



STAFF REPORT
CITY OF BEVERLY HILLS

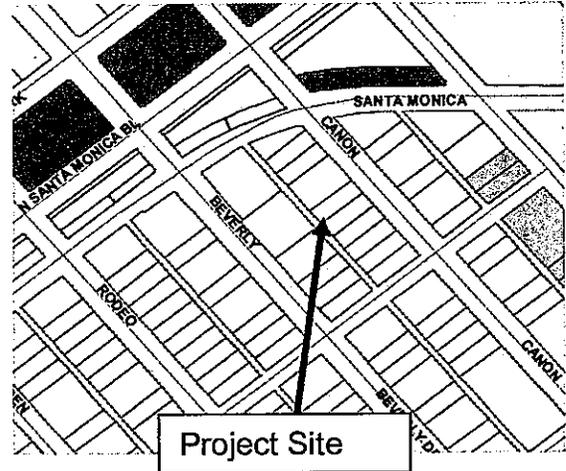
**For the Planning
Commission Meeting of
September 25, 2008**

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Jonathan Lait, AICP, City Planner

SUBJECT: A request for a Conditional Use Permit to allow a 6,280 square foot automobile showroom for Auto Gallery Motorcars at **447 N. Canon Drive**



RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution (Attachment 2) conditionally approving a Conditional Use Permit (CUP) to allow the proposed 6,280 square foot tenant lease space to be utilized for vehicle sales

EXECUTIVE SUMMARY

The request is for a Conditional Use Permit (CUP) to allow a 6,280 square feet automobile showroom to be located at the City's Beverly-Canon public parking structure at **447 North Canon Drive**.

The proposal would be located on the first floor space of the City's Beverly-Canon public parking structure Building. As conditioned, the proposed auto showroom would display a maximum of 15 cars and include incidental sales of luxury accessory items such as clothing, jewelry, watches and footwear. Based on a traffic and parking analysis prepared in conjunction with the proposal, the project would not result in traffic impacts and parking supply within the structure will be adequate to meet the project's projected parking demand. In order to ensure compatibility with the adjacent restaurant, retail, and commercial uses within the Business Triangle, approval of the project is subject to several key operational conditions, as outlined herein.

GENERAL INFORMATION	
Applicant	Auto Gallery Motorcars-Beverly Hills LLC
Project Owner	City of Beverly Hills
Zoning District	C-3 Commercial Zone
Parcel Size	45,000 Sq.Ft.
Permit Streamlining Act Deadline	11/14/2008

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

Project Description. The proposed 6,280 square feet showroom will be limited to sale or leasing of cars of new and previously owned high-end sport and luxury vehicles. There will also be incidental sales of luxury accessory items such as clothing, jewelry, watches and footwear. The applicant is proposing to renovate the interior of the tenant space and to display 15 cars in the showroom. The 15 cars will be infrequently changed with new or different models. There will be no servicing of vehicles at this location. There will be no on- or off-loading of cars by truck. No test drive will be conducted at the project site. Instead, patrons will make appointments for a car to be brought to their house or office for a test drive. Thus, there will be no storage of vehicles on-site. Vehicles will be stored at applicant's Calabasas or Woodland Hills facilities. Auto Gallery Motor Car's corporate location and dealership is located in Calabasas, California.

A large retractable door at the project's front entrance along Canon Drive will be open to the public during business hours. Vehicles will be individually driven to the site through the back service alley or through the Canon Drive entrance. Showroom operating hours are proposed to be 9:00 a.m. to 11:00 p.m., daily.

As detailed in the zoning analysis section, below, staff is recommending several operational conditions to ensure that the proposed use is compatible with the existing built environment and that the use of the space be limited primarily to that of a showroom.

PROJECT DATA SUMMARY

Category	Project Data
Beverly-Canon Public Parking Structure Building Area	84,000 square feet
On-Site Parking Space	405 parking spaces *
Area of Proposed Project	6, 280 square feet
No. of Cars on Display	15
No. of employees	Maximum of 8
Required Parking	18 parking spaces (1 space per 350 sq.ft.)
Operating Hours	9: a.m.- 11: p.m. daily

* The building has an on-site subterranean parking garage, with vehicle entrance and exit ramps both on Beverly and Canon Drives. According to City's records, the building contains 405 parking spaces, which meet the Code required ratio at one parking space per 350 square feet of floor area (241 required spaces) with 164 additional parking spaces.

A façade remodel including signage is also proposed for the exterior of the structure. The exterior changes are subject to architectural review approval.

Beverly-Canon Public Parking Structure. The proposed lease-space is located within the City's Beverly-Canon Parking Structure Building, which includes 84,000 square feet of rentable area and four subterranean levels of parking with 405 parking spaces (self park spaces) which would provide public parking and spaces for the uses in the building. There is no internal valet operation at this parking facility. The parking structure utilize attendant to assist stack parking on the lowest level of the garage on Thursday through Saturday from 11:00 a.m. to 4:00 p.m. in order to park more vehicles on these days, however, there is no on-going internal valet operation for this facility. An average 1900 transient parkers per day visit the parking structure. There are 32 monthly parking permits issued to tenants of the building. It should be noted that there are two on-street valet stations on Canon Drive next to the proposed tenant space. The existing on-street valet operations are providing service to three businesses including Aida Thibiant, W Steakhouse and Nic's Restaurant next to the project tenant space. Due to vehicle back-ups on Canon Drive, on-street valet operation will not be available for the proposed operation during daytime hours.

The following is the public parking structure parking information:

Conditional Use Permit
 447 N. Canon Drive
 September 25, 2008

Parking Facility	Hours of Operation	Parking Charges
Beverly-Canon 439 N. Beverly Drive/ 438 N. Canon Drive	Monday –Friday: 6 a.m.-12:00 a.m. Saturday–Sunday:8:00 a.m.- 12:00 a.m.	Two Hours Free Thereafter \$2.00 per ½ hour \$3.00 flat rate vehicles entering after 6:00 p.m. Daily Maximum:\$16.00

The City’s parking structure is a public parking structure which includes a large commercial component. At this time the building is occupied by the following uses:

TENANT	RENTABLE AREA SQ.FT.
Auto Gallery Motorcars(the City Council approved the lease on July 8, 2008 – CUP required)	6,280
Beverly Hills Lingual Institute	7,975
Crate & Barrel	38,000
Keller-Williams	15,762
Wolfgang’s Steak House Restaurant	8,800
Johnson & Rishwain, LLP	3,153
Alliance Title Co./Flagrant Films	3,173

The public parking structure is in the City’s central business district. As shown above, the majority of the building is leased except for approximately 6,280 square feet which will be leased to the Auto Gallery pending the CUP approval. The lease agreement was approved by the City Council on July 2008 and is contingent upon approval of a CUP.

Area Characteristics. The City’s parking structure contains a variety of commercial uses over a subterranean parking structure. The proposed project would utilize the space formerly occupied by Dutton’s Books. The site is surrounded by retail, commercial and restaurant uses in the Business Triangle of the City.

ANALYSIS: ZONING AND GENERAL PLAN

Zoning Code: Pursuant to Beverly Hills Municipal Code Section 10-3-3800, the Planning Commission may authorize conditional use permits provided that that the proposed location of any such use will not be detrimental to adjacent property or to the public welfare. In addition, pursuant to BHMC Section 10-3-1613, the Planning Commission shall consider the following criteria for Conditional Use Permits involving vehicle sales:

- (A) Whether the proposed use is compatible with the area and surrounding uses;
- (B) Whether the proposed use will have adequate buffering between the use and residential areas;
- (C) Whether the proposed use will create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking;
- (D) Whether the proposed use will create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

(A) Compatibility with the area and surrounding uses.

This proposed use is currently conditionally allowed by the C-3 commercial zone and is in conformance with the General Plan. The project site is surrounded by retail, commercial, office and restaurant uses and is located within the City's Business Triangle area. Although the proposed vehicle sales use would be unique to area, as proposed and conditioned, it would be unique from typical vehicle sales uses and would be compatible with the area and surrounding uses. The use would operate primarily as a showroom and retail sales facility. Operationally, the use would be limited by the following restrictions: 1) no test driving permitted to or from the project site; 2) vehicle servicing not permitted on-site; 3) no on or off loading of vehicles by truck delivery; 4) limited use of the Canon Drive entrance to off-hours to ensure that the use does not disrupt the existing traffic flow or interfere with pedestrian safety; and 5) limiting the number of display vehicles permitted at any one time.

(B) Adequate buffering between the use and residential areas.

Operation of the proposed auto car showroom will not significantly interfere with the use and enjoyment of residential properties in the vicinity of the tenant space. The project is located within the Business Triangle, which is a concentrated area of the commercial zone. It is anticipated that the proposal will not have a significant adverse effect on the use and enjoyment of the nearest residential uses on Crescent Drive.

(C) Any adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including traffic circulation or parking;

Traffic Impacts. A traffic and parking analysis was prepared for this project and concludes that there will be no traffic impacts during the AM peak and PM peak periods as a result of this project. The report compares the proposed use to a typical retail

Conditional Use Permit
447 N. Canon Drive
September 25, 2008

apparel store of 6,280 square feet and a book store (previous use) and concludes that the vehicle sales use is likely to generate less traffic than these other retail uses. Further, approval of the project is subject to a condition prohibiting test drives to or from the project site.

Circulation Impacts. There are two points of access to the display area, one at the front entrance along Canon Drive and the other at the rear of the property along the alley. The project is conditioned to require a minimum 14-foot wide opening along the alley to ensure a safe turning radius into and out of the lease space. The applicant is suggesting two options to access the Canon entrance:

1. Usage of portable curb ramp or
2. Utilizing the parking structure curb cut immediately adjacent to the site

Installation of a temporary ramp is not practical and safe at this location due to the narrow width of southbound traffic lanes. Utilizing this approach would further exacerbate this situation and disrupt the flow of traffic. The City's Public Works Department recommends against this approach, but instead recommends accessing the site via the parking structure curb cut subject to the following:

- a) In order to avoid the disruption of traffic along Canon Drive and avoid vehicle and pedestrian conflicts, utilization of the Canon Drive entrance shall be limited to the hours of 12:00 AM to 6:00 AM; provided further that such activity shall not be permitted during the normal business hours of the Beverly-Canon Parking Garage facility.
- b) To further ensure pedestrian safety, a flagman or similar person shall be required at all times that vehicles are moving into and/or out of the premises via Canon Drive. Such flagman shall be positioned adjacent to the Canon Drive entrance to caution
- c) The applicant shall obtain a street use permit or similar permit as may be required by the Public Works Department in order to utilize the Canon Drive entry

Parking impacts. The Beverly-Canon Public Facility was constructed in February, 2005. According to City's records, the building has 405 parking spaces, which meet the Code required ratio at one parking space per 350 square feet of floor area (241 required spaces) with 164 additional parking spaces. The proposed show room with 6,280 square feet floor area will require 18 parking spaces. The patrons of the proposed use are anticipated to park in the public parking facility underneath building on the same terms as is available to the general public and all other tenants of the building. The proposed project will employ eight persons. The employee parking will be provided at the City's parking structure located at 440 N. Camden Drive. The

Conditional Use Permit
447 N. Canon Drive
September 25, 2008

parking analysis study prepared in conjunction with the project has been reviewed by the Transportation Division and peer-reviewed by the City's on-call Traffic Consultants and concludes that the availability of parking within the Beverly-Canon public parking structure and the assignment of associated employees to off-site parking in the Camden garage will satisfy the project's parking demands.

(D) Will the use create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses?

The proposed showroom will not increase noise, fumes or lighting from the location. No vehicle servicing is proposed for the site. The project's operations have been conditioned to ensure that the use of the property is similar to and compatible with surrounding retail, commercial and restaurant uses and would therefore not substantially interfere with these neighboring properties and uses.

Conformance with General Plan.

The subject property is designated "Low Density General Commercial" in the City's Land Use Element of the General Plan. The proposed project is consistent with the General Plan of the City. The General Plan designated the property for commercial uses in the Business Triangle area.

PUBLIC NOTICE AND COMMENTS

Notice of public hearing was mailed on September 15, 2008 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within a 500-foot radius of the exterior boundaries of the subject property. The hearing notice was also published in the *Beverly Hills Courier* on September 12, 2008 and in the *Beverly Hills Weekly* on September 18, 2008. As of the date of preparation of this staff report, no comments have been received.

ENVIRONMENTAL DETERMINATION

Staff has reviewed the proposed application for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guidelines Section No. 15301 (Existing Facilities).

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission

Conditional Use Permit
447 N. Canon Drive
September 25, 2008

deliberations, staff recommends that the Planning Commission approve the project, subject to the following conditions:

1. No more than 15 vehicles shall be displayed within the premises at any one time. The final layout shall be approved by the Department of Building and Safety to ensure appropriate measures for emergency pedestrian egress from the site and other applicable building code regulations.
2. In order to ensure that the use is maintained as a showroom and retail operation, no test drives shall be permitted within the Business Triangle.
3. On- and off-loading of vehicles by truck delivery shall not be permitted.
4. In order to ensure that the use is maintained as a showroom and retail operation and not a typical automobile sales use, no servicing or maintenance (including washing) shall be permitted on-site or in the alley.
5. The applicant shall provide free off-street parking for all showroom employees during all hours of operation. Such off-street parking shall be demonstrated in a form and manner acceptable to the City Planner prior to occupancy of the premises.
6. Service and maintenance of vehicles, including washing of vehicles shall not occur on-site or in the alley.
7. The use of the Canon Drive entrance for the movement of display vehicles into and out of the space shall be subject to the following conditions:
 - d) In order to avoid the disruption of traffic along Canon Drive and avoid vehicle and pedestrian conflicts, utilization of the Canon Drive entrance shall be limited to the hours of 12:00 AM to 6:00 AM; provided further that such activity shall not be permitted during the normal business hours of the Beverly-Canon Parking Garage facility without authorization from the Department of Public Works.
 - e) To further ensure pedestrian safety, a flagman or similar person shall be required at all times that vehicles are moving into and/or out of the premises via Canon Drive. Such flagman shall be positioned adjacent to the Canon Drive entrance to caution
 - f) The applicant shall obtain a street use permit or similar permit as may be required by the Public Works Department in order to utilize the Canon Drive entry.

Conditional Use Permit
447 N. Canon Drive
September 25, 2008

8. The alley opening shall be a minimum of 14 feet in width to allow the maximum turning radius. Prior to approval of a building permit to allow such an opening, approval shall be required by the Public Works Transportation Division to ensure a safe turning radius.
9. The project is subject to Architectural Review approval.
10. Should the business or activities conducted at the Project site change so that, in the opinion of the City Planner, additional operational restrictions are required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts or to ensure compatibility with surrounding land uses, then, additional conditions, including limiting the hours of vehicle movement into and out the showroom may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in §10-3-3307 of the BHMC.

Rita Naziri

Attachments:

- 1- Applications and supporting documents
- 2- Draft Resolution
- 3- Public Hearing Notice

ATTACHMENT 1
SUPPORTING DOCUMENTATION FROM APPLICANT

Benjamin M. Reznik
Direct: (310) 201-3572
Fax: (310) 712-8572
BMR@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 65031-0002

September 17, 2008

VIA E-MAIL AND HAND DELIVERY

Noah D. Furie, Chair and Honorable Commissioners
City of Beverly Hills, City Planning Commission
455 N. Rexford
Beverly Hills, CA 90210
Fax: (310) 858-5966

**Re: The Auto Gallery Motorcars - Beverly Hills, LLC
447 N. Canon Drive, Beverly Hills, CA 90210
Case No. PL0827811
City Planning Commission Hearing Date: September 25, 2008**

Dear Chair Furie and Honorable Commissioners:

This office represents The Auto Gallery Motorcars - Beverly Hills, LLC, a Delaware limited liability company ("**Auto Gallery**"). On July 8, 2008, Auto Gallery entered into a lease with the City of Beverly Hills ("**Lease**"), to occupy a portion of the ground floor of the City-owned building (approximately 6,280 square feet) located at 447 N. Canon Drive in Beverly Hills ("**Property**"). The Beverly Hills City Council approved the Lease on or about July, 2008.

The effectiveness of the Lease is conditioned upon the City of Beverly Hills issuing a conditional use permit which permits automobile showroom for display and retail sales of new and previously owned high-end sports cars and luxury cars, and related activities, including without limitation, the display and sale of accessories, apparel, jewelry and watches (see Lease, Sections 1(h) and 2(a)). Incidental sales of luxury accessory items are a permitted use within the C-3 Zone.

On June 9, 2008, our office submitted a conditional use permit application on behalf of Auto Gallery to operate a showroom for the sale and leasing of new and previously owned high-end sport and luxury vehicles (the "**Project**"). We have worked diligently with staff to provide answers and information related to the Project. On August 15, 2008, we submitted a Parking Analysis prepared by Iteris, Inc. to the City planners ("**Iteris Parking Study**"). The Iteris Parking Study concludes that the availability of parking underground in the municipal garage and the assignment of employees to off-site parking will satisfy the parking demands for the proposed Project.

This Project complies with the four criteria set forth in Beverly Hills Municipal Code § 10-3-1613 for the Planning Commission to consider when reviewing a conditional use permit application for vehicle sales.

A. The Project is Compatible with the Area and Surrounding Uses

The City-owned building is currently occupied by Crate & Barrel, Keller Williams Realty, the Beverly Hills Lingual Institute and a Wolfgang Zweiner Steakhouse. Auto Gallery will occupy the space formerly occupied by Dutton's Beverly Hills Books. The Project Site is immediately surrounded by retail and commercial stores. The proposed use is consistent with this pedestrian oriented neighborhood and is conditionally allowed.

The Project will contribute to the existing commercial setting by offering a unique and complimentary commercial experience. It is expected that restaurant and retail patrons will combine their visits to the Project Site while visiting the neighborhood.

B. The Proposed Use is Adequately Buffered from Residential Areas

The immediate surrounding neighborhood is zoned C-3. The closest residential neighborhood is zoned multiple-family residential-commercial parking, located more than two blocks away. Further, the Project is bounded by an alleyway that passes through the middle of the City-owned building, creating a tunnel beneath the second floor of the building. The Project is similarly buffered by the driveway ramp to the underground municipal garage to the immediate east of the Project Site. Accordingly, the proposed use will be buffered from residential neighbors.

C. The Project Does Not Create Adverse Traffic Impacts

There will be no on- or off-loading of cars by truck. Showroom vehicles will be individually driven to the Project Site. The Lease permits vehicular access to the premises from the back service alley at anytime and from the garage door entrance on Canon Drive from midnight to 6 a.m. There will be approximately fifteen (15) cars on display.

Further, there will be no test-driving of cars at the Project Site. Instead, patrons will make appointments for a car to be brought to their home or office for a test drive. Thus, the Project will unlikely create adverse traffic impacts.

D. The Project Creates Synergies With Neighboring Properties and Uses

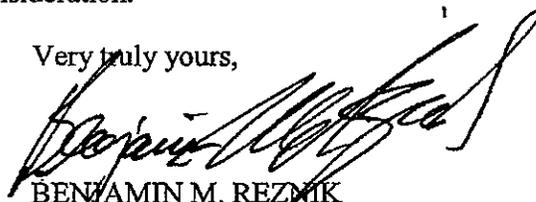
A retractable door at the Project's front entrance along Canon Drive will be opened to the public during business hours to enhance the community pedestrian experience. The Project is anticipated to draw visits from nearby restaurant and shop patrons. In fact, Auto Gallery has spoken to neighbors about this Project who have all indicated their support for the Project.

Noah D. Furie, Chair and Honorable Commissioners
September 17, 2008
Page 3

Further, the operating conditions of the Project -- no test driving onsite, no on- or off-loading of vehicles by truck and the limited use of the Canon Entrance for showroom vehicles -- help ensure that the Project will promote the public welfare and existing retail experience. Accordingly, the Project will unlikely create excessive noise, unpleasant odors, noxious fumes, excessive lighting or substantial interference with neighboring properties.

We are pleased to present this well-designed Project for your consideration. We strongly believe the high-end showroom will enhance the local pedestrian and commercial experience. Accordingly, we respectfully request that the Commission approve the conditional use permit to operate an automobile showroom, in accordance with the Lease which has been approved by the City Council. Thank you for your consideration.

Very truly yours,



BENJAMIN M. REZNIK
AMY TSAI-SHEN for
Jeffer, Mangels, Butler & Marmaro LLP

cc: David Reyes, Principal Planner
Rita Naziri, Planner

ATTACHMENT 2
DRAFT RESOLUTION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE SHOWROOM AT 447 N. CANON DRIVE (AUTO GALLERY MOTORCARS-BEVERLY HILLS LLC.)

Section 1. Amy H. Tsai-Shen, on behalf of Auto Gallery Motorcars-Beverly Hills LLC, (tenant at 447 N. Canon Drive) and the City of Beverly Hills, (property owner) (collectively, the “applicant”) has submitted an application for a Conditional Use Permit (“C.U.P.”) to use the existing 6,280 square foot tenant space, addressed as 447 N. Canon Drive as a showroom and sales office for luxury cars both new and pre-owned automobiles. The proposed showroom will be located on the first floor space of the City’s Beverly-Canon Building.

The project is located in the C-3 Zone which allows vehicle sales and service uses if authorized by a C.U.P.

Section 2. The applicant is proposing to operate an automobile showroom in the tenant space located in the existing City owned building located at 447 North Canon Drive. The building was originally constructed in 2005. The proposed use is a showroom for the sales and leasing of high end new and pre-owned cars with incidental retail sales of luxury accessory items such as clothing, jewelry, watches and footwear. The project does not propose the operation of either vehicle services, test drive or on or off loading of vehicles by truck delivery at the project. No expansion of floor-space, change to structure height or increase in building size is proposed. Patrons will make appointments for a car to be brought to their home or office for a test drive. There will be no storage of vehicles on-site other than those on display. Vehicles will

be stored at Applicant's Calabasas and or Woodland Hills facilities. No truck drop-off or pick-up of vehicles is proposed for the project site or on Canon Drive. Showroom vehicles will be individually driven to the site. The display vehicles will access the site through the service alley or from the Canon Drive entrance subject to certain conditions of approval as contained herein. A façade remodel with signage is also proposed for the exterior of the structure which is subject to review by the Architectural Commission at a future date.

Section 3. This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that this request qualifies for a Class 1 Categorical Exemption (Existing Facilities) under the authority provided by the CEQA Guidelines Section No. 15301 and no significant environmental impacts are anticipated.

Section 4. On September 12, 2008, notice of the hearing was published in the Beverly Hills Courier, and a notice of public hearing was mailed to all property owners within 300 feet and residents within 500 feet of the Project site. Additionally, on September 12, a notice of the hearing was published in the Beverly Hills Courier and on September 16, a notice of the hearing was published in the Beverly Hills Weekly. On September 25, 2008, the Planning Commission held a duly noticed public hearing to consider the project. Evidence, both written and oral, was presented at said hearing.

Section 5. In reviewing the request for a C.U.P., the Planning Commission evaluated whether the proposed location of the use will be detrimental to adjacent property or the public welfare. The Planning Commission also considered:

- (1) Whether the proposed use is compatible with the area and surrounding uses;
- (2) Whether the proposed use will have adequate buffering between the use and residential areas;
- (3) Whether the proposed use will create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including but not limited to, any adverse impact on traffic circulation or parking; and
- (4) Whether the proposed use will create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to activities associated with the proposed use or its hours of operation.

Section 6. Based upon the evidence presented, the Planning Commission hereby finds as follows with respect to the application for a C.U.P.:

6.1. As proposed and conditioned, the showroom is compatible with the area and surrounding uses. This proposed use is currently conditionally allowed by the C-3 commercial zone and is in conformance with the General Plan. The project site is surrounded by retail, commercial, office and restaurant uses and is located within the City's Business Triangle area. Although the proposed vehicle sales use would be unique to area, as proposed and conditioned, it would also be unique from typical vehicle sales uses and would be compatible with the area and surrounding uses. The use would operate primarily as a showroom and retail sales facility. Operationally, the use would be limited by the following restrictions: 1) no test driving permitted to or from the project site or within the Business Triangle area; 2) vehicle servicing not permitted on-site or in the alley; 3) no on or off loading of vehicles by truck delivery; 4) limited use of the Canon Drive entrance to off-hours to ensure that the use does not disrupt the existing

traffic flow or interfere with pedestrian safety; and 5) limiting the number of display vehicles permitted at any one time.

6.2. Operation of the proposed auto car showroom will not significantly interfere with the use and enjoyment of residential properties in the vicinity of the tenant space. The project is located within the Business Triangle, which is a concentrated area of the commercial zone. It is anticipated that the proposal will not have a significant adverse effect on the use and enjoyment of the nearest residential uses on the Crescent Drive.

6.3. As conditioned, the request for a conditional use Permit will not be detrimental to adjacent property or to the public welfare and safety. A traffic and parking analysis was prepared in conjunction with the proposed project. This analysis was reviewed and approved by the City's Transportation Division and the City's traffic consultant. The traffic and parking study concludes that there will be no traffic impacts during the AM peak and PM peak periods as a result of this project and further indicates that the auto gallery is likely to generate less traffic in its vicinity than a retail use.

There are two points of access to the display area, one at the front entrance along Canon Drive and the other at the rear of the property along the alley. The project is conditioned to require a minimum 14-foot wide opening along the alley to ensure a safe turning radius into and out of the lease space. The site would also be accessed via the parking structure curb cut adjacent to the premises subject to operational and time limitations identified in Section 7, below, to ensure that such use does not disrupt the flow of traffic along Canon Drive or result in vehicle and pedestrian conflicts.

The Beverly-Canon Public Facility was constructed in February, 2005. According to City's records, the building has 405 parking spaces, which meet the Code required ratio at one parking space per 350 square feet of floor area (241 required spaces) with 164 additional parking spaces. The proposed show room with 6,280 square feet floor area will require 18 parking spaces. The patron of the proposed project is anticipated to park in the public parking facility underneath building on the same terms as is available to the general public and all other tenants of the building. The proposed project will employ eight persons. The employee parking will be provided at the City's parking structure located at 440 N. Camden Drive. The parking analysis study prepared by the applicant concludes that the availability of parking within the Beverly-Canon public parking structure and the assignment of auto gallery employees to off-site parking in the Camden garage will satisfy the project's parking demands.

6.4 The proposed showroom will not increase noise, fumes or lighting from the location. No vehicle servicing is proposed for the site. The project's operations have been conditioned to ensure that the use of the property is similar to and compatible with surrounding retail, commercial and restaurant uses and would therefore not substantially interfere with these neighboring properties and uses.

Section 7. Based upon the foregoing, the Planning Commission hereby approves the C.U.P. for the Project, subject to the following conditions:

1. No more than 15 vehicles shall be displayed within the premises at any one time. The final layout shall be approved by the Department of Building and Safety to ensure for the provision of appropriate emergency pedestrian egress from the site and other applicable building code regulations.

2. In order to ensure that the use is maintained as a showroom and retail operation, no test drives shall be permitted to or from the project site or within the Business Triangle.
3. On- and off-loading of vehicles by truck delivery shall not be permitted.
4. The applicant shall provide free off-street parking for all showroom employees during all hours of operation. Such off-street parking shall be demonstrated in a form and manner acceptable to the Directory of Community Development prior to occupancy of the premises.
5. Service and maintenance of vehicles, including washing of vehicles shall not occur on-site or in the alley.
6. The use of the Canon Drive entrance for the movement of display vehicles into and out of the space shall be subject to the following conditions:
 - a) In order to avoid the disruption of traffic along Canon Drive and avoid vehicle and pedestrian conflicts, utilization of the Canon Drive entrance shall be limited to the hours of 12:00 AM to 6:00 AM; provided further that such activity shall not be permitted during the normal business hours of the Beverly-Canon Parking Garage facility without authorization from the Department of Public Works.
 - b) To further ensure pedestrian safety, a flagman or similar person shall be required at all times that vehicles are moving into and/or out of the premises via Canon Drive. Such flagman shall be positioned adjacent to the Canon Drive entrance to caution
 - c) The applicant shall obtain a street use permit or similar permit as may be required by the Public Works Department in order to utilize the Canon Drive entry.
7. The alley opening shall be a minimum of 14 feet in width to allow the maximum turning radius.

Prior to approval of a building permit to allow such an opening, approval shall be required by the Public Works Transportation Division to ensure a safe turning radius.
8. The project is subject to Architectural Review approval.
9. Should the business or activities conducted at the Project site change so that, in the opinion of the Director of Community Development, additional operational restrictions are required for the Project site in order to avoid significantly adverse traffic safety

impacts, pedestrian-vehicle conflicts, or parking impacts or to ensure compatibility with surrounding land uses, then, additional conditions, including limiting the hours of vehicle movement into and out the showroom may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in §10-3-3307 of the BHMC.

STANDARD CONDITIONS

11. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this resolution and the Applicant, the owner and their heirs, representatives, successors and assigns shall comply with all such modified or additional conditions.
12. This Resolution approving a C.U.P. shall not become effective until the Applicant signs a statement, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The statement shall include a copy of this resolution as an exhibit.

The Applicant shall deliver the executed statement to the Department of Community Development within 60 days of the Planning Commission's adoption of this resolution. If the Applicant fails to deliver the executed statement within the required 60 days, this resolution approving a C.U.P. shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning and Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the C.U.P.

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Noah D. Furie
Chair of the Planning Commission
of the City of Beverly Hills, California

ATTEST:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

David D. Gustavson
Director of Public Works and Transportation

ATTACHMENT 3
PUBLIC HEARING NOTICE



NOTICE OF PUBLIC HEARING

DATE: September 25, 2008

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

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

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, September 25, 2008, will hold a public hearing beginning at 1:30 pm, or as soon thereafter as the matter may be heard, to consider:

An application for a Conditional Use Permit (CUP) pursuant to Beverly Hills Municipal Code Section 10-3-1604 to allow a 6,280 square foot automobile showroom "**Auto Gallery Motor Cars**" to be located at at **447 N. Canon Drive.**

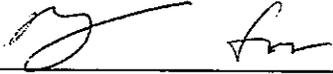
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that this request is qualifies for a Class 1 Categorical Exemption (Existing Facilities) under the authority provided by the CEQA Guidelines Section No. 15301 and no significant environmental impacts are anticipated.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

If you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Rita Naziri in the Community Development Department at 310.285.1136. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 9357 West 3rd Street, Beverly Hills, CA. 90210.

Approved as to form:



Jonathan Lait, AICP, City Planner

Dated: September 12, 2008