



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

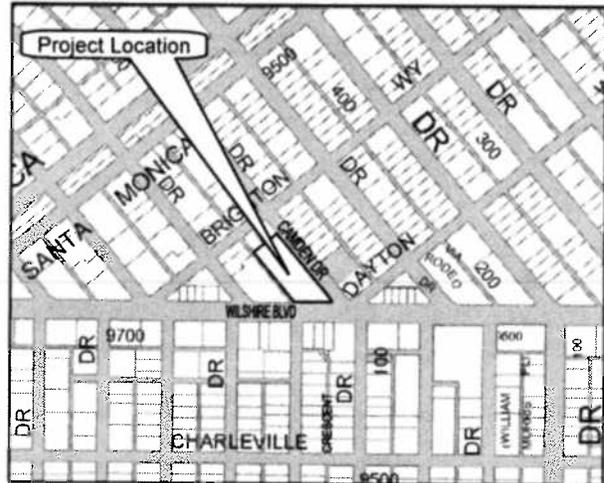
**For the Planning Commission  
Meeting of July 22, 2010**

**TO:** Planning Commission

**FROM:** Ryan Gohlich,  
Associate Planner

**THROUGH:** David Reyes,  
Acting City Planner

**SUBJECT:** A request to extend a Conditional Use Permit for an existing exercise club and modify the parking rates charged to members and guests of the exercise club on the property located at **9601 Wilshire Boulevard**.



**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution conditionally approving the request to extend and amend the Conditional Use Permit associated with the subject exercise club.

**EXECUTIVE SUMMARY**

The subject property consists of an eight-story, 282,422 square foot commercial building, which contains a 38,921 square foot exercise club. A Conditional Use Permit allowing the exercise club was conditionally approved by the Planning Commission in 2002, and upheld by the City Council upon appeal. A condition of approval requires the exercise club operator to provide its members and guests of its members with two hours of free parking. The exercise club operator may charge for any time in excess of two hours, so long as the rates charged do not exceed those of the nearest City parking structure. In an effort to control its parking costs, the exercise club operator seeks to amend the condition requiring two hours of free parking. The proposed amendment would provide members and guests of members with one hour of free parking, and allow the exercise club operator to charge for any parking beyond one hour at a rate not to exceed one dollar per hour.

In addition to the requested amendment, the applicant seeks to extend the existing Conditional Use Permit. Although the Conditional Use Permit is valid until 2017, a

condition of approval requires annual review of the project to ensure that the exercise club is operating in accordance with all original approvals.

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	Mark Spino on behalf of The Sports Club Company
<b>Project Owner</b>	Sepulveda Realty and Development Company Inc.
<b>Zoning District</b>	C-3
<b>Permit Streamlining Act Deadline</b>	August 27, 2010

## **BACKGROUND**

The subject property was originally developed in the early 1960s, and was constructed with a total of 807 parking spaces. In 2002 the applicant submitted a request for a Conditional Use Permit to allow the subject exercise club, as well as a request for a Zone Text Amendment to allow a shared parking arrangement between the office uses in the building and the exercise club use. The Planning Commission and City Council (on appeal) determined that the exercise club would not be detrimental to the surrounding commercial and residential neighborhoods and granted conditional approvals and amended the zoning code. In order to encourage use of the on-site parking facilities and avoid impacting other parking facilities in the vicinity of the project site, a condition of approval requires that two hours of free parking be provided to exercise club members and their guests. Additionally, annual review of the Conditional Use Permit is required to ensure that the use is not impacting surrounding areas.

## **ANALYSIS**

### *REVIEW OF EXISTING ENTITLEMENTS*

Pursuant to Condition No. 2 of City Council Resolution 02-R-11241 the Conditional Use Permit allowing operation of the exercise club is valid for a period of 15 years from the date of its approval; however, Condition No. 8 of the Resolution requires annual review by the Planning Commission to ensure that the use is operating according to approved plans and conditions without adversely impacting the surrounding area. The exercise club has been established and operated in a manner that is consistent with the approved plans and conditions. Previous reviews by the Planning Commission have not resulted in added restrictions. Additionally, a parking and trip generation report was prepared by the applicant to analyze the subject property's operation. The report indicates that the exercise club is operating in accordance with previous approvals, and that sufficient parking continues to be available on site to accommodate all uses within the building. Staff has conducted several site visits and concurs with the conclusions of

the report, and does not believe that extension of the Conditional Use Permit will adversely impact the surrounding area.

The applicant has submitted an affidavit attesting to the fact that all conditions have been complied with, and that the use will continue to operate in accordance with all conditions of approval. A review of code enforcement history for the subject property indicates that operation of the exercise club has not resulted in any code enforcement action within the past 5 years, suggesting that the use continues to operate without impacting the surrounding neighborhood.

#### *AMENDMENT TO PARKING RATES*

The applicant's request to modify the parking rates and times associated with the exercise club would result in exercise club members and their guests being provided with one hour of free parking, with each hour thereafter being charged at a rate not to exceed one dollar per hour. This would be a one hour reduction in the amount of free parking currently provided.

The intent of providing free parking for two hours is to encourage patrons of the exercise club to park on-site, rather than use off-site parking facilities that currently serve other uses within the city. The applicant has indicated that a reduction in free parking is needed to help control increasing costs associated with current parking operations. Staff identified an alternative approach to offsetting parking expenses, which would involve increasing membership dues in accordance with parking costs. However, the applicant has explored numerous options for recovering some of the costs associated with providing its members with parking, and has determined that an adjustment to parking rates is the most feasible and appropriate action to take based on their business model.

In assessing the request to modify parking rates, staff reviewed alternative parking options within the vicinity of the subject property that might be utilized by exercise club members seeking to avoid being charged for parking. Staff's research indicates that there is one City parking structure located within 500 feet of the subject property that offers two hours of free parking, which is a lower rate than that proposed by the applicant. The structure is located at the southwest corner of Brighton Way and North Rodeo Drive (9510 Brighton Way), and is approximately 450 feet from the exercise club. Additionally, there is on-street parking adjacent to the residential portions of South Camden and Peck Drives, just south of the subject property, but these areas are strictly reserved for residents with permits and no short-term parking is available without a permit.

It is unknown whether the proposed parking rate adjustments would actually be a deterrent to patrons, or whether the distance of the closest City garage would be too much of an inconvenience to be utilized. However, it is possible that the reduced free parking proposed by the applicant could cause its members to seek parking elsewhere,

which could impact the supply of parking that is currently available in the surrounding area. Although there are exceptions, it is generally accepted that most people spend approximately forty-five minutes to one hour working out, not including the time it takes to both park, and retrieve one's vehicle. Accordingly, it is reasonably foreseeable that most exercise club members could not park their vehicle, complete a workout, and retrieve their vehicle within the proposed one-hour period of free parking. Consequently, the likelihood that one would exceed the one-hour time limit and be required to pay for parking may further encourage exercise club members to seek out other means of parking. This could result in increased parking demand within the vicinity of the exercise club, as well as increased traffic from vehicles circling the area. To prevent these potential impacts staff recommends that free parking be reduced to a period of no less than one hour and fifteen minutes, and that parking rates for each hour thereafter not exceed one dollar per hour. A free parking time period of one hour and fifteen minutes would allow the majority of exercise club users to perform a complete workout without being charged for parking, thereby encouraging continued use of on-site parking facilities while allowing the exercise club operator to offset parking costs associated with extended periods of parking.

## **FINDINGS**

The Planning Commission may approve the requested Conditional Use Permit if the Commission is able to find as follows:

**1) *The proposed location of any such use will not be detrimental to adjacent property or to the public welfare.***

As conditioned, the extension and amendment of the Conditional Use Permit will result in exercise club operations that are substantially similar to existing operations. Offering one hour of free parking, as proposed by the applicant, may not be enough time for the majority of exercise club members to park a vehicle, complete a workout, and retrieve a vehicle without being charged for parking. However, a slightly increased period of one hour and fifteen minutes of free parking is enough time for the majority of exercise club members to park a vehicle, complete a workout, and retrieve a vehicle without being charged for parking. Few parking alternatives exist that are both within 500 feet of the subject property, and less expensive than the subject property. Therefore, allowing a minimum free parking period of one hour and fifteen minutes, while allowing each hour thereafter to be charged at a rate not to exceed one dollar per hour, will continue to encourage users of the exercise club to park on-site, thereby preventing any detrimental impacts to adjacent property or to the public welfare.

## **PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was posted in two newspapers of local circulation and was mailed on July 9, 2010 to all property owners and residential tenants within a 300-foot radius of the property. As of the date of preparation of this staff report, no comments have been received in opposition of the proposed project.

## **ENVIRONMENTAL DETERMINATION**

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the project qualifies for a Class 1(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable to minor operational changes within existing structures that would not result in a significant environmental impact.

## **RECOMMENDATION**

Based on the foregoing analysis staff recommends that the Planning Commission adopt the attached resolution approving the request to extend and amend the existing Conditional Use Permit, subject to the following conditions of approval:

1. Unless specifically modified by this Resolution, all conditions of approval set forth in City Council Resolution No. 02-R-11241 shall remain in full force and effect throughout the life of the project.
2. Condition No. 12 of City Council Resolution No. 02-R-11241 shall be amended to read as follows: "The applicant shall provide one hour and 15 minutes of free parking to all members and guests of members. The applicant shall also provide parking to its members and guests of members beyond the first hour and fifteen minutes of free parking, and shall be entitled to charge a maximum of one dollar (\$1.00) per hour for any time in excess of one hour and fifteen minutes. The requirements set forth in this condition shall not apply to valet parking unless adequate self parking is not available on the subject site to meet the parking demand generated by the project. The City expressly reserves the right to review parking conditions as it deems appropriate. If, after holding a duly noticed public hearing, the Planning Commission determines that the operation of the project at the property creates an adverse impact on traffic circulation or parking within the building or on the public street, the Planning Commission may require the applicant to provide free valet parking to members and guests of members or may impose such other conditions that the Planning Commission determines are necessary to mitigate such impacts. The

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applicant shall forthwith comply with such additional requirements at its sole cost and expense.”



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Ryan Gohlich  
Associate Planner

Attachments:

1. Draft Planning Commission Resolution
2. City Council Resolution 02-R-11241
3. Affidavit of Compliance from Applicant
4. Traffic and Parking Demand Analysis

# ***ATTACHMENT 1***

## ***Draft Planning Commission Resolution***

RESOLUTION NO. 1581

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY EXTENDING A CONDITIONAL USE PERMIT FOR AN EXISTING EXERCISE CLUB AND MODIFYING THE PARKING RATES CHARGED TO MEMBERS AND GUESTS OF MEMBERS ON THE PROPERTY LOCATED AT 9601 WILSHIRE BOULEVARD.

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

Section 1. The Sports Club Company (Applicant), through its agent Mark Spino, has submitted an application to extend a Conditional Use Permit for an existing exercise club, and to modify the parking rates that may be charged to members and guests of members for the property located at 9601 Wilshire Boulevard (the "Project").

The subject property consists of an eight-story, 282,422 square foot commercial building, which contains the 38,921 square foot exercise club. A Conditional Use Permit allowing the exercise club was conditionally approved by the Planning Commission in 2002, and later upheld by the City Council upon appeal. A condition of approval requires the exercise club operator to provide its members and guests of its members with two hours of free parking. Currently, the exercise club operator may charge for any time in excess of two hours, so long as the rates charged do not exceed those of the nearest City parking structure. In an effort to control its parking costs, the exercise club operator seeks to amend the condition requiring two hours of free parking. The proposed amendment would provide members and guests of members with one hour of free parking, and allow the exercise club operator to charge for any parking beyond one hour at a rate not to exceed one dollar per hour.

In addition to the requested amendment, the applicant seeks to extend the existing Conditional Use Permit. Although the Conditional Use Permit is valid until 2017, a condition of approval requires annual review of the Project to ensure that the exercise club is operating in accordance with all original approvals.

Section 2. The subject property is located on the north side of Wilshire Boulevard and was originally developed in the early 1960s, and was constructed with a total of 807 parking spaces. In 2002 the Applicant submitted a request for a Conditional Use Permit to allow the subject exercise club, as well as a request for a Zone Text Amendment to allow a shared parking arrangement between the office uses in the building and the exercise club use. The Planning Commission and City Council (on appeal) determined that the exercise club would not be detrimental to the surrounding commercial and residential neighborhoods and granted conditional approvals and amended the zoning code. In order to encourage use of the on-site parking facilities and avoid impacting other parking facilities in the vicinity of the Project site, a condition of approval requires that two hours of free parking be provided to exercise club members and their guests.

Section 3. Pursuant to Condition No. 2 of City Council Resolution 02-R-11241 the Conditional Use Permit allowing operation of the exercise club is valid for a period of 15 years from the date of its approval; however, Condition No. 8 of the Resolution requires annual review by the Planning Commission to ensure that the use is operating according to approved plans and

conditions without adversely impacting the surrounding area. The exercise club has been established and operated in a manner that is consistent with the approved plans and conditions. Previous reviews by the Planning Commission have not resulted in added restrictions. Additionally, a parking and trip generation report was prepared by the applicant to analyze the subject property's operation. The report indicates that the exercise club is operating in accordance with previous approvals, and that sufficient on-site parking continues to be available to accommodate all uses within the building. Staff conducted several site visits and concurs with the conclusions of the report, and does not believe that extension of the Conditional Use Permit will adversely impact the surrounding area.

The Applicant submitted an affidavit attesting to the fact that all conditions have been complied with, and that the use will continue to operate in accordance with all conditions of approval. A review of code enforcement history for the subject property indicates that operation of the exercise club has not resulted in any code enforcement action within the past 5 years, suggesting that the use continues to operate without impacting the surrounding neighborhood.

Section 4. The Applicant's request to modify the parking rates and times associated with the exercise club would result in exercise club members and their guests being provided with one hour of free parking, with each hour thereafter being charged at a rate not to exceed one dollar per hour. This is a one hour reduction in the amount of free parking currently provided.

The intent of providing free parking for two hours is to encourage patrons of the exercise club to park on-site, rather than use off-site parking facilities that currently serve other uses within the city. The Applicant has indicated that a reduction in free parking is needed to help control increasing costs associated with current parking operations. The applicant explored

numerous options for recovering some of the costs associated with providing its members with parking, and determined that an adjustment to parking rates is the most feasible and appropriate action to take based on their business model.

In assessing the request to modify parking rates, staff reviewed alternative parking options within the vicinity of the subject property that might be utilized by exercise club members seeking to avoid parking charges. Research indicates that there is one City parking structure located within 500 feet of the subject property that offers two hours of free parking, which is a lower rate than that proposed by the applicant. The structure is located at the southwest corner of Brighton Way and North Rodeo Drive (9510 Brighton Way), and is approximately 450 feet from the exercise club. Additionally, there is on-street parking adjacent to the residential portions of South Camden and Peck Drives, just south of the subject property, but these areas are strictly reserved for residents with permits and no short-term parking is available without a permit.

It is unknown whether the proposed parking rate adjustments would actually be a deterrent to patrons, or whether the distance of the closest City garage would be too much of an inconvenience to be utilized. However, it is possible that the reduced free parking proposed by the Applicant could cause its members to seek parking elsewhere, which could impact the supply of parking that is currently available in the surrounding area. Although there are exceptions, it is generally accepted that most people spend approximately forty-five minutes to one hour working out, not including the time it takes to both park, and retrieve one's vehicle. Accordingly, it is reasonably foreseeable that most exercise club members could not park their vehicle, complete a workout, and retrieve their vehicle within the proposed one-hour period of free parking. Consequently, the likelihood that one would exceed the one-hour time limit and be required to

pay for parking may further encourage exercise club members to seek out other means of parking. This could result in increased parking demand within the vicinity of the exercise club, as well as increased traffic from vehicles circling the area. To prevent these potential impacts it is appropriate to reduce free parking to a period of no less than one hour and fifteen minutes, and that parking rates for each hour thereafter not exceed one dollar per hour. A free parking time period of one hour and fifteen minutes allows the majority of exercise club users to perform a complete workout without being charged for parking, thereby encouraging continued use of on-site parking facilities while allowing the exercise club operator to offset parking costs associated with extended periods of parking.

Section 5. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable to minor operational changes within existing structures that would not result in a significant environmental impact.

Section 6. Notice of the Project and public hearing was posted in two newspapers of local circulation and was mailed on July 9, 2010 to all property owners and residential tenants within a 300-foot radius of the property. No comments were received in response to the Project.

Section 7. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

1. The proposed location of any such use will not be detrimental to adjacent property or to the public welfare.

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

As conditioned, the extension and amendment of the Conditional Use Permit will result in exercise club operations that are substantially similar to existing operations. Offering one hour of free parking, as proposed by the applicant, may not be enough time for the majority of exercise club members to park a vehicle, complete a workout, and retrieve a vehicle without being charged for parking. However, a slightly increased period of one hour and fifteen minutes of free parking is enough time for the majority of exercise club members to park a vehicle, complete a workout, and retrieve a vehicle without being charged for parking. Few parking alternatives exist that are both within 500 feet of the subject property, and less expensive than the subject property. Therefore, allowing a minimum free parking period of one hour and fifteen minutes, while allowing each hour thereafter to be charged at a rate not to exceed one dollar per hour, will continue to encourage users of the exercise club to park on-site, thereby preventing any detrimental impacts to adjacent property or to the public welfare.

Section 9. Based on the foregoing, the Planning Commission hereby extends and amends the Conditional Use Permit, subject to the following conditions:

1. Unless specifically modified by this Resolution, all conditions of approval set forth in City Council Resolution No. 02-R-11241 shall remain in full force and effect throughout the life of the Project.

2. Condition No. 12 of City Council Resolution No. 02-R-11241 shall be amended to read as follows: “The Applicant shall provide one hour and 15 minutes of free parking to all members and guests of members. The Applicant shall also provide parking to its members and guests of members beyond the first hour and fifteen minutes of free parking, and shall be entitled to charge a maximum of one dollar (\$1.00) per hour for any time in excess of one hour and fifteen minutes. The requirements set forth in this condition shall not apply to valet parking unless adequate self parking is not available on the subject site to meet the parking demand generated by the Project. The City expressly reserves the right to review parking conditions as it deems appropriate. If, after holding a duly noticed public hearing, the Planning Commission determines that the operation of the Project at the property creates an adverse impact on traffic circulation or parking within the building or on the public street, the Planning Commission may require the Applicant to provide free valet parking to members and guests of members or may impose such other conditions that the Planning Commission determines are necessary to mitigate such impacts. The Applicant shall forthwith comply with such additional requirements at its sole cost and expense.”

3. The Project shall be operated in substantial conformance with the plans as conditioned and approved by the Planning Commission on July 22, 2010.

4. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

5. This resolution granting the requested Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of any City Council approval of the Amendments. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner fails to deliver the executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Property Owner, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Section 11. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Lili Bosse, Chair of the Planning  
Commission of the City of Beverly Hills,  
California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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David Reyes  
Acting City Planner

*RG.*

## ***ATTACHMENT 2***

***City Council Resolution 02-R-11241***

## RESOLUTION NO 02-R-11241

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AFFIRMING THE DECISION OF THE PLANNING COMMISSION CONDITIONALLY ISSUING A CONDITIONAL USE PERMIT AND APPROVING THE JOINT USE OF PARKING FACILITIES FOR A 38,921 SQUARE FOOT FITNESS CLUB TO BE LOCATED IN A 282,422 SQUARE FOOT COMMERCIAL BUILDING AT PROPERTY LOCATED AT 9601 WILSHIRE BOULEVARD (SPORTS CLUB/LA)

Section 1 Walter Klein (hereinafter referred to as the "Appellant") has submitted an appeal of a Planning Commission decision conditionally issuing a conditional use permit and approving the joint use of parking facilities for a 38,921 square foot fitness club to be located in a 282,422 square foot commercial building at property located at 9601 Wilshire Boulevard (Sports Club/LA) (the "Project") The appeal of the Planning Commission decision to the City Council was timely filed

Section 2 On June 27, July 11 and July 24, 2002, the Planning Commission held a duly noticed public hearing to consider the application for the Project filed by Joseph N Tilem, on behalf of Sepulveda Realty & Development, Inc (Sports Club/LA) with authorization from William Kamer, Senior Vice President of Douglas, Emmett & Company (property owner) (hereinafter referred to as the "Applicant") Evidence, both written and oral, was presented at said hearings Based upon the evidence presented to it, the Planning Commission approved the Project subject to certain conditions

Section 3 On November 5, 2002, the City Council held a duly noticed public hearing to consider the appeal of the Project At said hearing, the City Council also considered a related zoning code amendment to allow exercise clubs to satisfy their code-required parking through the joint use of up to fifty percent (50%) the parking facilities in commercial buildings located in the Business Triangle provided certain criteria are met Evidence, both written and oral, including the staff report, supporting documentation, and the record of the proceedings before the Planning Commission on the dates set forth in Section 2, was presented at said hearing At the conclusion of the public hearing, the City Council directed staff to prepare a resolution approving the Project subject to certain conditions

Section 4 The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq ), and the City's Local CEQA Guidelines The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have a significant environmental impact Accordingly, the City prepared a negative declaration in accordance with Section 15070 of the State CEQA Guidelines Pursuant to Section 15074(b) of said Guidelines, the City Council independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project Based on the initial study, the negative declaration, the comments received thereon, and the record before the City Council, the City Council hereby finds that the negative declaration prepared for the Project represents the

independent judgment of the City and that there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Planning and Community Development and are in the custody of the Director of Planning and Community Development.

Section 5. The Property is located in the C-3 Zone on the northwest corner of Camden Drive and Wilshire Boulevard in the Business Triangle area of the City. The space that the Project will occupy (the "subject site") is located in the southeast corner of the building facing Wilshire Boulevard and Camden Drive, and is comprised of a portion of the lower and ground levels. The subject site was formerly used by Wells Fargo Bank and has been vacant for over eight years. The Property is developed with a commercial building that is eight stories tall and contains a total floor area of 282,422 square feet. The building houses general offices on the top seven floors and retail uses on the lower and ground levels. The main entrance to the building is from Camden Drive. The building has an on-site subterranean parking garage that is required to maintain 807 spaces. A survey of the parking facility conducted by City staff indicated that 24 spaces have been eliminated or converted to storage space. As a condition of approval of this project, the Applicant will be required to restore these 24 parking spaces. The entrance/exit ramp for the garage is located on Camden Drive. Access to the garage during the weekend is controlled by a key card system.

The proposed Project is a high-end athletic club that would operate between the hours of 5:00 a.m. and 11:00 p.m., Monday through Friday, and 7:00 a.m. and 7:00 p.m.,

Saturday and Sunday. The ground level will house the administrative offices, the majority of exercise areas (cardiovascular, strength, fitness studio), the pro shop, and a café. The lower level will house the group work out programs, physical therapy areas, yoga, men's and women's locker rooms and employee lounge. A café/juice bar for club members will be located in the space formerly occupied by the bank's vault along the Wilshire Boulevard frontage of the subject site.

Section 6. Based upon the evidence presented, and all of the materials and information contained in the record, including the staff reports and oral and written testimony, the City Council hereby finds:

6.1. As conditioned, granting the Applicant's request for a CUP to allow development of the proposed fitness club at the subject site will be compatible with surrounding uses and will not have a substantial adverse impact on the use and enjoyment of surrounding properties. The subject site is located within the Business Triangle area of the City. This area is characterized by a mix of office uses and high-end retail and service uses. Surrounding uses include the El Torito Grill restaurant, Barney's Department Store, and Saks Fifth Avenue. The proposed fitness club will not adversely impact any of these uses, nor will it conflict with the City's goals for its business district. The operator of the proposed Project has developed a reputation as the industry leader in enhanced-service, state-of-the-art fitness facilities. The Project is consistent with the City's high standards for retail development and includes a mix of components that will complement the uses surrounding the subject site by appealing to the employees and patrons of surrounding uses. The Project includes a state-of-the-art fitness club facility, a retail pro shop for members, and a café/juice bar oriented primarily to serve the club.

members but also open to the general public. The café will offer a full-service, sit-down dining experience. To ensure that café does not conflict with development along Wilshire Boulevard, the City Council has conditioned the Project to require the Applicant to install a five-foot (5') high screen or wall to obscure view of the café from vantage points along Wilshire Boulevard.

Further, the Applicant plans extensive improvements to the subject site and has proposed a design that blends with surrounding development. Finally, the hours of peak operation of the fitness club will not conflict with operation of existing office and retail uses in the building or in the immediate area because those peak hours occur before and after standard office and retail peak hours. The Project will have no impact on residential uses since no residential uses are located in the immediate vicinity of the subject site. Thus, the proposed use will be compatible with surrounding uses and will not have a substantial adverse impact on the use and enjoyment of surrounding properties.

6.2 As conditioned, the Project will not be detrimental to adjacent property or the public welfare or have a substantial adverse impact on the use and enjoyment of surrounding uses. A traffic and parking-utilization study was prepared in connection with the Project. The analysis set forth in that study demonstrates that the Project's parking requirements will not affect traffic intensity along key routes in the Business Triangle or interfere with adjacent land uses. The parking utilization analysis included in the study further demonstrates that adequate parking is available at the Property to satisfy the parking needs generated by both the Project and the other uses at the Property.

With respect to traffic-related impacts, the Project will not conflict with peak hours of operation for surrounding uses. The peak morning usage for the Project is between 7:00

and 9 00 a m , while peak evening usage is between 5 00 and 9 00 p m Adjacent retail uses typically operate during between 9 00 a m and 6 00 p m , while surrounding office uses experience peak usage between 12 00 noon and 2 00 p m Ingress and egress to the on-site parking structure is provided via an entrance located mid-block on Camden Drive Camden Drive does not play a key role in distributing traffic through Beverly Hills due to its short length and limited north/south connections The traffic study demonstrates that the Project will not have an adverse impact on traffic volumes on adjacent streets and concludes that the site provides adequate vehicular access

The Project requires 389 parking spaces, 111 designated for the sole use of the Project and 278 joint use spaces to be shared with other uses in the building When combined with existing uses at the Property, the total parking requirement for on-site uses is 1085 parking spaces The Property provides 807 on-site parking spaces Therefore, the number of additional parking spaces required for the Project is 278 spaces However, the parking utilization analysis demonstrates that existing on-site parking exceeds both the existing and anticipated parking needs for the Property Existing parking demand for the Property is 474 spaces during the average weekday peak and 71 spaces on Saturday With implementation of the Project, the parking utilization study forecasts weekday peak parking demand at 648 spaces with a weekend peak of 98 spaces As the evidence amply demonstrates, peak on-site parking demand does not exceed the available spaces and, therefore, the parking provided is adequate to meet the projected parking needs generated by the Project In addition, as described in Sections 1 and 4 above, the Applicant has requested a Zoning Code amendment as part of the Project to allow the joint use of up to fifty percent (50%) of the parking facilities on the Property With approval of the proposed

Zoning Code amendment, up to fifty percent (50%) of the 696 parking spaces required for the remaining uses in the building may be used as joint-use parking to satisfy the additional 278 required parking spaces for the Project. The 278 spaces represents forty percent (40%) of the on-site parking facilities available to satisfy the parking needs of uses other than the Project within the building, well below the fifty percent (50%) cap permitted by the Zoning Code amendment. Thus, the parking demand for the Project can be accommodated with the proposed joint use of parking facilities without over taxing the available building parking. Parking staff will direct self-parking to reduce any potential adverse impacts to traffic circulation. In order to further ensure that any potential parking impacts are minimized, the City Council has expressly conditioned approval of the Project to require the Applicant to provide (1) two-hours free parking for club members and their guests with one additional half hour at rates comparable to those charged in City parking structures, (2) adequate parking staff to manage the parking area 30 minutes prior to club opening and 30 minutes after club closing, and (3) free on-site parking for employees at all times. Additionally, the Applicant is required to provide parking utilization counts six months after the Project's opening to ensure parking demands are being met. The City Council has reserved the right to review parking and traffic conditions on an on-going basis and to impose such additional conditions as the City Council determines are necessary to mitigate any adverse traffic or parking impacts from the Project. Therefore, the proposed fitness club will not be detrimental to adjacent property or the public welfare or have a substantial adverse impact on the use and enjoyment of surrounding uses as a result of traffic or parking-related impacts.

6.3 As conditioned, granting the Applicant's request for a CUP to allow the proposed fitness club at the subject site is consistent with the requirements of Beverly Hills

Municipal Code Section 10-3 1617 The Project will provide adequate screening for any windows allowing a view of the club exercise areas from public streets and sidewalks The City Council has expressly conditioned approval of the Project to require the window panels that Applicant proposes to screen the workout areas to be reviewed and approved by the Architectural Commission Accordingly, implementation of the Project will provide adequate screening to prevent views of the club's exercise areas from public streets and sidewalks as required by Section 10-3 1617

6 4 As conditioned, the granting of the C U P for the development of the proposed fitness club is compatible with surrounding uses and will not result in an over-concentration of non pedestrian-oriented uses in the block in which the proposed restricted use will be located Article 16 5 of Chapter 3, Title 10 of the Beverly Hills Municipal Code designates certain areas of the business triangle as "Pedestrian-Oriented" areas, and the subject site is located in such a designated Pedestrian-Oriented area Within these areas, non-retail uses are restricted unless permitted pursuant to a conditional use permit The proposed fitness club is designated as a restricted use under the applicable provisions of Article 16 5 Accordingly, a C U P is required to permit the Project at the subject site

Pedestrian-Oriented areas were designated to preserve the urban village atmosphere in certain retail areas, to promote pedestrian-friendly development, and to preserve the City's retail tax base by preventing a proliferation of non-retail uses in prime retail locations However, not all locations within designated Pedestrian-Oriented areas are equally desirable for retail uses Accordingly, the City established procedures to allow such spaces to be occupied by restricted uses under certain conditions

The Project is located in the Business Triangle and is surrounded by retail uses. The Project proposes a high-end fitness club with an associated retail shop and a café/juice bar primarily oriented to serve the club members, but those amenities are also open to the general public. The Project is surrounded by a variety of retail uses and restaurants, including Saks Fifth Avenue, Barneys New York, and El Torito Grill. Further, the Project will occupy a site that was previously occupied by a bank and has remained vacant for the past eight (8) years. Therefore, the establishment of the proposed club will not disrupt or threaten the existing or future pedestrian retail character of the area.

6.5 As conditioned, the granting of the C U P for the development of the proposed fitness club will not adversely impact the public health, safety or general welfare and will leave ample space available for future retail growth in designated Pedestrian-Oriented areas. For the reasons discussed in paragraph 6.1, 6.2 and 6.4, the proposed Project will not adversely impact the public health, safety or general welfare of the area and will leave ample space available for future retail growth in designated Pedestrian-Oriented areas. To ensure that the combination of the project and other uses in the property do not create adverse impacts, the City Council has conditioned approval to restrict certain uses at the Property. Thus, implementation of the Project will not adversely impact the public health, safety or general welfare and will leave ample space available for future retail growth in designated Pedestrian-Oriented areas.

6.6 As conditioned, the granting of the C U P for the development of the proposed fitness club is appropriate because the configuration of the portion of the building in which the proposed space is located is not suited to pedestrian-oriented retail uses, and the Project is designed to contribute to the pedestrian experience. This space was formerly used by

Wells Fargo Bank and has been vacant for over eight years. Other financial institutions have not been interested in developing the subject site, and the difference in elevation between the first floor and the sidewalk has discouraged potential retail businesses from occupying it. Implementation of the proposed Project will remedy the current underutilization of this Property and will result in the implementation of a use that is consistent with the City's goals for Pedestrian-Oriented areas. The proposed café/juice bar will be located in the area formerly occupied by the bank's vault and will contribute to the pedestrian experience. Moreover, the café/juice bar for club members will be enclosed by a five-foot high landscape screen or wall to obscure visibility of the dining area from the street. Therefore, the proposed use will enhance the storefront and pedestrian experience.

Section 7. Based upon the foregoing, the City Council hereby denies the appeal, adopts the Negative Declaration for the Project, and issues a Conditional Use Permit for the Project and to allow a fitness club on the ground level in the Business Triangle, subject to the following conditions:

General Conditions

1. Except as otherwise provided by these conditions, the Project shall be constructed in substantial compliance with the plans dated May 10, 2002 and operated in substantial compliance with the business operation plan dated May, 2002 and submitted to the City Council at its meeting of November 5, 2002.
2. The C U P shall expire fifteen (15) years from the date of the adoption of the resolution and all rights granted by this C U P shall terminate at that time. Unless the C U P is

renewed, or a new C U P granted, the Applicant shall immediately cease operation of the fitness facility at this location. The Applicant shall have the right to submit requests for renewal of the C U P but shall have no right to renewal of the C U P. Any application for a renewal of the C U P or a new C U P must be filed at least sixty (60) days prior to the expiration of these approvals.

If the City does not renew the C U P, the C U P shall expire and all rights possessed under the C U P shall be terminated. Provided, however, if the Applicant files an application for a renewal, any existing C U P shall be extended until the City takes final action on the application.

Any application for a renewal of this C U P shall be subject to the application fees established by Resolution of the City Council. Upon expiration of the renewal and any future renewal, the Applicant may apply for further extensions pursuant to the procedures set forth above.

The length of any future renewals granted shall be governed by the provisions of the Beverly Hills Municipal Code.

- 3 The conditions of approval set forth in this resolution are specifically tailored to address the operation of a fitness facility that substantially conforms to the business operation plan presented to the Planning Commission at its meetings of June 27, July 11, and July 24, 2002, and the City Council at its meeting of November 5, 2002. To ensure that the subsequent fitness facilities operated at the subject site do not cause adverse impacts to other building tenants or adjacent land uses, any transfer of ownership, management, or control of the proposed fitness facility shall be reviewed by the Director of Planning and

Community Development to determine whether the proposed operations of the new fitness facility substantially conform to the business operation plan reviewed by the Planning Commission and the City Council. If the Director determines that the proposed operations do not substantially conform to the approved business operation plan, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of Section 10-3 3803 of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the conditional use permit for failure to operate in accordance with the business plan or to impose additional conditions as necessary to ensure that the operation of a subsequent fitness club at the subject site conforms to the business plan and is compatible with adjacent land uses.

4 Prior to the issuance of building permits, all exterior modifications to the building shall be submitted to and approved by the Architectural Commission.

5 Prior to the issuance of building permits, all signage for the proposed Project shall be submitted to and approved by the Architectural Commission. Such application to the Architectural Commission shall include review of the proposed design for the window panels to screen the workout areas from view from the public right-of-way.

6 As a condition precedent to the issuance of building permits, the Applicant shall cause the property owner to restore the parking spaces which have been converted to storage or eliminated to provide a total of 807 Code-compliant parking spaces on the subject site as originally permitted.

7 Six (6) months after the opening of the fitness club, the Applicant shall provide to the Director of Planning and Community Development parking utilization counts at the

subject site to monitor actual parking demand and ensure that the parking demand will be met. Should parking demands be different than those projected under the parking survey prepared in connection with the review of the Project, the Applicant shall be required to develop a parking management plan satisfactory to the Directors of Planning and Transportation to mitigate the parking deficiency.

8 This C U P shall be reviewed annually by the Planning Commission to ensure that the Project complies with the conditions set forth herein and does not have any unanticipated impacts or adversely affect adjacent uses. The Planning Commission expressly reserves jurisdiction relative to traffic and parking issues and reserves the right to impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project as they arise. Prior to the annual review hearing, the Applicant shall submit an affidavit attesting to its continued compliance with all of the conditions of approval set forth in this Resolution.

9 This Resolution shall not become effective unless and until the proposed zoning code amendment, as referenced in Sections 1 and 4 of this Resolution, has been adopted by ordinance of the City Council of the City of Beverly Hills and has become effective.

10 No outdoor dining area shall be permitted in connection with the proposed café. This condition shall not be construed to bar the Applicant from requesting a modification to this C U P at a later date to permit outdoor dining in conjunction with the operation of the café.

- 11 The Applicant shall install a five-foot (5') high landscape screen or wall, satisfactory to the Director of Planning and Community Development, to obscure the café from view along Wilshire Boulevard
- 12 The Applicant shall provide two (2) hours of free parking to all members and guests of members. The Applicant shall also provide one additional half (½) hour of parking at rates equivalent to those charged in the nearest City parking structure. The requirements set forth in this condition no. 12 shall not apply to valet parking unless adequate self-parking is not available on the subject site to meet the parking demand generated by the Project. The City expressly reserves the right to review parking conditions as it deems appropriate. If, after holding a duly noticed hearing, the Planning Commission determines that the operation of the Project at the Property creates an adverse impact on traffic circulation or parking within the building or on the public street, the Planning Commission may require the Applicant to provide free valet parking to members and guests of members or may impose such other conditions that the Planning Commission determines are necessary to mitigate such impacts. The Applicant shall forthwith comply with such additional requirements at its sole cost and expense.
- 13 The Applicant shall provide free on-site parking at all times for employees and any other consultants or agents retained by the Applicant or authorized by the Applicant to conduct business in connection with the operation of the Project.
- 14 The Applicant shall cap total membership in the exercise club and any related operation at the Project site at a maximum of four thousand five hundred (4,500) members, including any transfers from other locations.

15 No sports medical center shall be allowed as part of the proposed Project. This condition shall not be construed to bar the Applicant from requesting a modification at a later date to permit a sports medical center.

16 The Applicant shall maintain a total of 111 allocated parking spaces and 278 shared parking spaces on-site at all times to support the Project. Prior to issuance of building permits, the Applicant shall record a parking covenant in form and content satisfactory to the City Attorney to evidence the shared parking arrangement. Said parking covenant shall comply with the requirements of Beverly Hills Municipal Code Section 10-3 2734 and shall be recorded against the Property in accordance with the provisions of Section 10-3 2730.

**Standard Conditions:**

17 Prior to issuance of building permits and subject to the approval of the Engineering Division of Public Works and the Building & Safety Department, the Applicant shall provide a Construction Hauling/Traffic Management Plan. The plan shall provide information regarding the anticipated number of workers, the location of construction parking with respect to schedules of the construction period, the arrangements of deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertinent information regarding construction related traffic. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

18 Prior to the issuance of building permits and subject to the approval of the Engineering Division and the Building & Safety Department the Applicant shall prepare a Construction Management Plan After approval of the construction Management Plan by the Director of Building & Safety, the Applicant shall participate in a meeting in which residents will be allowed to voice any concerns regarding the Project and the construction management

19 The Applicant shall maintain the subject site in an orderly condition prior to commencement of construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the subject site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the subject site The name and telephone number of the contact person shall be transmitted to the Director of Planning and Community Development and the Director of Building and Safety

20 Signage will be provided in the loading areas indicating that the spaces are reserved for truck deliveries to the Project site

21 A cash deposit of \$5,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur In the event that three or more such violations occur, the City may (a) retain the deposit to cover costs of enforcement, (b) notify the Applicant that the Applicant may

request a hearing before the City within ten days of the notice, and (c) issue a stop work notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

22 Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game determines that this Project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the Applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.

23 These conditions shall run with the land and shall remain in full force for the duration of the life of the Project

24 This Resolution approving a Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit

The Applicant shall deliver the executed covenant to the Department of Planning and Community Development within 60 days of the effective date of the Zoning Code amendments described in this resolution. At the time that the applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving a Conditional Use Permit 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 Conditional Use Permit

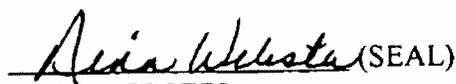
25 The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this Resolution and the Applicant shall comply with all such modified or additional conditions

Section 9 The City Clerk shall certify to the adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of this City

Adopted November 18, 2002

  
MERALEE GOLDMAN  
Mayor of the City of Beverly Hills, California

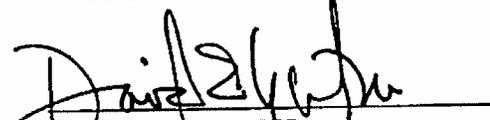
ATTEST

 (SEAL)  
NINA WEBSTER  
City Clerk

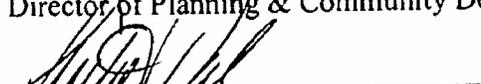
APPROVED AS TO FORM

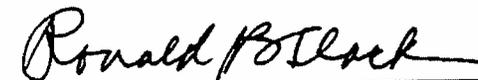
  
LAURENCE S WIENER  
City Attorney

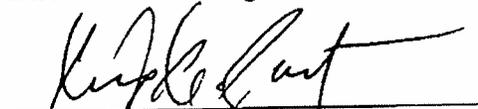
APPROVED AS TO CONTENT

  
DAVID LIGHTNER  
Deputy City Manager/Development

  
MAHDI ALUZRI  
Director of Planning & Community Development

  
ANTON DAHLERBRUCH  
Deputy City Manager/Community/  
Director of Transportation

  
RONALD B CLARK  
Director of Building & Safety

  
DAVID D GUSTAVSON  
Director of Civil Engineering Services

## **ATTACHMENT 3**

***Affidavit of Compliance from Applicant***



THE SPORTS CLUB COMPANY

July 15, 2010

Mr. Ryan Gohlich  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, California 90210

**RE: AMENDMENT AND ANNUAL REVIEW OF THE CONDITIONAL USE PERMIT FOR THE SPORTS CLUB/LA – BEVERLY HILLS, LOCATED AT 9601 WILSHIRE BOULEVARD**

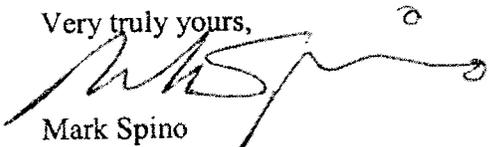
Dear Mr. Gohlich:

In compliance with the conditions of approval, The Sports Club/LA-Beverly Hills at 9601 Wilshire Boulevard submits this written Affidavit attesting that the Club's operation has and continues to comply with all conditions of approval of resolution No. 02-R-11241.

The Club has been in operation since October 6, 2003 and has, as of the end of June, 2010, approximately 4,280 members. The Club's hours of operation are Monday through Thursday, 5:00am to 11:00pm, Friday from 5:00am to 10:00pm, and Saturday and Sunday from 7:00am to 7:00pm. The Club received its Certificate of Occupancy from the City of Beverly Hills Building and Safety Department on February 11, 2005.

Under Section 7 (General Conditions), Item #8, the Resolution requires that the C.U.P. be reviewed annually by the Planning Commission. The Sports Club/LA-Beverly Hills requests a review hearing with the Planning Commission.

Please call if you have any questions.

Very truly yours,  
  
Mark Spino  
Senior V.P. of Development

cc: Mike Talla  
Rex Licklider

# ***ATTACHMENT 4***

## ***Traffic and Parking Demand Analysis***

May 26, 2010

The Sports Club Company  
Attn: Mr. Mark Spino  
Sr. Vice President of Development  
1151 Missouri Avenue  
Los Angeles, CA 90025

RE: Parking Demand Monitoring Report for The Sports Club Company

Dear Mr. Spino,

As requested, Overland Traffic Consultants has completed the parking demand monitoring report for The Sports Club Company located at 9601 Wilshire Boulevard in the City of Beverly Hills. The monitoring report was prepared pursuant to Beverly Hills City Counsel Resolution No. 02-R-11241, section 7, condition 8 requiring an annual review of the traffic and on-site parking conditions.

#### Background

The Sports Club Company received approval from the City of Beverly Hills on November 18, 2002 to operate a health club (Sports Club/LA-Beverly Hills) at 9601 Wilshire Boulevard with a Conditional Use Permit (CUP) granting the joint use of parking facilities.

The CUP approval is for a 38,921 square foot health club in a 282,422 square foot commercial building. The 8-story building is located on the northwest corner of Camden Drive and Wilshire Boulevard. The building has a subterranean parking garage that is required to maintain 807 parking spaces. Vehicular access to the garage is provided on Camden Drive.

#### Traffic and Parking Data

Hourly traffic flow in and out of the parking garage was collected by the garage operator for the month of March 2010. The data consists of hourly traffic counts for The Sports Club and other users of the parking garage. Parking demand profiles for each hour of the day were developed from the traffic flow database. The hourly parking accumulation profiles were evaluated to identify the peak parking demand in the garage.

Parking demand estimates were developed for the vacant floor area (4%) using the Urban Land Institute (ULI) parking demand profiles and added to the current parking demand to estimate the parking demand at 100% occupancy.

**Garage Traffic Flow Data**

The garage traffic flow characteristics are summarized below for the month of March 2010. The graph below illustrates the average trips generated for each weekday and weekend day for March 2010. As shown, Tuesdays are the busiest day of the week with peak hours between 9-10 am and 5-6 pm. Saturday the busiest day on the weekends.

Total monthly usage – 110,011 trips

Weekly average – 24,796 trips; Highest week (3-1 to 3-7) – 26,155 trips

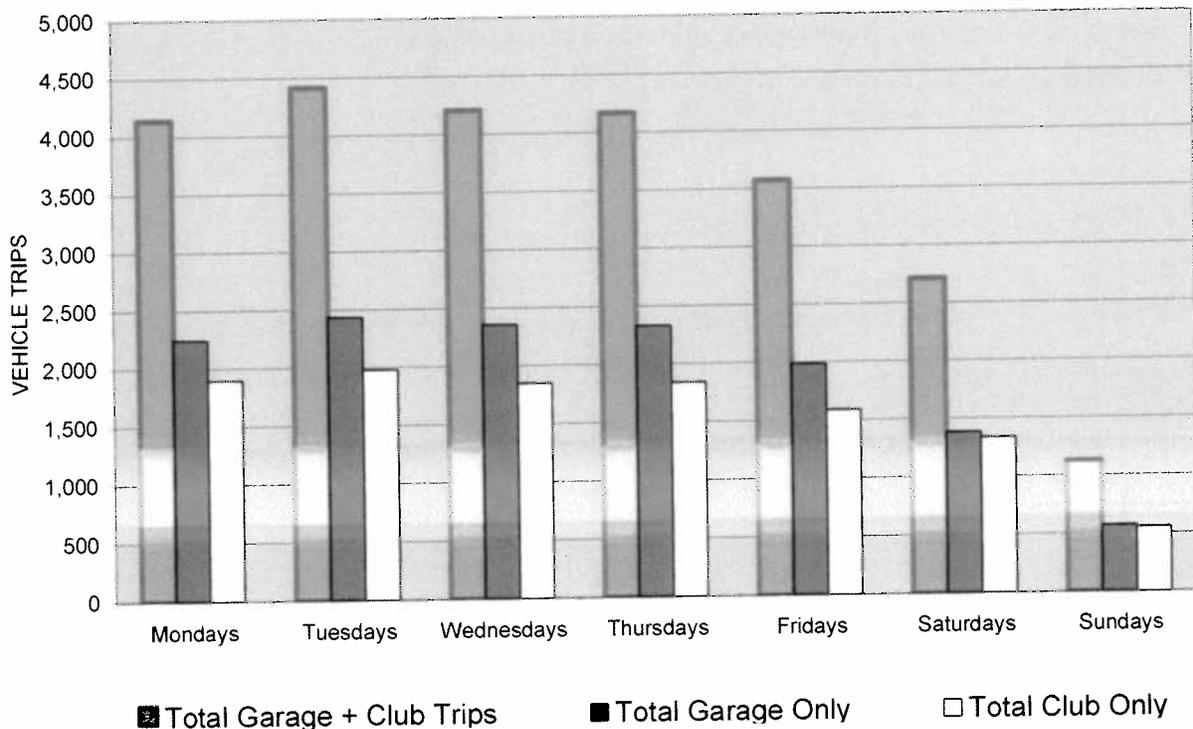
Weekday average – 4,096 trips; Highest weekday (Tuesday, 3-9) – 4,747 trips

Weekend average – 1,917 trips; Highest weekend (Saturday, 3-6) – 2,967 trips

Average morning peak hour (9-10 am) – 302 trips; and

Average afternoon peak hour (5-6 pm) – 279 trips

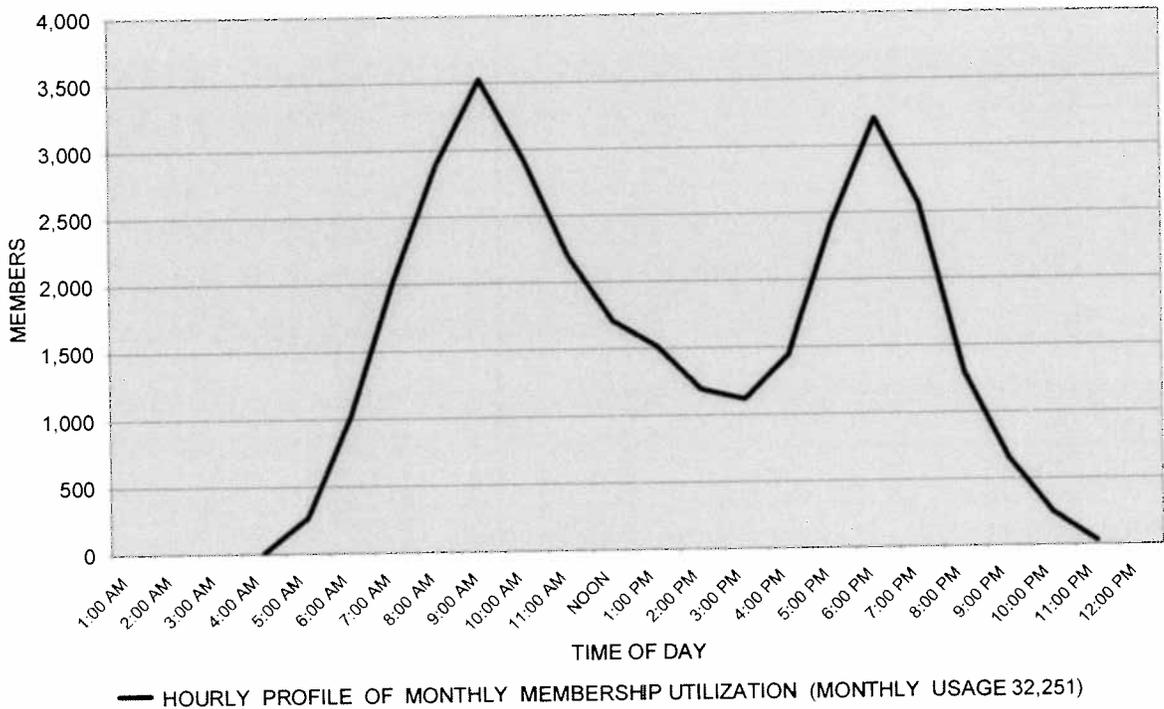
Average Daily Trips  
Ins and Outs



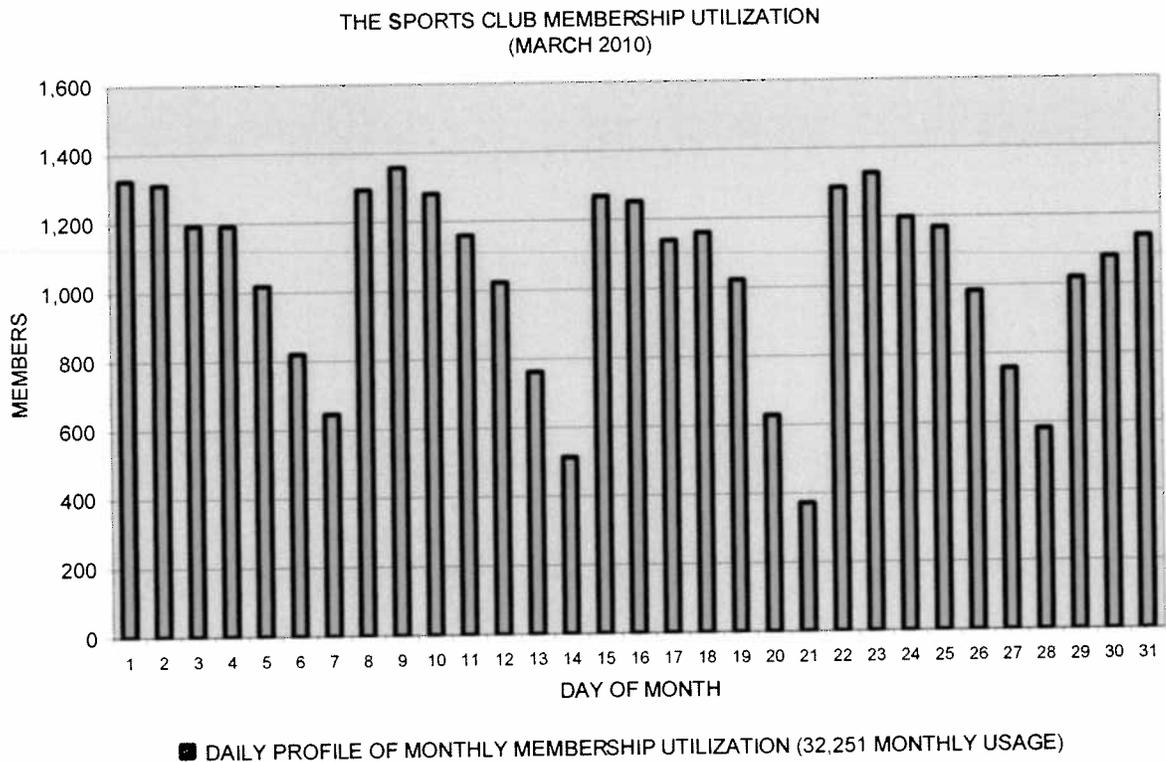
Health Club Usage

The Sports Club membership is capped at 4,500 members (Beverly Hills City Counsel Resolution No. 02-R-11241, section 7, condition 14). All health club members sign in upon entry to the facility which provides a record of membership usage and the garage operator also tracks the parking demand for the health club. The membership utilization and parking records for the month of March 2010 indicate that 32,251 members signed in to use the facility with 24,917 vehicles parking in the garage. This suggests that approximately 23% of the members did not park in the garage and either walked or rode with another member. The hourly use profile illustrated below is shows the health club usage peaks in the morning and early evening hours.

THE SPORTS CLUB MEMBERSHIP UTILIZATION  
(MARCH 2010)



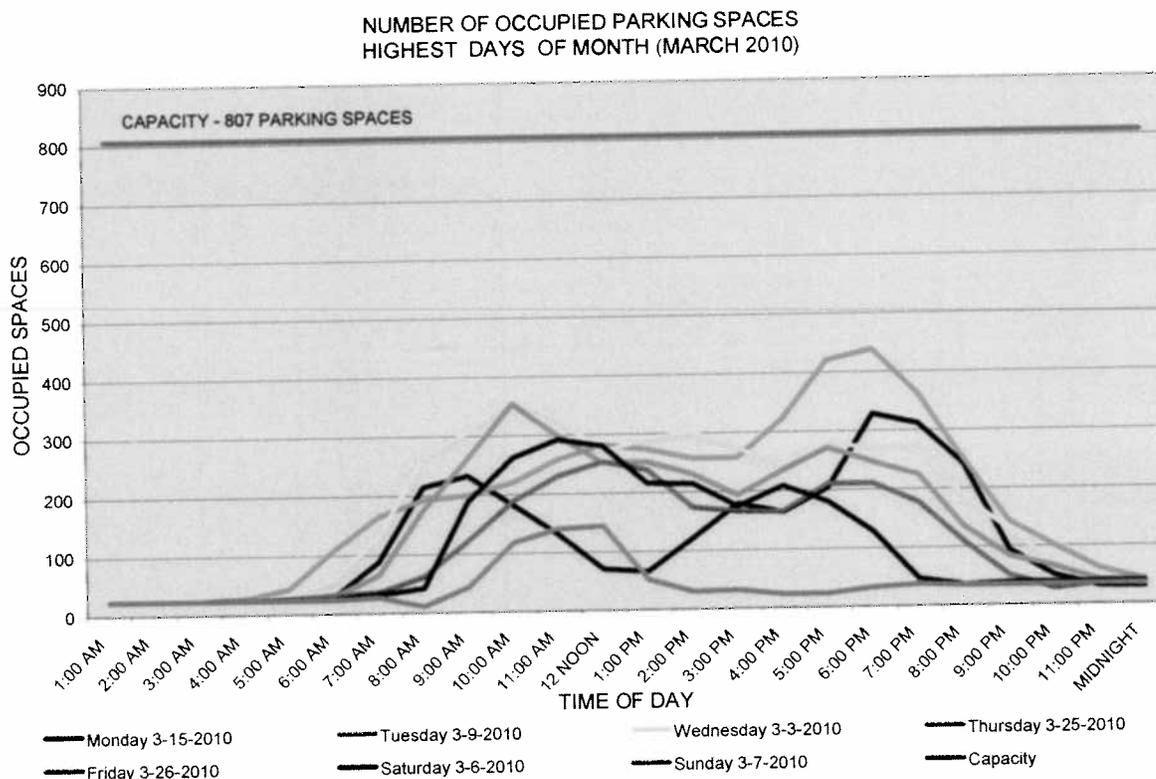
Daily health club usage for each day of March 2010 is present in the chart below which shows a peak daily attendance of 1,357 members on March 9, 2010 (Tuesday) with an average daily attendance of 1,040 members for the month of March 2010.



Existing Parking Demand

Traffic data records for the number vehicles entering and exiting the parking garage provides the necessary information to calculate the parking accumulation in the garage, and allows for the evaluation of the peak parking demand and hourly fluctuation. Hourly parking demand profiles for the highest days of the week are illustrated in the graphic below. As shown, the peak parking demand was on Tuesday (March 9th) with 439 parked cars at 6:00 PM. The peak weekend parking demand occurred on Saturday (March 6<sup>th</sup>) occurred at 11:00 AM and 292 parked vehicles. With a parking capacity of 807 parking spaces, the garage has a surplus of

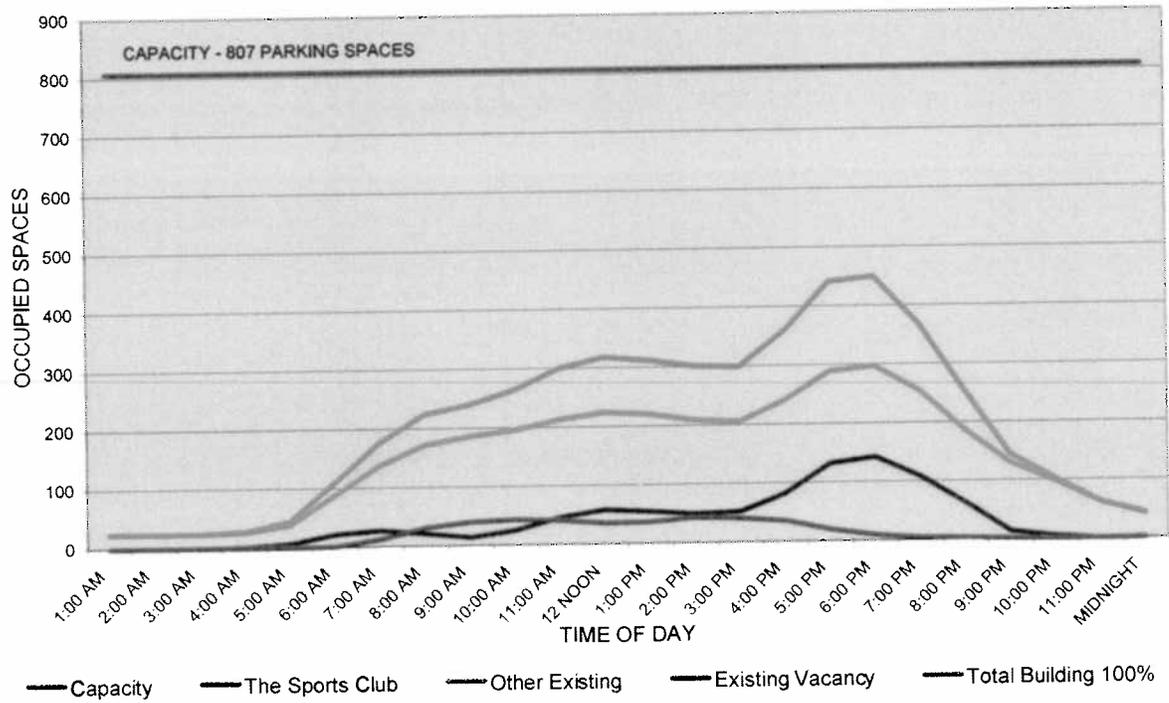
368 parking spaces at its peak weekday parking demand. On Saturday, the garage has a surplus of 515 parking spaces at its peak parking demand.



Peak Parking Demand Profiles for Individual Users

The peak individual use parking demand graphic illustrates the highest hourly parking demand for the month of March which occurred on Tuesday, 3-9-2010. The hourly parking demand profile has been separated for each user (i.e., The Sports Club, other existing users and the 4% vacancy parking demand). As shown in the graphic below, the peak parking demand for the 100% occupied building is 449 parking spaces at 6:00 PM.

NUMBER OF OCCUPIED PARKING SPACES  
HIGHEST DAY PER USE



The peak parking demands at 6:00 pm for each use are as follows:

Use	Parking Spaces	Time
Health Club	142	6:00 PM
Other	297	6:00 PM
Vacancies	10	6:00 PM
	449	

Conclusions

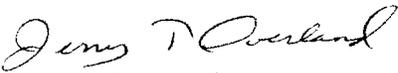
The parking data collected and analysis for 9601 Wilshire Boulevard show that the current and future parking demand with full occupancy of the commercial building has sufficient parking to accommodate The Sports Club and 100% of the remaining floor area. It has been found that the granting of the CUP for the joint use of the

Overland Traffic Consultants, Inc.

parking has been and will continue to accommodate the parking needs of the building without impacting the building tenants and neighboring uses.

Please call me if you have questions.

Sincerely,

  
Jerry T. Overland