the Project, including the proposed affordable housing units, which would otherwise be physically precluded by the application of the development standards of the Zoning Ordinance.

² The requested Project approvals, including the General Plan Amendment and Specific Plan, are necessary to provide for affordable housing costs because the rehabilitation cost for the existing building would be prohibitive without the density bonus based upon the entire 1.73-acre Project site, and the requested Project approvals are not contrary to state or federal law.

IV. ACCEPTABLE CONDITIONS ON THE PROJECT IN RESPONSE TO COMMUNITY AND CITY STAFF INPUT

For more than a year, the Applicant has been in continuous dialogue with Project neighbors and representatives of the West Hollywood West community about density issues, particularly on Rosewood Avenue, and meeting with City Staff about housing and planning issues. The Project neighbors and representatives of the West Hollywood West community have been concerned that the 13 townhomes proposed for Rosewood Avenue are too many, and would prefer single-family homes in this area. At the same time, City Staff has been concerned that if the affordable units in the Project are increased, then additional environmental analysis may need to be undertaken. As a result of these discussions, the Applicant would be willing to accept conditions on the Project to reduce the density on Rosewood Avenue and to reduce the number of market-rate units so that the overall number of units in the Project remains the same.

A. Reduction in Market-Rate Units Along Rosewood Avenue

The Applicant would be willing to accept a condition to reduce the number of market-rate units to be constructed along Rosewood Avenue from 13 to 10. The 10 homes would be detached single-family structures, rather than the 13 attached townhomes proposed in the application as duplex and triplex structures.³ Four of the garages would be located in the rear of the single-family dwellings. The indoor pool and two-story pool house in the application would be replaced with an outdoor pool and a one-story, approximately 1,500 square-foot accessory building that would act as a physical and noise barrier between the pool and Rosewood Avenue (while still respecting the 15 foot front yard setback). The building on Rosewood Avenue containing affordable units would remain. With these changes, the development along Rosewood Avenue would respect all material zoning requirements of the R1-B zone, including the height limit, setback requirements, and density limits (the floor area ratio would be 0.675:1, which equals the base 0.5:1 density with the 35% density bonus for providing affordable housing).

B. Reduction in Market-Rate Units in 8899 Beverly Building

The Applicant would also be willing to accept a condition to reduce the number of market-rate units in the 8899 Beverly building from 56 units to 54 units, such that the overall unit count of the Project would remain at 81 units. Although the City's conditions in Exhibit E require an increase in the number of on-site affordable units from 12 to 17, the overall number of units within the Project would be maintained at 81, as shown in the following table:

³ These single-family homes would be airspace condominium units over the subterranean garage.

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	<u>Project as Proposed</u> (No. of Units)	<u>Project as Conditioned</u> (No. of Units)
Beverly: Market Rate Units	56	54
Rosewood: Market Rate Units	13	10
Affordable Housing Units	12	17
TOTAL	81	81

This would be accomplished by reducing the 13 townhomes proposed on the Rosewood Avenue portion of the Project site to 10 single-family dwellings, and by combining units in the 8899 Beverly building to reduce the total number of market rate condominium units from 56 to 54. Since the overall unit count would be the same, no additional environmental analysis would be warranted or required by the California Environmental Quality Act.

V. CONCLUSION

The Applicant has requested approval of a General Plan Amendment, Specific Plan, and related approvals, in connection with the development of a project that complies with the requirements of SB 1818 and the City's affordable housing requirements.

The City's conditions with respect to the Project's affordable housing component, which are discussed in detail in Exhibit E, are acceptable to the Applicant. These conditions include an increase of more than 40% of the number of affordable units provided within the Project, payment of more than \$1 million to the City's Affordable Housing Trust Fund, along with other enhanced affordable housing provisions. With the inclusion of the conditions listed in Exhibit E, the Project would provide an extraordinary and tangible public benefit that justifies the Planning Commission recommending that the City Council amend the General Plan pursuant to the criteria listed on page 18 of the Staff Report, adopt the Specific Plan, and approve the Project.

VI. REQUESTED ACTIONS

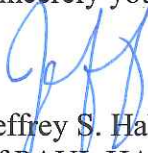
If the Planning Commission agrees, the Applicant respectfully requests that the Planning Commission direct Staff to prepare the necessary resolutions required in connection with the approval of the Project to be included on the consent calendar at the next Planning Commission meeting, as follows: 1) recommend that the City Council certify the final Environmental Impact Report, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring Program in connection with the requested Project approvals; 2) recommend that the City Council approve the Project as submitted, subject to the following conditions: (i) the conditions set forth in Exhibit E; (ii) reduce the number of market-rate units along Rosewood Avenue from 13 to 10 with the related modifications discussed in Section IV of this letter; and (iii) reduce the number of market-rate units in the 8899 Beverly building from 56 units to 54 units.

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HASTINGS

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Thank you for your consideration, and please do not hesitate to contact me if you have any questions or comments.

Sincerely yours,



Jeffrey S. Haber
of PAUL HASTINGS LLP

cc: City Staff
Beverly Blvd Associates, L.P.

LEGAL_US_W # 79151358

EXHIBIT A

8899 BEVERLY BOULEVARD

Public Benefits

I. HOUSING

The 8899 Beverly Project will bring 56 condominiums, 10 detached single-family homes and 17 affordable rental units for households with varying income levels without removing any existing housing stock within the City. This new housing stock is supplied through the recycling and repurposing of an existing building and by replacing surface parking with underground parking. There is no other large-scale project within West Hollywood that simultaneously adds new housing while de-intensifying the use and reducing traffic.

II. AFFORDABLE HOUSING

A. Location of Affordable Units

The Project presents a unique opportunity to locate affordable units in the far west area of the City of West Hollywood, on a transportation corridor proximate to major bus stops and activity centers. The units are distributed across Beverly Boulevard and Rosewood Avenue in relative proportion to the market rate for-sale units.

B. Unit Type and Mix

The number of affordable units exceeds the 11% of Very Low Income units required to achieve the requested density bonus – in fact, the overall number of affordable units, including the in-lieu payment for three very low-income units is 33% of the number of market-rate units (pre-density bonus). The total gross floor area of the on-site affordable housing component, including amenity and support areas, is approximately 22,265 square feet.

A total of 17 affordable units will be provided on-site, including an appropriate mix of one- and two-bedroom units, and an in-lieu payment for three very low-income units would be made, along with a payment to the City's Affordable Housing Trust Fund.

C. Common Space

The affordable rental units have their own indoor and outdoor amenity spaces that can be programmed to best suit the needs of the residents. The centrally located common indoor amenity space includes a kitchen and social areas. Additionally, landscaped outdoor common area is provided. The layout of the affordable housing component facilitates management of the units and will allow all affordable housing facilities to be contained within a single airspace lot that can be financed or sold separately to ensure long-term rental affordability.

D. Long-term Affordability

The affordable units will be maintained and offered as rentals, rather than for-sale, to help meet the long-term affordability objectives and occupancy needs of the City.

III. ADAPTIVE REUSE

Adaptive reuse is recycling. The process takes an out-of-date concrete and steel office building and repurposes it. The result of converting the building to residential use is de-intensification in terms of traffic, parking and energy usage. The mixed-use nature of the Project in an area that provides for an array of neighborhood amenities creates a self-sustaining environment that enhances the lifestyle of its community and will translate into residents driving less and walking more.

IV. BEVERLY BOULEVARD RETAIL EXPERIENCE

The adaptive reuse of the building eliminates the underground space and the ramps to create true street-front retail that is at the grade of the sidewalk. The amount of linear feet of at-grade retail along the sidewalk will go from 15 feet to approximately 90 feet. Other elements of the retail renovation include an expansion of the storefronts to 25 feet in height, removal of the westernmost driveway, as well as wider sidewalks and new paving, lighting, landscaping and street furniture consistent with the recently approved street improvement plan that covers Beverly Boulevard, Melrose Avenue and Robertson Boulevard.

V. UNDERGROUND PARKING

Central to the redevelopment of the property is removing the commercial parking lot along Rosewood Avenue that is out-of-character, disruptive and inconsistent with the low-density residential neighborhood. The proposal eliminates the surface parking lot by placing it underground and accessed exclusively from Beverly Boulevard. From the Rosewood street level, only two-story residential uses will be added.

VI. IMPROVEMENTS TO THE SITE

A. Architecture & Beautification

The design sensitivity that is proposed means that only the highest design standards, highest grade materials and superior construction techniques will be utilized to create landmark architecture.

B. Seismic Retrofit

Making the building compliant with modern seismic and structural code requirements involves the strengthening of every column within the building at every floor, the addition of a substantial amount of shear wall and reinforcing of the foundation.

C. Code Compliance

The adaptive reuse will bring the building to code compliance with regard to current life safety, smoke control and ADA issues.

D. Energy Code Compliance

The mechanical, electrical, plumbing and enclosure/glazing systems will be replaced, creating one of the most energy efficient buildings in West Hollywood. Further, adherence to the newest Title 24 energy guidelines ensures that the building is held to the highest energy standards and minimizes its use of natural resources.

E. Underground Utilities

The dry utilities, which currently hang from poles in the middle of the property, will be placed underground.

VII. GREEN BUILDING

The building will be designed to LEED standards. The recycling of the building materials, the shortened construction duration and the resulting energy efficiency means that the building will draw less from the environmental resources.

VIII. PUBLIC SAFETY

The change of use from an office building and commercial parking lot to residential means that transient users become permanent dwellers. The users of the building will be personally invested in the building and in West Hollywood. This means a building that is occupied 24/7 and puts "eyes on the streets."

IX. WORLD-CLASS ARCHITECTURE

Award-winning architect Tom Kundig is handcrafting the reinterpretation of the modernist building. The proportions of the original building and certain existing elements are being preserved, while a new yet compatible design is being added around the building. The highest quality materials are being used on the exterior. The Rosewood townhomes are designed to be compatible and sensitive to the context of this West Hollywood neighborhood. The architectural firm Hart Howerton has designed each of the townhomes to be architecturally distinct while maintaining the same vocabulary with a common palette of materials and colors.

[REDACTED]

From: jhobart [REDACTED]
Sent: Thursday, July 17, 2014 5:36 PM
To: Emily Stadnicki
Subject: Planning Commission (07/17/14) - photos for our Comment on 8899 Beverly project

Dear Emily, attached are photos from Dorrington and Ashcroft that illustrate our earlier email comments opposing the Beverly Blvd project. These photos show its mass is overly large, the negative effects are felt neighborhood wide (not just Rosewood), and the mass infringes on neighbors' privacy. Thanks for your work for the City. Jean Hobart









8840



[REDACTED]

From: jhobart [REDACTED]
Sent: Thursday, July 17, 2014 5:25 PM
To: Emily Stadnicki
Subject: Fwd: Planning Commission Mtg (07/17/14) - Agenda item - 8899 Beverly/8846-8908 Rosewood - Comments

Dear Emily,
Earlier I sent you the email below, for the Planning Commission, but it was undeliverable because of its size. I am resending it without the photos. I'll send the photos in a separate email.

J. Hobart

Begin forwarded message:

From: jhobart [REDACTED]
Date: July 17, 2014 at 5:06:03 PM PDT
To: "estadnicki@weho.org" <estadnicki@weho.org>
Cc: WILBERDING-MARY WILBERDING [REDACTED] Karen Butterworth
[REDACTED]
Subject: Planning Commission Mtg (07/17/14) - Agenda item - 8899 Beverly/8846-8908 Rosewood - Comments

Dear Planning Commission,
I write on behalf of myself, Mary Wilberding, and Karen Butterworth, all WEHO residents who live on Dorrington Ave and Rosewood. Tonight the Commission considers the proposed development at 8899 Beverly Blvd/8846-8908 Rosewood.

We oppose the development as currently planned, and agree with the comments by the Staff against the project. We add the following comments:

1. The project will impermissibly burden and overwhelm the street traffic and parking on Rosewood and surrounding residential streets, which the Staff Report downplays. Already Rosewood is jammed. The increased density will worsen the problem, to the detriment of current residents. See also Melrose Triangle Traffic Study.
2. The Rosewood garages are sited toward the front of the house, which encourages residents to park on the street and in the off-limits front setback, thus exacerbating the parking problems and deteriorate the look of the street. The garages should be on the rear property line, so that other house members and guests park in the driveway and not overburden the street.
3. The mass and height of the Beverly building should never be increased. The building towers over surrounding residential streets and houses. The attached photos from Ashcroft and Dorrington show how the Beverly building is grossly overlarge and infringes on the privacy of the residential houses.

4. Balconies should be discouraged or eliminated, to lessen noise and increase privacy of nearby houses.
5. The large pool and party/convention hall are contrary to zoning and negatively degrade the residential character of the neighborhood, generate undue noise, and increase additional parking and traffic problems.
6. To the extent a pool/convention/party hall should be approved, the access should be solely via Beverly and not Rosewood, to eliminate added traffic, parking, and noise on Rosewood.

Thank you for your dedication and consideration.

J. Hobart
Mary Wilberding
Karen Butterworth

Begin forwarded message:

From: jean hobart [REDACTED]
Date: July 17, 2014 at 4:29:07 PM PDT
To: J Hobart [REDACTED]

J. Hobart
(310) 200-5699

- <20140121_162752.jpg>
- <20140121_162642.jpg>
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- <20140121_165951.jpg>
- <20140121_170158.jpg>
- <20140121_162542.jpg>
- <20140121_170033.jpg>

[REDACTED]

From: Waukena Cuyjet [REDACTED]
Sent: Wednesday, July 16, 2014 8:29 PM
To: Emily Stadnicki
Subject: 8899 Beverly

Emily Stadnicki
City of West Hollywood

RE: 8899 Beverly

Dear Ms. Stadnicki:

As a resident in West Hollywood, I am writing to give my wholehearted support to the [8899 Beverly Boulevard](#) project. I am happy to see an older, underutilized building be developed to better fit in with our community. The developer's commitment to sustainable development, adaptive reuse and affordable housing is completely in line with our city's progressive values.

I cannot wait to see this quality project add wonderful value not just to [8899 Beverly Blvd.](#), but to West Hollywood as a whole.

I support it and hope you will too.

Waukena Cuyjet-Kapsch and Joseph Kapsch
[REDACTED]

Sent from my iPad

[REDACTED]

From: Lauren Meister [REDACTED]
Sent: Thursday, July 17, 2014 1:38 PM
To: Emily Stadnicki; David DeGrazia; David Gillig
Cc: Seth Meier; Richard Giesbret
Subject: 8899 Beverly Blvd.
Attachments: EIR ltr, 8899 beverly, sg ltrhd.pdf

Hi Emily, David and David,

I'd like to submit this comment letter from Sandra Genis, Planning Resources, for the public record, regarding the DEIR for the 8899 Beverly Blvd. project.

I believe that all of the details of her comments were included in Seth Meier's February 18th letter (so comments have been seen), but since Ms. Genis is the planning professional, her letter should be included in the record so that it is clear that it was a professional review of the DEIR.

Thanks so much.

Best regards,

Lauren

Lauren Meister
[REDACTED]

[REDACTED]



If you have received this email in error, please contact Lauren Meister immediately [REDACTED] Thank you.

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February 18, 2014

Attn: Emily Stadnicki, Senior Planner
City of West Hollywood
Community Development Department
8300 Santa Monica Boulevard
West Hollywood, CA 90069

Subject: DEIR for the 8899 Beverly Boulevard Project (SCH No. 2013071026)

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the DEIR for the 8899 Beverly Boulevard Project (SCH No. 2013071026) in the City of West Hollywood in Los Angeles County. These comments are submitted on behalf of the West Hollywood West Residents Association and select residents of Rosewood Avenue directly impacted by this proposed development.

The project is located on a 75,500 sq. ft. site extending from Beverly Boulevard on the south to Rosewood Avenue on the north. The project consists of the approval of a General Plan Amendment, a Zoning Amendment, a Specific Plan, a Development Permit, and a Vesting Tentative Tract Map so as to allow the re-use and expansion of an existing nonconforming office building and additional new construction to provide 81 dwelling units, 39,728 sq. ft. of office, retail and restaurant uses, and ancillary facilities. The applicant is requesting the vacation of a ten-foot wide portion of right-of-way running the length of the Rosewood Avenue property frontage. The project will also be subject to Design Review by the City.

The EIR is intended to provide environmental information to the above responsible agencies, trustee agencies, and other public agencies which may be required to grant approvals and permits (DEIR p. II-21). As noted in the DEIR (p. II-21) other agencies exercising authority over the project include South Coast Air Quality Management District and Regional Water Quality Control Board which oversees storm water pollution protection plans and water quality management plans. The City of Beverly Hills will provide water service to the site, but it is not clear from the DEIR what authority Beverly Hills may exercise over the project in that capacity.

The DEIR is improperly limited in scope.

The following topics are addressed in the DEIR:

- Aesthetics
- Air Quality
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population/Housing
- Public Services
- Transportation/Traffic
- Utilities

The DEIR does not address several areas of potential impact, which have been inappropriately excluded from analysis in the DEIR. The potential exists that impacts related to these topics could very well occur, on either an individual project or cumulative basis.

At a minimum, the EIR must address the following, potentially significant issues:

Shade/Shadow

The DEIR states (p. VII-3) that:

Implementation of the proposed Project would result in expansion of the Existing Building on the north, east and west sides of the structure and result in a slight reduction in the height from 125 feet to 120.5 feet...Shade and shadow sensitive receptors are located north of the Project Site along Rosewood Avenue, as well as other residential streets to the north (e.g., Ashcroft Avenue, Dorrington Avenue, etc). The Existing Building casts existing shadows to the north.

Thus the DEIR acknowledges that the existing building creates shade and shadow impacts affecting sensitive uses. However, the DEIR then concludes, without any analysis, that "... the expanded Existing Building shadows would be slightly greater but the new source would not be substantial that would adversely affect sensitive receptors. " and that "... the proposed Project's shade/shadow impacts would be less than significant."

Although clear and complete site plans have not been provided in the DEIR, it appears that the remodeled, non-conforming, ten-story structure will be expanded by approximately thirty to forty percent in an east/west direction, correspondingly increasing shade/shadow impacts on residential properties to the north, northeast and northwest. How can that not be significant?

The EIR must be revised to include a full analysis of shade and shadow from the expanded structure.

Hazardous Materials

The existing structure was built over fifty years ago and may contain asbestos, lead-based paint, polychlorinated biphenyls (PCBs) or other hazardous or toxic materials. The DEIR indicates that adherence to applicable standards will render this potential impact insignificant (p. VII-9). However, the DEIR provides no information as to any investigations other than a search of data bases of known sites. A survey and any necessary testing of the existing structure must be conducted and the results included in the EIR.

Even when precautions are taken, it is possible for dust to escape. This is especially problematic when a structure is high above the surrounding area, increasing the potential that particulate matter may be carried off the site. Even fiberglass insulation can be a hazard, if particles become airborne. Conditions of approval for the project must specify that all hazardous material must be removed from the interior of existing structures, including insulation if applicable, prior to any demolition of exterior walls. Conditions of approval must also specify that portions of the building that will be open during construction will be wrapped in plastic sheeting in order to contain dust.

Expansive Soils

The DEIR states that “There is no evidence that the Project Site contains expansive clay soils.” (p. VII-8) However, the Geotechnical Exploration and Recommendations Report prepared by Golder Associates Inc., included as Appendix F to the DEIR identifies a need for further evaluation of “high plasticity clay encountered in Borehole B-101“ (Golder p. 25). Golder also states (p. 22):

... we may recommend additional sampling and testing to address the effect of potentially expansive clay and/or groundwater on basement walls. If issues with expansive soils are identified, these may be mitigated by structural design (increased concrete thickness and/or steel reinforcement), removal and replacement of potentially expansive soils, treatment of potentially expansive soils, or a combination of these.

This potential impact and apparent contradiction must be addressed in the EIR.

Project Objectives

In accordance with Section 15124(b) of the CEQA Guidelines:

A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

Project objectives must be stated clearly enough to be useful when considering project alternatives and stated broadly enough to allow for consideration of alternative means of achieving the broader purposes of the proposed project.

An agency cannot define its objectives in unreasonably narrow terms such that reasonable alternative to a proposed project would be excluded. For example, one project objective is:

To provide housing to satisfy the varying needs and desires of all economic segments of the community, including very low, low and moderate-income households, maximizing the opportunity for individual choices, and contributing to the City of West Hollywood's housing stock.

This objective is specific enough regarding provision of housing to be meaningful, but general enough to allow for a number of alternatives for providing the housing.

On the other hand, several project objectives are so narrow as to exclude most alternatives to the proposed project. For example:

Adaptively reuse the existing office building on the property by converting it into residential condominiums and apartments with redesigned streetfront retail and office space.

And

Replace an incompatible commercial surface parking lot along Rosewood Avenue with new single-family townhomes that are in scale with the existing single-family residences on Rosewood Avenue.

As stated, these objectives would eliminate reasonable alternatives such as construction of single family detached homes along Rosewood, or even alternate forms of ownership, such as co-op apartments. These narrow objectives should not be utilized to evaluate project alternatives.

Internal Inconsistencies

The EIR has numerous inconsistencies regarding both the proposed project and anticipated impacts. Townhome heights are variously described as twenty four feet, twenty five feet and twenty five feet at the façade and some unknown height at the rear of the parcels. Figures for construction emission in Section IV.B, Table IV.B-4 differ from emissions shown in the air quality analyses I Appendix D. The description of on-site soils in Section IV.D indicates that expansive soils are not an issue, whereas the geotechnical study in Appendix F indicates that they may be a problem. All inconsistencies in the EIR and technical studies must be resolved.

Project Description

A vague or incomplete project description will render all further analyses and determinations ineffectual. As stated in *McQueen v. Board of Directors of the Mid-Peninsula Regional Open*

Space District (202 Cal.App.3d 1136, 1143; 249 Cal.Rptr. 439), “An accurate project description is necessary for an intelligent evaluation of potential environmental effects of a proposed activity”.

In setting aside the approval of an EIR by the City of Los Angeles for water development facilities in Inyo County, the court stated: “An accurate, stable and finite project description is the sine qua non of an information and legally sufficient EIR” (*County of Inyo v. City of Los Angeles* (71 Cal.App.3d 193) [139 Cal.Rptr. 401]). A stable, complete, and accurate project description is the most basic and important factor in preparing a lawful EIR. It is the denominator of the document and, thus, of the public’s and decision-maker’s review.

The DEIR includes only the vaguest description of the proposed construction, no dimensioned site plans, no clear indication of ingress and egress, no parking layout, no vesting tentative map, nor other information regarding key aspects of the physical improvements contemplated. Renderings and plans for the northerly portion of the site are at such a small scale as to be useless, and on-line documents are at inadequate resolution to enable one to increase the scale to make the renderings useful. The information provided is not adequate for any reviewer to determine whether all aspects of the proposed project have been fully evaluated and all impacts mitigated to the extent feasible.

The project entails adoption of a Specific Plan, General Plan Amendment, and Zoning Amendment, yet the project description provides virtually no information about the Specific Plan, General Plan Amendment, or Zoning Amendment except that they would permit the proposed project. It is not at all clear from the Project Description in the DEIR whether or not the proposed changes in the regulatory framework will also open the door to additional development or other uses. It is not until Section IV.G, Land Use and Planning (p. IV.G-13, pdf p. 288), that any information regarding provisions of the Specific Plan is provided. The EIR must be revised and recirculated to include details regarding the Specific Plan, which must also be included as an appendix to the recirculated EIR.

In addition the following questions and comments must be addressed.

1. (p. II-1) Does the 48,000 sq. ft. area for the lots on Rosewood include the easement area which is requested to be vacated?
2. (p. II-9) Do existing square footage figures (Table II-1) include the existing balconies?
3. (p. II-9) Do square footage figures for new construction (Table II-1) include the proposed balcony areas on the east and west sides of the existing building?
4. (p. II-9) How much floor area will be added at each level, including added floor area at tower levels L4 (fourth floor) through the roof as identified on p. IV.D-11 of the DEIR?
5. (p. II-10) Will any mechanical equipment, vents, or other items be located on the roof above the proposed penthouse level dwellings?
6. (p. II-10) How much, in square feet, will the level be expanded? What will be the habitable square footage at the penthouse level?
7. (p. II-10) Will any outdoor living space be provided at the penthouse level?
8. (p. II-10) The geotechnical study included in Appendix F indicates that the townhomes would be three stories (Golder, p. 2). This must be clarified.

9. (p. II-10) How will the height of the proposed townhomes be measured? Twenty-four feet above grade at the side walk, above existing grade, or above the parking structure?
10. (p. II-10) Has the 24-foot height limit for the Rosewood Avenue townhomes been incorporated into the proposed Specific Plan?
11. (p. II-10) Will buildings be set back 18 feet from the existing right-of way at Rosewood or 18 feet from the ultimate right-of-way after vacation of the easement?
12. (p. II-10) Has the 18-foot setback been incorporated into the proposed Specific Plan?
13. (p. II-11) Is the twelve-foot side open space area north of the existing building intended to be utilized by project residents for recreation? How will the near constant shading that will occur in this area affect its utility for open space use?
14. (p. II-11) Will 5-foot wide setbacks be provided for each of the townhome lots, consistent with the R1B zone?
15. (p. II-11) What side setback requirements have been incorporated into the proposed Specific Plan?
16. (p. II-11) In addition to the six very low income apartments, what will be the affordability levels of the other six apartments?
17. (p. II-11) Has the twelve unit affordability requirement been incorporated into the proposed Specific Plan?
18. (p. II-11) How much of the day would the outdoor roof deck be in shade/shadow due to other large structures in the proposed project?
19. (p. II-11) As described in the DEIR, the affordable units do not appear to meet either the letter or the intent of Zoning Code Section 19.22.030C, which calls for affordable units to be comparable to and dispersed amongst other units in a project. This must be addressed in the DEIR.
20. (p. II-11) Does the language of the proposed Specific Plan permit affordable units to be isolated from other units and demonstrably different from non-inclusionary units?
21. (p. II-11) Footnote 3 indicates that certain language will be used “as a guide for the Specific Plan”. Has the Specific Plan not yet been prepared? If so, how can the EIR address the impacts of the not-yet-formed document?
22. (p. II-12) How large will the barbeque area be? How many people is the barbeque area planned to accommodate?
23. (p. II-12) Where on the project site will the barbeque area be located? What will be the distance between the barbeque area and any existing residence or public right-of-way?
24. (p. II-12) Will all parking be valet-assisted or will self-parking be provided for residents?
25. (p. II-12) Even where there is no charge for valet parking, there is an expectation of a tip. Is it then realistic to expect very-low-income residents to utilize valet-parking if there is an expectation of financial outlay?
26. (p. II-12) Will valet-assisted parking include tandem parking?
27. (p. II-12) Will any loading zone be provided for residents who may require more than one trip between their car and their residence for loading/unloading?
28. (p. II-12) How will use of townhome garages for parking of vehicles rather than storage be ensured?
29. (p. II-13) What was the basis for determining the baseline number of dwelling units from which the inclusionary requirement and incentives were calculated?
30. (p. II-14) To what extent, if any, does the affordable housing parking incentive equal or exceed reductions due to peaking characteristics?

31. (p. II-14) What is the minimum private open space provided for any condominium unit?
32. (p. II-14) What is the minimum private open space provided for any apartment unit?
33. (p. II-14) What are the open space requirements of the proposed Specific Plan?
34. (p. II-15) What portion of the lots along Rosewood would be limited to twenty-four (24) feet in height (p. II-10) What portion would be limited to twenty-five (25); what portion would be limited to twenty-eight (28); and what portion would be limited to thirty (30)?
35. (p. II-15) The various height zones must be mapped and included in the EIR.
36. (p. II-15) Does the proposed Specific Plan map and define all of the various height zones? This must be included in the EIR.
37. (p. II-16) What will be the “varying depths” of the landscape setbacks along Rosewood, in feet?
38. (p. II-16) What setbacks are designated in the proposed Specific Plan? Are they “varying”?
39. (p. II-16) What will be the height, at maturity, of the replacement trees on Rosewood? How does this compare to the height of the existing trees?
40. (p. II-16) Replacement trees must be a minimum thirty-six inch box trees, and replaced on at least a one to one basis for the existing trees.
41. (p. II-17) What hours of operation are permitted for on-site businesses specified in the proposed Specific Plan?
42. (p. II-18) What will be the maximum depth of excavation?
43. (p. II-18) How far from the boundary of adjacent properties will excavation occur?
44. (p. II-18) The EIR must include a grading plan and sections of proposed subterranean construction.
45. (p. II-19) Inasmuch as the subterranean parking garage is considered as part of the latter, townhome phase of the project in the traffic analyses, won't the project be nearing completion at the time this area becomes available for staging?
46. (p. II-19) Where is the pre-designated construction worker parking, and what will be the impact on that area?
47. (p. II-20) What are the specific differences between the proposed Specific Plan and the existing Zoning Code? All differences must be identified in the EIR.
48. (p. II-20) Under the vesting map, will the townhomes be located on separate parcels of land which will be sold to individuals owners, or will they be sold as airspace only?
49. (p. II-20) If townhome lots are sold separately, what will be the floor area ratio for the remaining project area, absent the townhomes?
50. (p. II-20) After any sale, how will improvement or expansion of the townhomes be regulated?
51. (p. II-20) Are FARs for the proposed project based on inclusion of the ten-foot-wide easement?
52. (p. II-21) Are there any other responsible agencies expected to have authority over the proposed project?
53. (p. II-21) If the EIR is to be used by responsible parties, it must provide sufficient information for those parties, not merely pass the buck to those parties.
54. (Figure II-4) A larger scale site plan clearly delineating all new construction, project access, and lot lines must be provided.
55. (Figure II-5) Larger scale, fully dimensioned, readable plot plans, floor plans and elevations must be provided in the EIR.

56. (Figure II-5) The renderings at Rosewood do not appear to fully include the ten-story mixed use buildings. This must be included.
57. (Figure II-6) This figure and all figures should be fully dimensioned, and existing versus proposed construction must be identified.
58. (Figure II-7) Will any portion of the existing structure above the third floor be extended to the south, including but not limited to balconies?
59. (Figure II-9) This elevation does not appear to include the proposed extensions to the east and west and does not appear consistent with Figure II-6. An accurate elevation must be included.
60. (Figure II-10) The perspective from Rosewood must include the remodeled ten-story building.

Environmental Setting

Section 15130(b) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) states that an analysis of cumulative impacts should be based on either a list of past, present, and probable future projects producing related or cumulative impacts or a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact.

The DEIR includes a list of related projects utilized to address cumulative impacts (p. III-2,3). Guidelines Section Section 15130(b)(2) indicates that:

When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include **the nature of each environmental resource being examined** [emphasis added], the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

The geographic range of cumulative impacts must relate to the impact examined. In accordance with Guidelines Section 15130 (b)(3):

Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

The list of related projects in the DEIR appears arbitrarily limited to project within one half mile of the project regardless of impact. All of the projects listed are located either West Hollywood or Beverly Hills. No projects in Los Angeles or other jurisdictions are included, though development in these areas would be expected to, at a minimum, affect regional transportation systems and certain public service systems such as the Hyperion Treatment Plant. No explanation is provided for the geographic limitation utilized. The EIR must be revised to include development elsewhere, consistent with the context of each potential impact or to

address how levels of development contemplated may or may not be included in applicable planning documents.

Aesthetics

The DEIR must identify and analyze any provisions of the Specific Plan which would differ from existing City of West Hollywood design standards currently applicable to the project site. Of particular concern are any provisions which would perpetuate or expand current nonconforming conditions such as the height of the existing structure.

This section must address shade/shadow impacts due to the expanded east/west building profile. At approximately 120 feet in height, the remodeled building would potentially create shadows at over 700 feet from the building at 8:00 am on a December morning. Due to the thirty or forty percent increase in the width of the structure in an east/west direction, shadows would be correspondingly increased. This is a significant environmental impact that must be addressed both for the proposed project and on a cumulative basis.

The ten-foot wide landscaped easement along Rosewood Avenue currently provides visual relief and the mature trees help screen views of the massive existing structure. Loss of this open space for residential development is a significant impact that must be addressed in the EIR. Retention of the easement in public open space must be considered as an alternative to the project as currently proposed.

In addition to the General Plan policies listed in the DEIR (p. IV.A-28), the EIR must address Policy LU-1.2:

Consider the scale of new development within its urban context to avoid abrupt changes in scale and massing.

The proposed project will increase the massive profile of the ten-story structure to the east and to the west, increasing the scale and massing of the structure as seen from the north and south. There is little to no transition between the proposed project and structures to the east and west, resulting in an abrupt change in scale. Further, it appears that the floor plates would be expanded to the north, bringing building massing closer to the homes on Rosewood Avenue. This increase in building massing is a significant impact that must be addressed. Limiting construction on the north side of the existing structure to the existing floor plates must be considered as an alternative to the project as currently proposed.

The EIR must include renderings of Views 9 and 10 as shown in Figure IV A 5.

In addition the following questions and comments must be addressed:

1. (p. IV.A-29) Will existing design standards be superseded by the Specific Plan?
2. (p. IV.A-30) What areas currently designated R1B would be developed with structures in excess of twenty-five (25) feet in height? Any such areas must be mapped and impacts analyzed.

3. (p. IV.A-33) How much, in square feet, will the existing penthouse be expanded?
4. (p. IV.A-33) What is the current east-west dimension of the penthouse? How much, in feet, will the east-west dimension be expanded?
5. (p. IV.A-33) Section IV.K, Traffic (p. IV.K-17) indicates that heavy equipment and building materials will be stored on-site. The visual impact of materials and equipment storage must be addressed.
6. (p. IV.A-33) Will excavated material be removed from the site immediately, or stored on-site for periods of time? The visual impact of piles of earth material must be addressed.
7. (p. IV.A-33) Where will construction fences be placed? At the perimeter of the site or closer to construction areas? To the extent feasible, construction fencing must be set back from the perimeter of the site.
8. (p. IV.A-33) In order to screen views of construction on the existing building, the existing easement on along Rosewood Avenue should be maintained and preserved until construction of the northerly portion of the development.
9. (p. IV.A-34) Much of the suggested building material has the potential to generate significant glare. Surfaces of metal materials, whether steel or other metals, must be slightly roughened reduce glare.
10. (p. IV.A-34) How many of the existing balconies on the south side of the building would be covered by the ground to penthouse sheeting?
11. (p. IV.A-34) How much, in feet, will the floor plates be expanded to the north?
12. (p. IV.A-35) Will any mechanical equipment be placed on the roof of the penthouse or any other structure, such as the pool house or apartment structure?
13. (p. IV.A-35) The DEIR asserts that the visual impact of increasing the already massive structure would be reduced due to increased massing in the foreground, as seen from Rosewood Avenue. In order to reduce the impact of the increased massing in the foreground, all setbacks must be measured from the southerly edge of the existing easement.
14. (p. IV.A-36) The EIR must address how the lack of side setbacks between townhomes reflects, or fails to reflect, the character of the existing residential neighborhood.
15. (p. IV.A-36) Will the Specific Plan limit height in the townhome area to twenty-four feet?
16. (p. IV.A-36) All setbacks along Rosewood Avenue must be measured from the southerly edge of the existing easement.
17. (p. IV.A-37) How does the proposed Specific Plan designate the pool house? What limits are placed on the height, overall size, and use of the structure?
18. (p. IV.A-37) If the townhomes are limited to twenty-five feet in height at the primary facades of the structures, what portion of the Rosewood development area would be limited to twenty-five feet, the first ten feet? Twenty feet? More? Less?
19. (p. IV.A-37) If the townhomes are limited to twenty-five feet in height at the primary facades of the structures, what would be the height limit at the rear of the townhome parcels? This must be identified in the EIR and impacts fully addressed.
20. (p. IV.A-37) How will the use of “quality materials” be ensured? Who will evaluate what constitutes “quality materials” based on what criteria?

21. (p. IV.A-38) Based on project renderings (Fig. IV.A 12, 13) it appears that the remodeled structure would include large expanses of floor to ceiling glass. Is this considered fenestration “responsive to the human scale”?
22. (p. IV.A-38) Who would be responsible for maintaining landscaping along Rosewood Avenue?
23. (p. IV.A-38) Would all site maintenance be the responsibility of one master association, or would townhomes have a separate association from condominiums, with a separate association for commercial uses or apartments?
24. (p. IV.A-39) It is difficult to perceive how increasing the size of an already massive, out-of-scale structure and removal of an open space easement could be considered to enhance views of the site as seen from the nearby neighborhood.
25. (p. IV.A-40) The DEIR states that implementation of the Project would “emit similar nighttime lighting as expected from similar surrounding land uses”. Are there any similar surrounding land uses that are over one hundred feet in height? Where?
26. (p. IV.A-40) The EIR must address night lighting in the penthouse area which is now exclusively a mechanical area.
27. (p. IV.A-40) What materials will be used to minimize light transmission from on-site structures? Would materials which minimize light transmission also limit use of natural lighting and increased use of electricity for interior lighting?
28. (p. IV.A-40) How would it be ensured that “interior and exterior lights...would not result in light trespass” and “Project lighting would not result in high brightness illuminated surfaces that are directly visible from residential uses or other light sensitive uses”. Will the brightness of illumination within individual residences be regulated? Will placement of mirrors or other reflective surfaces be regulated?
29. (p. IV.A-40) Is it contemplated that reflective glass would be used as an architectural or decorative element ?in the project? Any such use must be minimized, if not completely eliminated.
30. (p. IV.A-40) Potential glare from the metal panels and glazing (p. IV.A-34) must be addressed.
31. (Fig. IV.A-16) This rendering must include the expanded ten-story structure on the site.
32. (Fig. IV.A-17) These renderings must include the expanded ten-story structure on the site.
33. A rendering of Views 9 and 10 (Fig. IV.A-5) must be provided at a scale similar to the photos in Views 9 and 10.

Air Quality

The EIR must address any carbon monoxide hot spots created due to traffic congestion during construction or operation of the project. The EIR must address the affect of shade and shadow on the utility of solar systems in the neighborhood. To mitigate impacts on solar systems, the project must utilize solar to the extent feasible. Although significant air quality impacts have not been identified, it is suggested that the proposed project include charging stations for electric cars.

In addition the following questions and comments must be addressed:

1. (p. IV.B-8) How will economic feasibility of new advances in emissions reduction be determined and by whom?
2. (p. IV.B-15) Table IV.B-4 does not reflect emissions due to excavation as shown on Page 15 of the Air Quality study included in Appendix D to the DEIR, which indicates higher particulate emissions than shown in Table IV.B-4.
3. (p. IV.B-15) Table IV.B-4 must include any overlapping activities, including construction on different portions of the proposed project or excavation and construction occurring at the same time.
4. (p. IV.B-17) Will any other construction activities occur during excavation? If so, it is likely that LSTs for Pm 2.5 would be exceeded, based on 3.6 lb/day just from excavation (p. 15, Appendix D).
5. The EIR must address nuisance dust in the neighborhood from demolition, excavation and hauling of earth materials.

Cultural Resources

The EIR (p. IV.C-26) recognizes the potential for paleontological resources to be uncovered during excavation. Therefore a paleontological monitor must be present during all excavation.

Geology & Soils

This section must identify potential destabilization of other properties in the neighborhood or improvements to the public right-of-way due to excavation. The EIR must identify depth of excavation and distance from property lines. Prior to issuance of any grading permit, the applicant must be required to submit evidence of indemnification of adjacent property owners and the City of West Hollywood. Prior to commencement of grading a video of conditions on surrounding properties must be recorded, with a focus on foundations and masonry walls.

The statement that “clay lenses/layers with low to medium plasticity and expansion potential are not considered an issue” (p. IV.D-7) must be reconciled with the Geotechnical Exploration and Recommendations Report prepared by Golder Associates Inc., included as Appendix F to the DEIR which identifies a need for further evaluation of “high plasticity clay encountered in Borehole B-101” (Golder p. 25).

Greenhouse Gas Emissions

This section must address how shade/shadow created by the proposed project could affect the viability of solar power for homes in the neighborhood. To mitigate impacts on use of solar energy, the project must utilize solar to the extent feasible.

Hydrology & Water Quality

This section must include a discussion of dewatering, including quality of water requiring disposal, volumes of water requiring disposal, and capacity of conveyance systems to handle the water. Possible subsidence or destabilization of nearby properties must also be addressed. Prior

to any dewatering, the applicant must be required to indemnify nearby property owners and the City of West Hollywood.

In addition the following questions and comments must be addressed:

1. (p. IV.F-12) Additional BMPs must include no stockpiling of excavated soils on-site.
2. (p. IV.F-12) Additional BMPs must include maintenance of free board for all trucks hauling excavated or demolition materials.
3. (p. IV.F-13) Would any outdoor gardens for the townhomes be located over subterranean parking? Would these areas still be considered pervious, though located above impervious construction?
4. (p. IV.F-13) What increase in impervious surfaces would be considered “substantially greater”? What is the total area of existing impervious surfaces and what will be the total area of impervious surfaces upon project implementation?
5. (p. IV.F-13) How, specifically, would the proposed project meet the requirements of the MS4 permit? Could any facilities for retention, storage or treatment of water be accommodated under project plans as currently proposed?
6. (p. IV.F-14) Will any portion of the site utilize permeable pavement?
7. (p. IV.F-14) Was the quality groundwater encountered on-site tested? With what results?
8. (p. IV.F-14) Will dewatering be required? How would the project dispose of the water? Can existing facilities handle the volumes anticipated?
9. (p. IV.F-14) If dewatering is necessary, what are the potential impacts on nearby properties?
10. (p. IV.F-15) Hydrologic impacts must be considered in the context of the watershed and impacts on drainage facilities must be addressed in terms of the area served by drainage infrastructure.
11. (p. IV.F-17) In addition to being tarped, trucks must maintain freeboard.
12. (p. IV.F-17) How will it be assured that post development peak runoff does not exceed pre-development levels? What analyses have been conducted? The analysis must be completed and included in the EIR.
13. (p. IV.F-17,18) Measures IV.F-6 through 15 must be incorporated into the proposed Specific Plan.
14. (p. IV.F-18) Any agreements must bind the current owners and all successors in interest.

Land Use and Planning

This section must address the nonconforming status of the existing building and treatment of the structure in accordance with Chapter 19.72 of the Zoning Code. The EIR must address how the proposed Specific Plan would expand and enshrine the existing nonconformity.

The section must also identify the lot area that would be added due to vacation of the easement and associated increase in allowable floor area ratio.

In accordance with Guidelines Section 15125(d), an EIR is to discuss any inconsistencies between a proposed project and applicable general plans and regional plans. The DEIR has

instead listed policies with which the DEIR argues that the project is compatible, generally failing to identify potential conflicts. These include the following general plan goals and policies which relate to the proposed project and/or surrounding properties that may be affected by development pursuant to the proposed plan:

LU-1.2 Consider the scale of new development within its urban context to avoid abrupt changes in scale and massing.

LU-11.1 [Melrose/Beverly/District] Encourage a variety of retail, creative office, commercial, and residential uses to support the vision for the area.

- a. Maintain and enhance the concentration of arts and design-related uses.
- b. Continue to allow a wide variety of uses including retail, galleries, boutiques, cafes, restaurants, creative office space, entertainment venues, bars, and nightclubs.
- c. Allow limited housing on Beverly Boulevard. These opportunities should be focused on artist live/work housing [emphasis added].**
- d. Enhance the area's role as a visitor destination by encouraging boutique hotels in the Melrose Triangle area.

LU-11.6 [Melrose/Beverly/District] Require development projects to incorporate combinations of setbacks, scale transitions, and buffers, as appropriate, in relation to existing residential areas to maintain physical compatibility between new and existing buildings.

LU-11.11 [Melrose/Beverly/District] As feasible, encourage public plazas as part of development projects.

H-3.3 Continue to implement the Inclusionary Housing Ordinance to ensure that new housing developments expand affordable housing opportunities for lower and moderate income households.

Policy H-3.3 must be examined in light of the following discussion in the Housing Element:

The Inclusionary Housing Ordinance requires residential developers to set aside a portion of units in each new housing development for lower and moderate income households. **This set-aside is 20 percent** [emphasis added] for projects with over ten units and one unit for projects with ten or fewer units.

Policy H-3.3 must also be examined in light of the following requirements of the Inclusionary Ordinance:

A. Minimum Number of Units Required. Proposed housing projects, or a common interest development created through the conversion of existing residential units that was not subject to the City's affordable housing requirements at the time of construction, shall make the following number of units available to low and moderate income households as determined by eligibility requirements and a rental and sales price schedule established

annually by Council resolution. Unless otherwise noted, inclusionary units provided shall be of comparable size and finish quality to the non-inclusionary units.

...

4. Projects of Forty-one Units or More. Twenty percent of the unit count provided as units of comparable size and finish quality to the non-inclusionary units, or if it would result in additional inclusionary units and units that better serve the affordable housing needs of the City, 20 percent of the gross residential floor area of all non-inclusionary units. If the floor area calculation is used, units provided shall be a minimum of one bedroom and a minimum interior area of 650 square feet with finishes and appliances of “builders quality” or better.

...

C. Unit Size, Type, and Location.

1. Unless otherwise permitted by other sections of the Zoning Ordinance, inclusionary units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-inclusionary units in the project, and shall be comparable with the non-inclusionary units in terms of appearance, finished quality, and materials as approved by the review authority.

2. The Commission, or City Manager as a minor modification of an approved development agreement, may modify the requirements as to unit size or type if it finds that a modification would better serve the affordable housing needs of the City.

3. While the intent is for inclusionary units to be dispersed throughout the project as much as possible, inclusionary units may be clustered within a building if the review authority, or City Manager as a minor modification of an approved development agreement, determines that such clustering results in the creation of more affordable units than would otherwise be provided, or provides a documented public benefit, or due to circumstances unique to the project size, location or design otherwise better serves the affordable housing needs of the City.

4. The Commission, may modify the requirement that inclusionary units be reasonably dispersed throughout a project and approve placement of the units in a separate structure on the site if doing so would better serve affordable housing needs and if all of the following conditions are satisfied:

a. The project contains a minimum of 30 inclusionary units and inclusionary units constitute at least 25 percent of the number of units in the market-rate portion of the project.

b. The inclusionary units are of comparable quality and materials of the market-rate units unless it can be demonstrated that this is infeasible.

...

g. The inclusionary units shall not be liable for any homeowners, condominium, or other fees or dues, and shall not be otherwise responsible for the debts or maintenance of the market rate portion of the project.

h. Covenants, conditions and restrictions of the market rate portion of the project shall contain provisions that ensure access to facilities as described in the affordable housing agreement, including, but not limited to, parking, access, and amenities that will be shared; representation, if any on the Condominium Board, and requirements for mediation of disputes.

...

k. The inclusionary units will receive the same quality of maintenance and capital improvements (excluding unit-specific upgrades) as the market-rate units. In addition, at a minimum, maintenance will be performed in accordance with Chapter 17.56 of this Code.

...

D. Builders Quality. "Builders quality" appliances and materials shall mean those of durable, good and lasting quality, consistent with any applicable City Code requirements, and to the satisfaction of the Director of Community Development.

E. Inclusionary units shall have the same number and type of appliances as non-inclusionary units. The exterior of inclusionary units shall be of the same appearance, finished quality and materials as the non-inclusionary units and shall be indistinguishable from the non-inclusionary units.

In addition the following questions and comments must be addressed:

1. (p. IV.G-14) What would be the floor area ratio for Subarea 1 and for Subarea 2, if calculated separately?
2. (p. IV.G-17) The height of townhomes is variously described as twenty-four (24) feet (p. IV.A-36), twenty-five (25) feet, and twenty-five (25) feet at the façade (p. IV.A-37). This must be clarified.
3. (p. IV.G-17) Setbacks from Rosewood Avenue must be measured from the southerly edge of the easement.
4. (p. IV.G-17) Provisions in the specific plan to provide no private open space for affordable units must be reviewed in the light of requirements in the existing inclusionary ordinance that inclusionary units be similar in size and quality to non-inclusionary units.
5. (p. IV.G-17) How will rooftop open space for the affordable units be affected by shade and shadow from the expanded existing building? How will this affect the quality of the recreational experience in the rooftop open space?
6. (p. IV.G-18) If no off-street loading spaces are provided, where will delivery trucks serving the restaurant or other uses park?
7. (p. IV.G-18) Where will residents park while loading and unloading groceries or other items, prior to turning their vehicles over to valets?
8. (p. IV.G-18) Will pedestrian access be provided to Rosewood Avenue for the project as a whole? How would this affect demand for parking on Rosewood?
9. (p. IV.G-21) How will reducing commercial space promote the expansion and retention of businesses per Policy LU-1.8?
10. (p. IV.G-21,25) How was the scale of the existing neighborhood considered when proposing to expand a massive structure already more than double the normally permitted height for the area?
11. (p. IV.G-28) What is the area of the easement, in square feet, and what is the associated allowable floor area, including all bonuses?

Noise

This section must examine nuisance noise due to use of outdoor decks and balconies in the proposed project. The EIR must also address noise generated by construction traffic on Rosewood, including hauling of excavated material.

In addition, the following questions and comments must be addressed:

1. (p. IV.H-7) Will mechanical equipment be located on any rooftops within the project?
2. (p. IV.H-16) It is anticipated that piles will be drilled and cast in place. Should this not be possible, pile driving must not be permitted absent additional environmental documentation pursuant to CEQA.
3. (p. IV.H-16) The EIR must identify haul routes and potential impacts along haul routes.
4. (p. IV.H-17) Cumulative impacts along haul routes must be identified.
5. (p. IV.K-16) Noise impacts due to extended construction hours for limited special activities must be addressed in the EIR.

Population and Housing

This section must address the isolation of the inclusionary units and dissimilar amenities for the units in light of provisions of the Inclusionary Housing Ordinance (Municipal Code Chapter 19.22) quoted above.

The discussion of cumulative impacts must be clarified. Cumulative increase in population (p.IV.I-10) is variously stated to be 321 and 327. The 704,018 sq. ft. of commercial uses noted in this section exceeds the total of all related project listed on Table III-1 along with the proposed project, which may be accounted for by the 70,529 sq. ft. project on Line 8 of Table IV.I-4, which is not included in Table III-1. This project must be identified.

Public Services

This section must address how congestion due to the proposed project, particularly during the construction phase, may affect emergency response and emergency access. Of greatest concern is emergency access to homes on Rosewood Avenue during the excavation stage.

The analysis of cumulative impacts for the various public services is based on the related projects list within 0.5 miles of the project site, yet service areas extend into other areas. In fact, the closest fire station is 0.84 miles away (p. IV.J-1), so would obviously serve areas more than 0.5 miles from the project site. The analysis of cumulative impacts must be based on the service area for each public service.

In addition, the following questions and comments must be addressed:

1. (p. IV.J-1) Do stations 7 and 8 serve any areas outside the City of West Hollywood?
2. (p. IV.J-1) Do stations 7 and 8 serve any areas more than 0.5 miles from the project site?

3. (p. IV.J-6) How will it be ensured that all residents of the ten-story building receive the required training? How will the Fire Safety Director be aware of occupancy by new residents as properties change hands or are leased out?
4. (p. IV.J-6) How would emergency vehicles responding to homes on Rosewood Avenue avoid construction traffic during the excavation phase?
5. (p. IV.J-11) How does congestion on Santa Monica Boulevard and occasional gridlock affect emergency response to the site from Fire Stations 1 and 2?
6. (p. IV.J-11) Do emergency vehicles serving the area have a traffic signal override?
7. (p. IV.J-11) Is any additional growth anticipated to occur in the service areas of Stations 7 and 8, outside the City of West Hollywood?
8. (p. IV.J-11) Is any additional growth anticipated to occur in the service areas of Stations 7 and 8, more than 0.5 miles from the project site?
9. (p. IV.J-15) Does the service area for the West Hollywood Police Station include any areas outside the City of West Hollywood?
10. (p. IV.J-15) Does the service area for the West Hollywood Police Station include any areas more than 0.5 miles from the project site?
11. (p. IV.J-24) Is any additional growth anticipated to occur in the service area of the West Hollywood Station outside the City of West Hollywood?
12. (p. IV.J-24) Is any additional growth anticipated to occur in the service area of the West Hollywood Station located more than 0.5 miles from the project site?
13. (p. IV.J-34) Inasmuch as Los Angeles Unified Schools have open enrollment, what is the basis for determining the geographic scope of the proposed project to be the related projects list used for other service providers? A more appropriate basis would be the entire district or the West Service Center Area, rather than the list of project within an arbitrary half mile of the project site.
14. (p. IV.J-45) Park and recreation facilities in the City of West Hollywood are extremely limited and well below levels normally considered acceptable, i.e. 3 acres per 1,000 residents. Thus, any increase in residents will increase the already critical need for new parks.
15. (p. IV.J-45) Waiving requirements for open space as an incentive for affordable housing does not reduce the need of project residents for useable open space, but merely transfers the need to the public at large. Thus, reduced open space on-site further increases demand for public open space. This must be examined in the EIR.
16. (p. IV.J-46) Will the townhome units and apartment units be subject to Quimby fees?
17. (p. IV.J-46) Assuming fees could adequately cover costs, what land is available for provision of additional public open space in the City of West Hollywood.
18. (p. IV.J-47) Cumulative impacts on park facilities must be addressed in terms of growth in the entire service area for recreational facilities which would be expected to service the proposed project. This would include the entire City of West Hollywood and other areas outside the City which are stated to "offer additional park options to the City of West Hollywood residents" (p. IV.J-42).
19. (p. IV.J-49) Does the service area for the West Hollywood Library include any areas outside the City of West Hollywood?
20. (p. IV.J-15) Does the service area for the West Hollywood Library, located 0.75 miles from the project site, include any areas more than 0.5 miles from the project site?

21. (p. IV.J-54) Is any additional growth anticipated to occur in the service area of the West Hollywood Library outside the City of West Hollywood?
22. (p. IV.J-54) Is any additional growth anticipated to occur in the service area of the West Hollywood Library located more than 0.5 miles from the project site?
23. (p. IV.J-54) Cumulative impacts on library services must be addressed in terms of growth in the overall service area.

Transportation and Traffic

This section generally tends to understate project impacts. This is of concern for both construction impacts and parking impacts.

Construction phases are assumed not to overlap, segmenting impact analysis and perceived impacts. This is despite the statement that some of the construction activities would overlap (p. II-19). An assumed, but impossible, haul route (i.e. Rosewood to La Cienega) diverts traffic from busy intersections. No delivery trips are included in the construction analyses. No segment analysis is provided for construction impacts on Rosewood Avenue which could experience a thirty percent increase in traffic during construction.

The parking analysis optimistically assumes that residents and visitors will use valet parking, rather than park on the street. In accordance with Zoning Code Section 19.22.050 F, a reduced parking requirement is applied to residential project which include affordable housing as an incentive for provision of affordable housing. There is no evidence that the reduced requirement is based on any demand study. While one might anticipate that the less affluent would own fewer vehicles, the reduced requirement is applied to all units, and one would hardly conclude that living in the vicinity of a less affluent household would induce the more affluent to have fewer vehicles. Thus the reduction in parking requirements does not necessarily reflect a reduction in demand.

The EIR and traffic study then rationalize a further reduction in parking requirements based on studies that show a reduced demand for parking when for parking is shared by a mixture of uses. The base demand from which a reduction is made due to shared uses is said to be based on similar uses modified by code requirements (p. 66, Appendix I). Thus, a reduction in code requirement would reduce the base rate for demand purposes, whether or not the reduction in code requirements related to demand.

The EIR must address impacts on Preferential Parking District 1. The DEIR does not indicate whether or not residential units in the project will be included in the parking district, although the project would be properly excluded if, as asserted in the DEIR, on-site parking will be fully adequate. The EIR must identify how many spaces will be lost due to curb cuts on Rosewood Avenue and impacts on other uses in the area due to the loss of on-street parking places on Rosewood.

1. (p. IV.K-14) Have haul routes for various construction activities been reviewed to determine if a given route might be affected by more than one project? If not, what is the

basis for the conclusion that “the impacts of the proposed Project would not be affected by these [other construction] activities”?

2. (p. IV.K-14) What is considered to be the “building podium”? This must be mapped. While one might assume it is the parking area closest to the existing building on east, west, and north, this doesn’t make sense as a staging area inasmuch as these areas would be under construction as the existing building is expanded.
3. (p. IV.K-15) It is understood that construction materials and equipment would be stored on-site and equipment would not have to be transported to the site each day. However, the traffic analysis includes no trips for deliveries at all. Clearly, materials will be delivered at intervals over the course of construction and equipment will be changed out as construction proceeds. The traffic analysis must include delivery trips.
4. (p. IV.K-15) Where would off-site parking be provided? The EIR must analyze impacts on that site as well as trips between any off-site lot and the project site.
5. (p. IV.K-15) What are construction workers anticipated to do to occupy their time between a 7 am arrival and 8 am start of work?
6. (p. IV.K-16) Is Table IV.K-6 intended to show construction conditions in 2014?
7. (p. IV.K-16) To what extent will construction activities in the existing building area and the Rosewood Avenue area overlap? Effects on traffic from both phases must be analyzed together during any period when activities would overlap.
8. (p. IV.K-16) What limited special activities would warrant extension of construction of hours?
9. (p. IV.K-16) Who would have the authority to approve an extension of construction hours for special activities?
10. (p. IV.K-16) How would the public be informed when any extension for special activities was under consideration or approved?
11. (p. IV.K-17) Rosewood Avenue does not continue uninterrupted to La Cienega. Further, Rosewood is primarily a residential street and should not be used as a haul route for long distances. A more accurate haul route must be identified.
12. (p. IV.K-17) The EIR must examine impacts on a realistic haul route, most likely Rosewood to Robertson to Beverly and on to La Cienega.
13. (p. IV.K-17) Why would construction workers arrive at 7 am if they will not start work and be earning wages until an hour later?
14. (p. IV.K-17) To reduce impacts on adjacent residents, if at all feasible the 268 PCE trips for hauling earth materials must exit directly onto Beverly Boulevard.
15. (p. IV.K-17) Impacts on the Rosewood Avenue Street segment, currently 760 trips a day (p. IV.K-26) must be addressed and mitigated. If all excavation haul trips for the Rosewood phase utilized Rosewood Avenue, significant impacts would occur.
16. (p. IV.K-18) Table IV.K-7 must be revised to reflect changes in assumed trip distribution due to the fact that Rosewood does not continue on to La Cienega from the project site.
17. (p. IV.K-18) Is Table IV.K-7 intended to reflect 2014 conditions?
18. (p. IV.K-18) Would use of a flag man at an affected intersection such as Robertson and Beverly be appropriate or even permitted under the Vehicle Code?
19. (p. IV.K-20) Why would concrete and earthwork related deliveries be exempt from peak hour delivery restrictions?

20. (p. IV.K-22) Is the existing office building fully occupied, i.e. do baseline trips reflect full occupancy? If not, then trip deductions for existing uses must be revised to reflect uses actually in existence.
21. (p. IV.K-26) The street segment analysis must also include impacts during construction.
22. (p. IV.K-28) Use of Rosewood Avenue for existing building excavation would result in a large, heavy, typically slow moving haul truck entering or leaving the site approximately every six minutes. How could this not affect emergency access to homes on Rosewood Avenue?
23. (p. IV.K-29) Will tandem parking be utilized for the valet-assisted parking?
24. (p. IV.K-29) How will residents access their cars when valet-assisted parking is utilized?
25. (p. IV.K-29) Will any self parking be provided for residents?
26. (p. IV.K-29) With the exception of garage and driveway parking for the townhomes, will any parking be designated for specific users?
27. (p. IV.K-29) What steps will be taken to assure that townhome garages are used for vehicles and not just for storage? The project must be conditioned to require that garages be kept clear for parking of vehicles, subject to semi-annual inspections.
28. (p. IV.K-29) Will project residents be permitted to obtain Area 1 resident parking permits? To reduce impacts on street parking project residents should not be permitted to obtain the permits.
29. (p. IV.K-32) Will pedestrian access be provided to Rosewood Avenue? To discourage parking on Rosewood Avenue, pedestrian access to Rosewood must be limited only to the townhomes.
30. (p. IV.K-34) How would a 125-seat restaurant survive with only a parking demand for 31 cars at 7 pm? Even at two persons per vehicle and customers arriving on foot, the restaurant would only be about half full.
31. (p. IV.K-35) The related project list attached to the traffic analysis (Appendix D to Appendix I) is more extensive than the list included in the EIR and was presumably used in the traffic analyses. This must be clarified.
32. (p. IV.K-35) While it is certainly desirable to prohibit construction related vehicles from parking on the street, it is not clear how this would mitigate impacts on the Beverly/Robertson intersection. The most effective measures to mitigate impacts on the intersection are those which allocate traffic to non peak hours.
33. (p. IV.K-36) Construction traffic would potentially result in a significant increase in traffic on Rosewood. This must be addressed in the EIR.

Utilities

1. (p. IV.L-1) What portion of the 88 MGD remaining capacity of the Hyperion Plant is already anticipated to be utilized by other development within the LA county service area?
2. (p. IV.L-1) At what percent of maximum capacity can the Hyperion Plant realistically function?
3. (p. IV.L-2) At what percent of capacity are existing sanitary sewer line functioning?
4. (p. IV.L-6) Is Kern County anticipated to continue to accept biosolids well into the future? What alternatives exist?
5. (p. IV.L-8) What volume of water would require disposal due to dewatering?

6. (p. IV.L-8) What is known about the quality of water to be subject to dewatering?
7. (p. IV.L-12) The analysis of cumulative impacts must take into consideration all anticipated growth in the Hyperion service area. Alternately the analysis may be based on consistency with the Integrated Resource Plan.
8. (p. IV.L-19) Does the reliability discussion reflect current conditions?
9. (p. IV.L-24) Can existing water mains provide adequate fire flows for the proposed project?
10. (p. IV.L-25) While water supply from the Hollywood Subbasin does not fluctuate, it has an annual safe yield of only 3,000 afy and cannot be relied on to meet one hundred percent of water needs.
11. (p. IV.L-27) The cumulative impact analysis must either include all other growth in the service area or rely on consistency with the applicable Integrated Water Management Plan.
12. (p. IV.L-32) Any increase in solid waste sent to Sun Valley transfer stations will increase impacts on heavily impacted areas of Sun Valley.
13. (p. IV.L-36) There appears to be a math error in Table IV.L.3-2. $387+53+125 = 565$
14. (p. IV.L-40) The math error in Table IV.L.3-2 is carried over into Table IV.L.3-4, while the existing waste figure for tons/yr. differs from the figure in Table IV.L.3-4. This must be clarified.
15. (p. IV.L-42) While the appropriate basis for calculating cumulative impacts on land fills is the service area, it appears that the project's contribution is de minimis.
16. (p. IV.L-47) The discussion of electricity supply and infrastructure must address recent brownouts in West Hollywood.

Project Alternatives

In accordance with Section 15126.6(a) of the Guidelines:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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, and evaluate the comparative merits of the alternatives.

An EIR must consider a “reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation” (Section 15126.6(a)). “Feasible” is defined by Section 15364 of the Guidelines as:

capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

While the DEIR considers two “reduced density” alternatives, both of these include expansion of the massive nonconforming ten-story office building. Peculiarly, the DEIR indicates that alternatives which would not expand the building, i.e. no project and “existing zoning”, are aesthetically inferior (p. VI-4 and VI-10, respectively). In light of the massive, nonconforming nature of the existing building any increase in the nonconformity would be a significant adverse impact, not a positive.

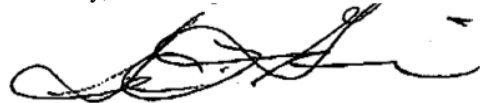
The alternative labelled “existing zoning” reflect existing zoning on only a portion of the site, the R1-B portion. A true “existing zoning” alternative should be examined, to include redevelopment of the entire site in conformance with all current land use restrictions including existing zoning and the ten-foot wide easement at the northerly edge of the site. This alternative would result in a significant reduction in height on the commercial portion of the site to 35 feet, or 45 feet with incentives. While the “existing zoning” alternative provides no residential uses on the commercial portion of the site, it should be noted that mixed uses is already permitted on the site. In fact, a density bonus over the normally permitted floor area ratio is permitted for mixed use.

Conclusion

As currently presented, the DEIR is inadequate to fulfill the purposes of CEQA. The document must be revised and re-circulated in accordance with Guidelines Section 15088.5(a) (4) in order that the public and decision makers may be fully informed of the impacts of the proposed project.

Thank you for the opportunity to comment. Please keep us informed as this project proceeds.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sandra L. Genis', with a stylized flourish at the end.

Sandra L. Genis

[REDACTED]

From: Audrey Pressman [REDACTED]
Sent: Tuesday, July 29, 2014 8:25 AM
To: Emily Stadnicki
Subject: 8899 Beverly Blvd. redevelopment

Yes I'm in favor of this I live in West Hollywood the more affordable housing the better and please have part of it be affordable housing for moderate income families there seems to be a an adequate amount for those There are more than enough for high-end and plenty for low income but very few for moderate thank you Audrey Pressman and Adriano Gonzalez

Sent from my iPhone

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[REDACTED]

From: Emily Stadnicki
Sent: Tuesday, July 29, 2014 1:58 PM
To: 'emilystadnicki@gmail.com'
Subject: FW: Development at 8846-89 okay 8 Rosewood Ave. and 8899 Beverly Blvd.

-----Original Message-----

From: Stephanie DeWolfe
Sent: Monday, June 23, 2014 2:27 PM
To: John Keho; David DeGrazia; Emily Stadnicki
Subject: FW: Development at 8846-89 okay 8 Rosewood Ave. and 8899 Beverly Blvd.

-----Original Message-----

From: Bobby Safikhani
Sent: Monday, June 23, 2014 2:11 PM
To: CMD Council Deputies Only
Cc: Paul Arevalo; Sam Baxter; Stephanie DeWolfe
Subject: FW: Development at 8846-89 okay 8 Rosewood Ave. and 8899 Beverly Blvd.

-----Original Message-----

From: Joel Ring [REDACTED]
Sent: Monday, June 23, 2014 2:07 PM
To: City Council Web Email Address
Subject: Development at 8846-89 okay 8 Rosewood Ave. and 8899 Beverly Blvd.

I own property in the residential neighborhood adjacent to this development. I have been a resident in West Hollywood for a long time and I participated in the general plan workshops just a few years ago. We should not change the general plan to accommodate this developer. The building on Beverly Boulevard is already a nonconforming use we should not allow it to become even more nonconforming. It is already an eyesore and sticks out towering above all of the houses in the neighborhood. If the city allows it to increase in size this would be a horrible negative impact on the neighborhood. We should maintain the R1 zoning designation for the Rosewood property. It is unfair to change zoning on all of the residents who currently live on Rosewood since this will impact their homes and neighborhood. There should not be any condominiums allowed on Rosewood Avenue.

Sent from my iPhone

[REDACTED]

From: [REDACTED]
Sent: Monday, July 14, 2014 11:06 AM
To: Emily Stadnicki
Cc: [REDACTED]
Subject: 8899 Beverly
Attachments: 8899SupportLtr.pdf

Emily,

I understand this project is on the agenda for the Planning Commission hearing scheduled for this Thursday. I had hoped to attend to speak on the matter but am recovering from complications due to recent surgery.

In lieu of personally appearing, I have written the attached letter and would like to submit it in the official records, delivered to the local neighborhood council and if possible, have it read at the meeting.

While I understand some of the current concerns of individual homeowners, I have a much longer history of understanding property developments & their impact of property values. I've been actively involved for over 30 years as a real estate attorney & broker.

The letter explains the reasons but in short, I urge the City and residents to approve this project as it will not only improve the area, but specifically to the interests of the residents, it will only increase the value of their properties.

If you have any questions

Nils Rudovics

Without Prejudice UCC 1-207
Attorney at Law - California License # 109753
Real Estate Broker - California BRE License # 01265091
[REDACTED]

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Nils Rudovics

California Licensed Real Estate Broker
DRE # 01265091
California State Bar License #109753

phone (323) 850-6457
NilsRudovics@aol.com

July 13, 2014

Honorable Members of the
Planning Commission and City Council
City of West Hollywood

**RE: 8899 Beverly Boulevard
conversion from commercial to mixed-use + addition of new residential units**

My apologies for submitting this opinion in writing as I really wanted to speak in person, but I am recovering from surgery.

I am a real estate attorney & broker. For over 30 years:

- I have lived & worked in the City of West Hollywood even before it became a city, when power lines & railroad tracks still ran down the center of Santa Monica Blvd.

- I have represented both residential buyers/sellers & developers throughout the City. If my name sounds familiar, it is because I have worked with every City Department, many Department heads & Council Members. I have a long history dealing with the concern/goals of both buyers & sellers and examining both sides of any new developments. And,

- I also worked for a member of the very first Planning Commission and was asked to review the first draft of the General Plan. From the very beginning, I urged that the General Plan should encourage mixed use projects, that is residential-over-commercial along every major traffic street.

I won't go further into background details as I'm glad to see the City is now recognizing the benefits of these types of developments, and will address specifically this project:

#1 - Rosewood Avenue (along with Bonner Drive) have a unique feature in that they both face parking lots for businesses fronting Beverly Blvd. I have shown & sold houses on both streets and can tell you after 30 years of experience, facing those parking lots has always been a concern for buyers. And come sale time, the prices are lower than for comparable houses even one block further north. All things being equal, buyers always chose a house further north if available. Why?

- unknown future development of those parking lots, and
- the City's own study back around 2010-11 showed that no matter how much parking was available for business along major traffic arteries, 45% of side street traffic were drivers looking for cheaper or free parking.

Permitting new residential units along Rosewood AND the conversion of 8899 Beverly would turn Rosewood into a "normal" residential street **resulting in decreased traffic and an INCREASE in the value of the existing homes.**

.../2

City of West Hollywood
RE: 8899 Beverly Blvd
July 13, 2014
Page 2

#2 - I think the developer should be applauded for converting an office building by adding a substantial residential component. Since commercial properties have triple-net leases, where all maintenance costs are passed on to tenants, they are often owned by absentee portfolio investors. Meanwhile, **residents are invested in their community and are the key ingredient that turn any project into a neighborhood.**

#3 - Finally, I would like to stress that this application is for the **conversion of an EXISTING office tower & commercial complex**, NOT for the construction of a new high rise building. Either way, at the end of the day, Rosewood residents will still be facing this 10-story tower. I think they should welcome the introduction of the new residential component which countless studies have shown

- will minimize traffic compared to that generated by commercial developments, and
- would INCREASE THE VALUE of their existing homes.

I urge the City to approve this project.

I also urge the neighboring residents to consider the potential long term negative consequences that they might not have yet experienced. No one likes change, but the tenant mix in commercial towers is *guaranteed* to change over time, each tenant with a different client base, some with increasing traffic & parking demands. Residential units add a known component as they only have one use.

This market stability will only increase neighboring property values. It's happening right now on the east side of West Hollywood as higher density mixed use developments are being approved and built along Santa Monica Boulevard. While some single family homeowners along side streets complain, their property values have risen over 50% in the last 4 years.

For the record, I am not affiliated with nor am I being compensated by the developer for making this statement. I just strongly support mixed-use projects. In my 30+ years, I seen them transform empty night time streets into safe resident-invested neighborhoods.

I mentioned this before but it bears repeating: this is a conversion of an *existing* commercial project, not the construction of a new 10 story tower. Just from my perspective as a broker that benefits from a strong residential real estate market, I don't understand why there should be any opposition.

Thank you for your time. If you have any questions

Sincerely,



Nils S. Rudovics
NSR/bms

[REDACTED]

From: [REDACTED]
Sent: Monday, July 07, 2014 10:15 AM
To: Emily Stadnicki
Subject: 8899 Beverly

Dear Emily:

There are numerous positive attributes to the 8899 Beverly Boulevard project. But one that has not received anywhere near enough attention is the plan to clean up the street frontage along Beverly. As someone who works in the area, this is a big deal!

The adaptive reuse of the building eliminates the below-street retail space and the numerous ramps that currently exist and define the experience along that stretch of the street. In its place, the plans call for the creation of true streetfront retail that is at the grade of the sidewalk. In the process, the amount of linear feet of at-grade retail along the sidewalk will grow from 15 feet to approximately 90 feet.

Other elements of the retail renovation include an expansion of the storefronts to 25 feet in height and the removal of the westernmost driveway. And down the road, wider sidewalks and new paving, lighting, landscaping and street furniture consistent with the recently approved streetscape plan that covers Beverly Boulevard, Melrose Avenue and Robertson Boulevard will be added.

The result will be an inviting environment that will further extend the pedestrian-friendly nature of the area, which is already one of the most walkable parts of West Hollywood.

In addition, there will be an economic benefit that is likely to be felt by the owners of the stores, restaurants and galleries along Beverly Boulevard. Increased foot traffic is certain to translate into an increase in the number of visitors and ultimately sales for these small businesses.

West Hollywood is at its heart a walking city. Any development project that does everything it can to encourage that pedestrian activity should be applauded. I hope that you do the right thing and support this project.

Ryan Lawrence

[REDACTED]

From: [REDACTED]
Sent: Saturday, July 05, 2014 8:06 PM
To: Emily Stadnicki
Subject: 8899 Beverly

Ms. Stadnicki:

I work down the street from the 8899 Beverly project, and I believe it will be a beautiful addition to West Hollywood and should be welcomed with open arms.

The design sensitivity that is proposed means that only the highest design standards, highest grade materials and superior construction techniques will be utilized to create landmark architecture.

Award-winning architect Tom Kundig is handcrafting the reinterpretation of the Mid-Century Modern office building. The proportions of the original structure and certain elements are being preserved, while a new yet compatible design is being added around the building.

The Rosewood townhomes are designed to be compatible and sensitive to the context of the West Hollywood West neighborhood. The architectural firm Hart Howerton has designed each of the 13 townhomes to be architecturally distinct while maintaining the same vocabulary with a common palette of materials and colors.

As I said, this is a spectacular-looking project that should be approved. I hope that the Planning Commission does its part and recommends approval.

Aaron Luber

[REDACTED]

From: [REDACTED]
Sent: Monday, July 07, 2014 4:51 PM
To: David Gillig; Emily Stadnicki
Cc: Richard Giesbret; Meister4WeHo
Subject: 8899 Beverly Project Staff report

Dear Emily and David,

Can you make sure this email is entered into the staff report for 8899 Beverly Blvd. Mixed Use Project as a current update with our existing letters from the neighborhood community.

July 7th, 2014

City of West Hollywood Planning Commission
8300 Santa Monica Blvd.
West Hollywood, CA 90069

Re: The Proposed 8899 Beverly Blvd. Mixed Use Project.

Via email

Dear Commissioners,

I appreciate your time already given in this matter in addition to reviewing this letter.

While I feel there may be some positives to this project, I still feel, along with the neighboring community at large, that these are outweighed by the negatives in the current application.

Even though this is proposed to being lumped into one parcel with a specific plan, it needs to be looked at with the Beverly side separate from the rosewood side.

The neighborhood as well, as myself, is very much against the zoning change of the R1B plots on rosewood to anything other than R1B, an addition of a pool house on an R1B plot for all the residents of the 8899 Buuilding's use, and townhomes that do not fit into the R1B nature or designs that do not fit into the character of the neighborhood, however, the recently discussed concept of single family residences and relocation of subsidized housing into the main building that the developers discussed as an alternate sounds like something more inline with what we could all hope for in this development.

The developers have taken meetings with the local community in steps to reach a common ground but I fear at this point they have been unwilling to put any promises or changes down in writing or change their application prior to the planning meeting on the July 17th.


I would love the opportunity for the developers to work more with all the residence collectively along with the city to find what legally is permissible and what is being applied for as a request and not an entitlement as the current application does not meet current zoning guidelines or the city's general plan.

--

Sincerely,

Seth

Seth William Meier
Resident on Rosewood

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July 7, 2014

Via email

City of West Hollywood Planning Commission
8300 Santa Monica Boulevard
West Hollywood, CA 90069

RE: 8899 Beverly Boulevard Mixed Use Project — July 17 Planning Commission hearing

Dear Chair Deluccio, Vice-Chair Huebner and Honorable Commissioners:

Thank you for the opportunity to comment on the 8899 Beverly Boulevard Mixed Use project. While I agree the 8899 Beverly building needs to be updated/renovated and the ground floor commercial space needs to be pushed out towards Beverly in order to make it more pedestrian friendly, I cannot support the project as proposed.

First, the proposed project does not reflect the goals of our General Plan. It is clearly not consistent with the applicable land use plans, policy and regulations for the Project Site as claimed in the Draft Environmental Impact Report (“DEIR”) – otherwise, the Applicant would not need a General Plan Amendment or a Specific Plan.

LU-11.1 of the General Plan, which speaks specifically to the Melrose/Beverly District, states:

Encourage a variety of retail, creative office, commercial, and residential uses to support the vision for the area.

a. Maintain and enhance the concentration of arts and design-related uses.

b. Continue to allow a wide variety of uses including retail, galleries, boutiques, cafes, restaurants, creative office space, entertainment venues, bars, and nightclubs.

c. Allow limited housing on Beverly Boulevard. These opportunities should be focused on artist live/work housing.

This project is not the type of mixed-use project that is alluded to in the General Plan, its residential component is not the type of housing specified in the General Plan (i.e., artist live/work housing), and Beverly Boulevard is not a Transit Overlay Zone, so the additional density is not warranted.

As you know, the north side of Beverly Boulevard, where 8899 is located, is zoned CC1, which allows for an FAR of 1.5 and a height limit of 35 feet (without bonuses). The majority of buildings on the north side of Beverly Boulevard are low-rise structures. The Rosewood Avenue portion of the project, located in West Hollywood West, is zoned R1B, which allows for an FAR of 0.5 (i.e., 50% of lot size), and a height limit of primary structures of 25 ft. (2 stories). Further, the City is currently working on a Neighborhood Conservation Overlay Zone (“NCOZ”) for the West Hollywood West area —the goal of which is to keep intact the character and integrity of the residential neighborhood.

Please note, I do not object to single-family homes or duplexes on Rosewood as long as the Rosewood property remains residentially zoned R1B, the structures comply with R1B zoning requirements and are subject to the NCOZ.

Letter to Planning Commission
8899 Beverly Blvd. Mixed Use Project
Page 2

Second, the existing 8899 Beverly building is already non-conforming. This is a very important consideration. The existing building is at least three to four times taller than any building would be allowed in a CC1 zone, and has a greater FAR than what is allowed in the CC1 zone. The existing building could not be built under current zoning.

To allow additional density or height, on top of an already non-conforming structure, would set a dangerous precedent that would jeopardize the integrity of the neighborhood – both commercial and residential.

Consider other existing office buildings on the north side of Beverly Boulevard and the single-family R1B neighborhood directly abutting them. In fact, there are several office buildings on Beverly Blvd. just below Bonner Drive that, if this precedent were to be set, might then apply for the same type of re-zoning.

Third, as I mentioned in my previously submitted comments regarding the DEIR, the EIR does not adequately study the potential *domino effect* that this proposed project could (and would likely) cause if approved. The potential impacts of this proposed change in use, both in terms of zoning (land use) and infrastructure (such as public utilities such as water supply, sewer, etc.), have not been adequately studied and I challenge that the cumulative impacts of this project would be “less than significant.”

I respectfully ask that you deny the project as proposed.

Thank you for your consideration.

Sincerely,



Lauren Meister
West Hollywood Resident
[REDACTED]

Cc: Stephanie DeWolfe - Director of Community Development, City of West Hollywood
John Keho - Assistant Community Development Director, City of West Hollywood
David DeGrazia - Planning Manager, City of West Hollywood
Emily Stadnicki, Senior Planner
Richard Giesbret - President, WHWRA
Seth Meier - Rosewood Resident

[REDACTED]

From: [REDACTED]
Sent: Sunday, July 06, 2014 10:57 AM
To: Emily Stadnicki
Subject: 8899 Beverly - New Project

Dear Ms. Stadnicki:

I'm writing you with regard to the proposed 8899 Beverly Blvd project. I particularly admire the fact that this is a recycling of a standing and not-so-efficiently-used building. The plan to update it with a more contemporary design using a pro-environmental approach while also re-creating its grounds for residential use is a very appealing approach which I find very exciting. Not to mention, the increased revenue opportunities for West Hollywood through more efficient retail space.

I'm all for recycling. From what I understand, the result of converting this building to residential use will reduce traffic and create more efficient parking, while also improving energy usage is definitely creative thinking.

And, the fact that this project would beautify a part of town while providing new amenities for the area by providing an enhanced leisurely and lifestyle for its residents is also a plus. It's always more pleasant to be able to walk more and drive less.

What is amazing to me is that this revisioning of the original complex would add 56 condominiums, 13 townhomes and 12 affordable apartments for households with varying income levels comes without the removal of any existing housing.

This would be a real feather in the cap for West Hollywood. With so many other housing projects now in construction and/or proposed for West Hollywood, the 8899 Beverly project seems to me to be one of the best in terms of recycling and reinventing an area by increasing its usage while providing beauty, efficiency, new housing for all types of income while also de-intensifying the use and reducing traffic. It will definitely add to West Hollywood's growing reputation as the city to watch.

Most importantly, by repurposing an existing building and creating more efficient retail space and by replacing surface parking with underground parking and increased housing, what would also a big plus for West Hollywood is that is that it would also add to the city's revenue.

In other words, the 8899 Beverly project to me is a no-brainer. Please approve this project.

Sincerely,

Carl Moebus



[REDACTED]

From: Michael Spoodis <[REDACTED]>
Sent: Friday, July 04, 2014 10:29 AM
To: Emily Stadnicki
Subject: 8899 Beverly project

Dear Ms. Stadnicki:

As a longtime West Hollywood resident, I am writing to voice my support of the 8899 Beverly project. I think it's a great reuse of an older, underutilized building--and from a design standpoint, I think the project is truly great. I am also happy to see that low income units are included in the plans. As you well know, they are sorely needed in our city.

I support this project and I hope that you will, also.

Thank you,
Mike Spoodis

[REDACTED]

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DESIGN DISTRICT

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July 30, 2013

David DeGrazia
Planning Division
1239 Santa Monica Boulevard
West Hollywood, CA 90069

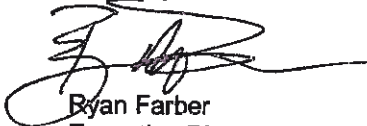
Dear Mr. DeGrazia,

We are pleased to present this letter in support of the proposed project at 8899 Beverly Blvd. During the initial presentation by Townscape Partners to our committee we were shown drawings of the proposed project and given an extensive explanation of their vision. Our committee is excited that an existing office building will become beautiful residences that include affordable housing. Moreover, the design aesthetic and materials that have been specified for this project are consistent with elements in West Hollywood Design District.

Townscape emphasized this project will reduce traffic in the area because the project is an adaptive reuse of an office building and that it will have less construction impact because the duration of work will not be as long.

Our committee feels strongly that a green building such as 8899 Beverly is a responsible and welcome addition to West Hollywood Design District.

Sincerely,



Ryan Farber
Executive Director
West Hollywood Design District

&

WHDD Streetscape Committee on behalf of the WHDD Board



West Hollywood West Residents Association

P.O. Box 691427
West Hollywood, CA 90069
Email: whwra90048@gmail.com
Voice Mail: 323-849-0048

July 7, 2014

City of West Hollywood Planning Commission
8300 Santa Monica Blvd.
West Hollywood, Ca 90069

RE: The proposed mixed use project at 8899 Beverly Blvd.

Dear Commissioners,

We have several concerns about this proposed project:

The face of the expanded tower is set less than two hundred feet from Rosewood and will thus loom over the neighborhood.

The added girth and height, due to incorporation of the roof area and mechanical penthouse as habitable interior and exterior space, will further contribute to the dominating presence of this tower over the neighborhood.

The commercial use of the space appears tertiary to the residential use, not reflecting consistency with the General Plan.

We support the immediate neighbor's request that the Rosewood property remain residentially zoned as R1B, concomitantly avoiding a precedent for future development proximate to West Hollywood West.

Sincerely, (

Richard Giesbret

President, West Hollywood West Residents Association

[REDACTED]

From: [REDACTED]
Sent: Tuesday, July 08, 2014 3:07 PM
To: Emily Stadnicki
Cc: David Gillig; Lauren Meister; Richard Giesbret
Subject: Re: 8899 Beverly Project Staff report
Attachments: WehoR1B_Petition_Signatures_1006_low res.pdf

Dear Emily,

In addition, I was waiting till I had all of these together but i think this petition should be included as well. Here is a pdf with 1006 signatures from registered voters who live in West Hollywood against the proposed change of zoning. I have the originals if needed.

I am still sorting and compiling the remaining which I have not sent to search for duplicates and errors so I will submit those when those are completed.

Specifically signed against:

"petitioning against any change of R1 zones by the West Hollywood City Council to commercial zones or any uses not permitted by the General Plan. We need to preserve R1 zones (residential neighborhoods) as prescribed by the recently adopted West Hollywood General Plan."

--
Sincerely,

Seth

[REDACTED]

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On 7/7/2014 4:58 PM, Emily Stadnicki wrote:

Thank you for your comment; it will be included in the Planning Commission packet.

Emily Stadnicki, AICP
Senior Planner
Current and Historic Preservation Planning
Community Development Department
City of West Hollywood
T: 323.848.6891

-----Original Message-----

From: Seth William Meier [REDACTED]
Sent: Monday, July 07, 2014 4:51 PM
To: David Gillig; Emily Stadnicki
Cc: Richard Giesbret; Meister4WeHo
Subject: 8899 Beverly Project Staff report

Dear Emily and David,

Can you make sure this email is entered into the staff report for 8899 Beverly Blvd. Mixed Use Project as a current update with our existing letters from the neighborhood community.

July 7th, 2014

City of West Hollywood Planning Commission
8300 Santa Monica Blvd.
West Hollywood, CA 90069

Re: The Proposed 8899 Beverly Blvd. Mixed Use Project.

Via email

Dear Commissioners,

I appreciate your time already given in this matter in addition to reviewing this letter.

While I feel there may be some positives to this project, I still feel, along with the neighboring community at large, that these are outweighed by the negatives in the current application.

Even though this is proposed to being lumped into one parcel with a specific plan, it needs to be looked at with the Beverly side separate from the rosewood side.

The neighborhood as well, as myself, is very much against the zoning change of the R1B plots on rosewood to anything other than R1B, an addition of a pool house on an R1B plot for all the residents of the

8899 Buuilding's use, and townhomes that do not fit into the R1B nature or designs that do not fit into the character of the neighborhood, however, the recently discussed concept of single family residences and relocation of subsidized housing into the main building that the developers discussed as an alternate sounds like something more inline with what we could all hope for in this development.

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