City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: September 16, 2010

Subject: **9230 Wilshire Boulevard** Request for a General Plan Amendment, Zone Change, Conditional Use Permit, Encroachment Permit and Alley Vacation to allow the demolition of the existing Jim Falk Lexus Dealership and construction of a new 56-foot tall (60-feet to top of parapet and 69-feet to top of stair tower), 103,746 square foot dealership containing 147 parking spaces and 102 vehicle storage spaces within a four-level building with one level of subterranean parking. The new Lexus Auto Dealership is proposed to have 72 service bays and 3 detail bays.
PROJECT APPLICANT: Jim Falk

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project and the Draft Environmental Impact report;
2. Continue the Public Hearing to October 28, 2010; and
3. Provide direction to staff as appropriate.

REPORT SUMMARY

The proposed project involves the demolition of the existing Lexus Dealership and construction of a new Lexus Dealership that would consolidate some operations from other existing off-site locations. The new building would provide sales, service and storage on-site. A Draft Environmental Impact Report ("DEIR") was prepared for the project (previously provided under separate cover) that identified two impacts that are significant and unavoidable: 1) construction vibration; and 2) cumulative traffic noise. The required 45-day public review period of the DEIR began on September 3, 2010 and will end on October 18, 2010.

The project exceeds allowable height and density standards applicable to commercial properties. Additionally, a portion of the new building would span across the east/west alley and extend into the R-4 residentially zoned parcel abutting the alley to the south. The project would require changes to the development standards and land use patterns identified in the City's Zoning Code and General Plan.

Attachment(s):
A. Zoning Compliance Table
B. Required Findings
C. Public Notice
D. Public Works Memorandum
E. Architectural Plans

Report Author and Contact Information:
David Reyes, Principal Planner
(310) 285-1116
dreyes@beverlyhills.org

BACKGROUND

File Date	March 21, 2007
Application Complete	April 17, 2009
Subdivision Deadline	N/A
Permit Streamlining	Not Applicable to projects requiring a legislative actions
Applicant(s)	Mitchell Dawson
Owner(s)	Jim Falk Properties, LLC and JF Wilshire Properties, LLC
Representative(s)	Mitchell Dawson and Tom Levyn
Prior Project Previews	Planning Commission previews on November 19, 2009, February 11, 2010 and March 25, 2010. The Commission stated concerns about noise, the use and height of the building on the R-4 Lot, a buffer for the residential building to the south and the loading operations.
Prior PC Action	Denied a requested zone text amendment related to allowing a vehicle receiving area on the R-4 portion of the site on March 24, 2004
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9230 Wilshire Boulevard; 121 Maple Drive
Legal Description	Lots 1264, 1265, 1266 and 1267 of Tract No. 6380
Zoning District	C-3 and R-4
General Plan	Low Density General Commercial and Multiple Family Medium Density
Existing Land Use(s)	Car dealership and vehicular parking/storage
Lot Dimensions & Area	Approx. 154' x 158' (Wilshire fronting); 121' x 50' (Maple fronting); and 15' x 121' (Portion of Alley). Total site area: 32,643 square feet.
Year Built	1928/29
Historic Resource	Property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North (across Wilshire)	C-3, Commercial Uses
South	R-4, Multiple Family Residential Uses
East	C-3, Commercial Uses
West	C-3, Commercial Uses

Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard, Maple Drive
Adjacent Alleys	East/West and North/South, 15-foot in width
Parkways & Sidewalks	Wilshire Blvd: 15-foot sidewalk, no parkway. Maple Dr.: 5-foot sidewalk, 7.5-foot parkway
Parking Restrictions	No parking anytime on Maple Drive adjacent to the project
Nearest Intersection	Wilshire Boulevard/Maple Drive
Circulation Element	Wilshire Boulevard is an arterial street/Maple Drive is a local street

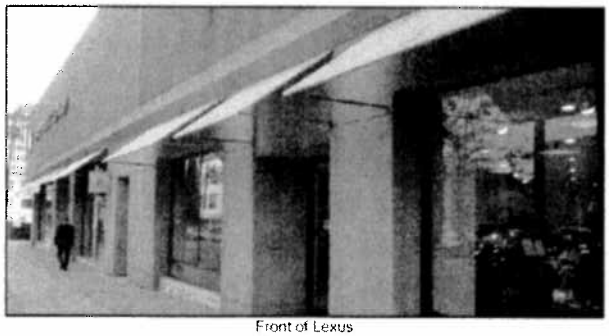
Estimated Daily Trips[1] The portion of Wilshire Boulevard adjacent to the site (eastbound): PM Peak Hour trips: 2,054; AM Peak Hour trips: 1,330; Midday: 1,495. The Maple Drive street segment between Wilshire Boulevard and Charleville Boulevard: 1,950 Daily Trips

Neighborhood Character

The Project site is located two blocks to the southeast of the Business Triangle on Wilshire Boulevard, a heavily traveled regional corridor. Adjacent buildings in the vicinity fronting along Wilshire Boulevard include a variety of commercial uses ranging in height from 1 to 6 stories. High density multi-family residential development is situated to the south of the Project site, which are generally separated from the Wilshire fronting commercial properties by an east/west alley. However, behind the existing Lexus Dealership, directly south of the alley is an R-4 residentially zoned parcel that is owned and utilized by Lexus for the parking of vehicles. Lexus is a primary but not sole user of the alley. Other notable development in the vicinity includes the Nessah Synagogue located south of the site and Beverly Vista Elementary School, one block to the southwest. An existing vacant lot is located opposite the Project site on the southeast corner of the intersection of Wilshire Boulevard and South Maple Drive (9200 Wilshire Boulevard). This currently vacant lot is approved for development of up to 53 dwelling units, 8,400 square feet of retail, and 5,600 square feet of restaurant.

Pictures of the site and vicinity are provided on the next page.

[1] See DEIR Section 4.9


Front of Lexus

Site View from Maple Drive

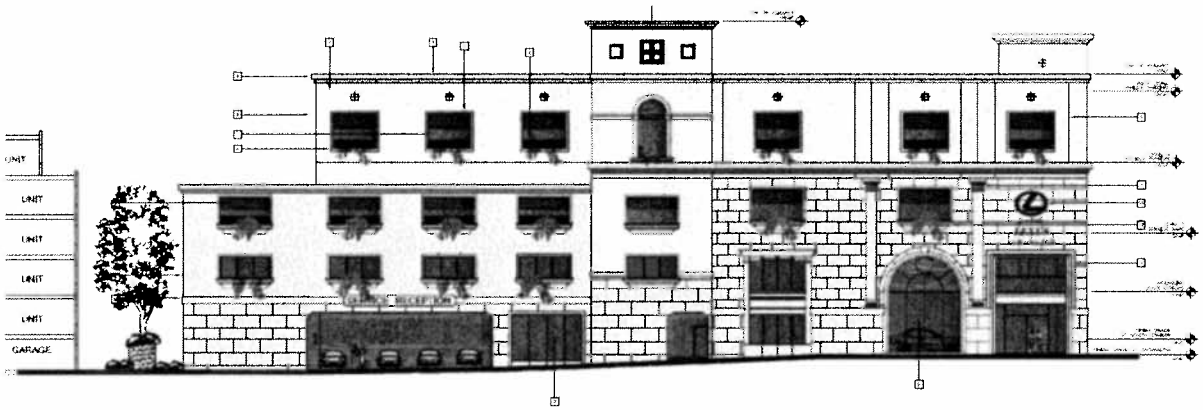
Apartment building on South Maple Drive

Back of dealership and parking lot

PROJECT DESCRIPTION

The project involves the proposed demolition and replacement of the existing Jim Falk Lexus ("Lexus") dealership (the existing building is approximately 34-feet in height and 24,069 square feet in area) with a new 103,746 square foot automobile dealership (169,812 gross square feet, including parking and circulation areas). The new building would be approximately 56-feet to the roof level, 60-feet to the top of the parapet and 69-feet to the top of the stair tower. The portion of the project located on the residentially zoned parcel at 121 Maple Drive would not exceed 35-feet in height. The building would have a floor area ratio of 3.17:1 and proposes 250 parking spaces, including one level of subterranean parking. One hundred forty-seven (147) of the parking spaces would be utilized to satisfy the City's zoning code requirement, the remainder would be utilized for automobile storage. The applicant proposes to maintain the parking of employees off-site, at the ICM building. In addition, the project proposes 72 service bays and 3 detail bays. The hours of the operation for the Dealership would be Monday through Friday 7:00 a.m. to 9:00 p.m.; Saturday 8:00 a.m. to 9:00 p.m.; and Sunday 10:00 a.m. to 7:00 p.m.

VIEW OF PROPOSED PROJECT LOOKING SOUTHWEST FROM WILSHIRE BOULEVARD AT MAPLE DRIVE
(DOES NOT INCLUDE REVISED PROJECT WITH REDUCED HEIGHT AND SETBACK AT R-4 PARCEL – THIS IS SHOWN IN ELEVATION, BELOW)



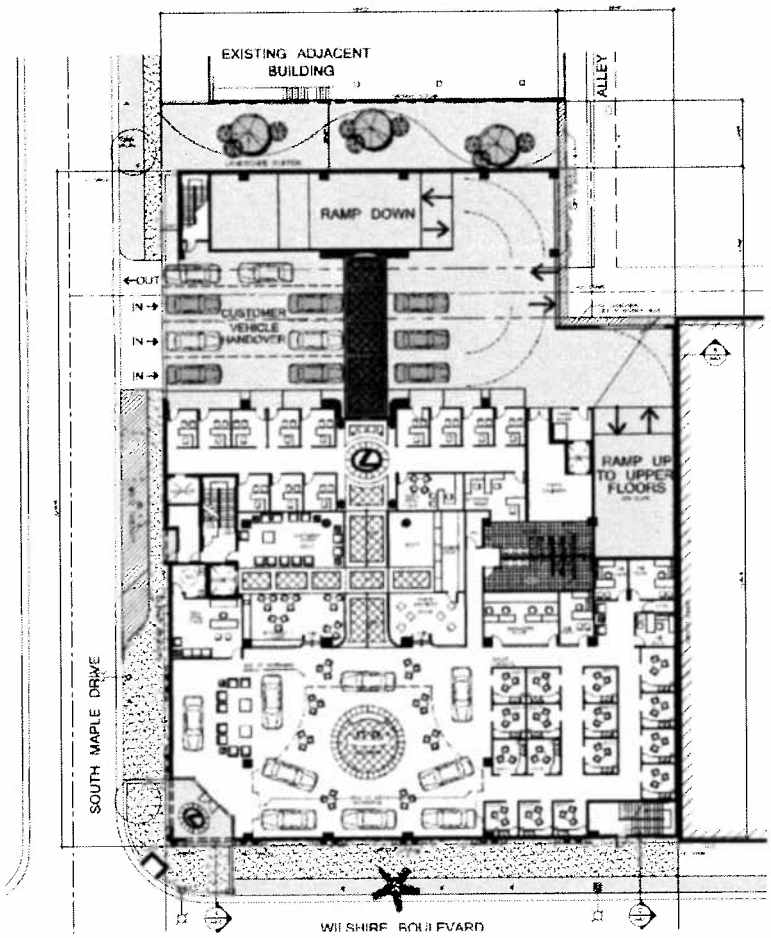
ELEVATION ALONG MAPLE DRIVE IDENTIFYING 20-FOOT SETBACK FOR R-4 PARCEL AND MAXIMUM 35-FOOT HEIGHT

Vehicular access to the site is provided along Maple Drive, in the general vicinity of the existing alley, while pedestrian access would be from Wilshire Boulevard. The proposed building includes a 20-foot landscape buffer between the building and abutting multi-family residential building to the south. The building also steps down in height at this location, from 56-feet to a maximum height of 35-feet abutting the landscaped area. The plans do not specifically differentiate required parking from vehicle storage, but seek to provide the greatest number of vehicles within the building. Parking is spread throughout the building, including on the roof-deck, except that no vehicles are proposed to be parked on the roof of the portion of the building that is within the existing R-4 Zone.

Loading areas are not proposed to be on-site. Instead, delivery trucks would utilize South Maple Drive as they currently do to make deliveries. The trucks would park in the proposed loading area adjacent to South Maple Drive to transfer parts into and out of the dealership. The loading zone would also be used

for oversized trucks that purchase wholesale parts from the dealership. The proposed loading area would require approval of an encroachment permit to utilize portions of the public right-of-way. The proposed loading zone would be approximately 8-feet by 80-feet and would maintain an approximate 4-foot wide sidewalk in this area of the project site on Maple Drive. Vehicle delivery would continue to occur at the former Robinson's May site at 9900 Wilshire Boulevard, after which they would be driven to the new dealership outside of peak hours. The rooftop area is anticipated to be used exclusively for the inventory storage.

Customers coming into the site would enter at Maple Drive where a 4-lane vehicle handover area is proposed. Depending on the customer's needs, a valet attendant would then drive the car to a parking stall or to a service bay. A site plan is provided below.



Existing Operations

The Jim Falk Lexus dealership currently houses its new car sales, leasing, and about half of the automobile service functions (12 service bays) within the main building at 9230-9242 Wilshire Boulevard; however, it also utilizes three satellite facilities for parking and servicing cars. These sites are the ICM site, the Robertson site, and the former Robinsons May site.

ICM Site. The ICM site is located at 8942 Wilshire Boulevard, about six blocks east of the Lexus dealership. This site is used by the dealership for employee parking and to store cars that have been serviced or are waiting to be serviced. There are 155 parking spaces at the ICM site, which are reportedly leased by Jim Falk Lexus under current conditions. This site would continue to be used with the new Lexus Dealership.

Robertson Site. The Robertson site is located about 11 blocks northeast of the project site at 186 Robertson Boulevard. This site is reportedly leased by the dealership and is utilized for car servicing and parts storage. The Robertson site has 13 service bays. This location would no longer be used in conjunction with the new Lexus Dealership.

Robinsons May Site. The Robinsons May site is located at 9900 Wilshire Boulevard, approximately 18 blocks southwest of the project site. This site is used for storage of new and used cars. The dealership also utilizes this site for examining cars prior to delivery. This site would continue to be used with the new Lexus Dealership.

Requested Permits

Establishment of the project as proposed would require approval of the following:

- General Plan Amendment: The site is currently designated for commercial and multi-family uses. In conjunction with a proposed overlay zone, the City's General Plan would be amended to provide consistency between the proposed zoning classification and the site's General Plan Designation. In addition, the General Plan Land Use Map limits on the maximum height of the Wilshire fronting properties to 45-feet and a maximum FAR of 2.0:1, would be amended.

- Zone Change/Text Amendment: to amend the Municipal Code to establish a new overlay zone, the New Car Dealership Planned Development Overlay Zone (C-3-NCD). The overlay would establish new development standards to allow the project to:

  - Exceed the existing maximum floor area ratio of 2:1;
  - Exceed the existing maximum height limit of three-stories and 45-feet;
  - Allow parking to be provided in a compact and tandem configuration;

- Conditional Use Permit: to establish a new car dealership (existing use pre-dates the requirement of a CUP).

- Development Plan Review Permit: to construct the new building.

- Alley Vacation/Amendment to Streets and Highways Master Plan: to vacate a portion of a public alley south of Wilshire Boulevard, adjacent to the site.

- Encroachment Permit: to allow loading activities to be located within the public right-of-way, on Maple Drive, abutting the project site.

ZONING CODE[2] COMPLIANCE

A detailed review zoning standards applicable to the proposed project is provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

The project seeks alternative development regulations governing height, mass and parking layout. This is proposed through the creation of an overlay zone, which would establish site specific regulations consistent with the proposed project. Overlay zones have been established in other areas of the City in conjunction with specific development projects including several Mixed Use Overlays, the Commercial Retail Overlay, the Entertainment Office Overlay and Transportation Overlay.

Agency Review[3]

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- TRANSPORTATION DIVISION. Transportation Division studied the alley vacation and, if approved, recommends that a replacement alley be provided in the 20-foot wide area proposed for a landscape buffer.
- CIVIL ENGINEERING. Civil Engineering Division reviewed the project and provided conditions of approval, if the project is approved. These conditions are intended to ensure that the public right-of-way and infrastructure adjacent to the project site remains in an acceptable condition.

The complete memorandum, including proposed conditions of approval is contained in Attachment E.

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[2] Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

[3] Recommended conditions of approval by other departments are provided in the Analysis section of this report.

GENERAL PLAN[4] POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Land Use Policy 1.1 *The Scale of the City*. Although implicit in any discussion of the future of the City, the importance of scale must be underscored. As long as the City is able to regenerate itself within the general framework of the existing scale, it will offer an environment which is becoming increasingly unique in the Westside.
- Land Use Policy 5.1 *Neighborhood Conservation*. Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life
- Land Use Policy 12.2 *Building, Parking Structure and Site Design*. Require that buildings, parking structures and properties in commercial and office districts be designed to assure compatibility with abutting residential neighborhoods, incorporating such elements as setback, transitional building heights and bulk, architectural treatment of all elevations, landscape buffers, enclosure of storage facilities, air conditioning, and other utilities, walls and fences, and non-glare external lighting.
- Land Use Policy 15.1 *Economic Vitality and Business Revenue*. Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high paying jobs.
- Land Use Policy 15.3 *Revitalization of Vacant and Underutilized Buildings*. Promote the revitalization of distressed, underutilized, and vacant buildings to sustain economic viability, activity, and provide income for City services.
- Economic Sustainability Policy 1.3 *Tax Base*. Consistent with future economic sustainability plans, identify opportunities to enable the expansion of the City's tax base.
- Circulation Policy 9.1 *Truck Routes*. Continue to designate truck routes to minimize the impacts of truck traffic on residential neighborhoods.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines[5], and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. The Draft EIR was released for the required 45-day public review period on September 3, 2010 and the comment period remains open until October 18, 2010.

As identified in Draft EIR (see Table ES-1, Summary of Environmental Impacts, page ES-3), the project would result in the following Significant and Unavoidable Impacts:

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[4] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp
[5] The CEQA Guidelines and Statue are available online at http://ceres.ca.gov/ceqa/guidelines

- **Noise**: Traffic noise impacts from cumulative development and traffic growth would exceed the 1 dB threshold on Wilshire Boulevard between Rexford Drive and Maple Drive. This traffic noise could result in impacts to residential uses along these streets. The project's contribution to this significant impact would not be cumulatively considerable;
- **Construction Impacts**: Project construction activities could generate intermittent levels of ground-borne vibration exceeding thresholds for sensitive receptors in the vicinity of the project site, including residential, institutional, and medical uses. Although mitigation measures are required to reduce construction vibration levels, they would remain unavoidably significant;

In addition to the above, the project would result in the following impacts, which could be mitigated:

- **Cultural Resources**: There are no known archaeological or paleontological resources. However, there is potential to unearth previously unknown archaeological or paleontological resources. Mitigation Measure for this impact are identified as CR 2(a) and (b) and basically involve notification of appropriate agencies in the event an artifact or fossil is unearthed during excavation;
- **Geology**: The proposed Project includes demolition of existing improvements and construction of a four story building with a subterranean parking garage within the developed portion of Beverly Hills. Area soils have a low potential for liquefaction, subsidence, and seismically-induced settlement; however, expansive soils are present. With implementation of Mitigation Measure GEO-2, impacts relating to secondary seismic and soil hazards would be significant but mitigable.
- **Hazards and Hazardous Materials**: Three recognized environmental conditions (RECs) that could pose a risk of upset hazard are present onsite. Potential hazard impacts associated with these conditions would be mitigated with Mitigation measures HAZ-2(a-d).
- **Noise**: Operational noise from rooftop and within the building could be audible from existing residential uses to the south. Requiring parapets to be installed around the rooftop parking area would mitigate this potential impact.
- **Public Service** – Wastewater: Existing wastewater conveyance infrastructure may require an upgrade to meet the projected flows of the project. Applicant shall pay a fair share contribution as necessary to ensure the cost of any required upgrades to the City's existing infrastructure.
- **Traffic**: The proposed Project would generate traffic exceeding significance thresholds at the intersection of South Maple Drive and Wilshire Boulevard during the weekday AM and midday peak hours. Mitigation Measure T-1 requires the prohibition of left turns from South Maple Drive to Wilshire from 7:00 AM to 7:00 PM Monday through Saturday. With implementation of Mitigation Measure T-1, impacts would be significant but mitigable.
- **Parking**: The proposed Project would provide 250 parking spaces onsite. This would fulfill the City of Beverly Hills parking code requirement of 143 spaces; however, the parking demand study completed for the Project estimates that peak demand would require up to 323 spaces, including employee parking spaces, which need to be provided on site. Provision of off-site parking would reduce the impact to less than significant.
- **Internal Circulation**: Valet coordination would ensure that no two vehicles are passing each other on the curved portion of the drive ramps.
- **Alley Vacation**: In addition to the relocation of any required utilities, a replacement alley would off-set potential impacts resulting from the loss of the proposed portion of the alley to be vacated. This is specified in Mitigation Measure T-6(d).
- **Construction Impacts**: A construction management plan, including a parking management plan is required to ensure construction related activities do not significantly impact surrounding streets or

land uses. Additional Mitigation Measures are identified in CON-2(a) –(e) mitigate noise during construction and CON-4(a) – (c) to address air quality during construction.

The project's potential impact on other environmental areas studied was found to be less than significant.

Statement of Overriding Considerations

Pursuant to CEQA regulations, when a public agency decides to approve a project that will cause one or more significant environmental effects, the agency shall prepare a statement of overriding considerations (SOC) which reflects the ultimate balancing of competing public objectives. Specifically, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. If the project were approved as proposed, the Planning Commission or City Council on appeal, would need to adopt a resolution supporting the statement of overriding considerations.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Newspaper Notice*	10 days	9/06/10	9/03/10	13 days
Mailed Notice (Owners & Residents - 300' Radius)*	10 days	9/06/10	9/03/10	13 days
Website	N/A	N/A	9/03/10	N/A

*Due to an error in publishing, two mailings were sent out – one stating the hearing would occur at 1:30 PM and a corrected notice indicating the proper 7 PM start time.

Applicant Outreach Efforts

The applicant has held several meetings with surrounding residents to discuss the proposed project.

Public Comment

No correspondence has been received as of this writing.

ANALYSIS

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The findings required for approval of the project are included with this report in Attachment B.

Summary

The purpose of the subject meeting is to provide the public an opportunity to offer comments on the project and environmental analysis during the public comment period. It also provides the Planning Commission an opportunity to provide direction to staff or the applicant team with regard to the project itself or the environmental analysis currently being reviewed.

A staff recommendation along with a complete project analysis will follow the close of the draft EIR public comment period and after staff has had an opportunity to consider public input and prepare its response to comments.

In its initial deliberation on the project, the Planning Commission may want to consider:

- Land Use Policy associated with the proposed General Plan and Zoning Text Amendments
- Neighborhood Compatibility
- Alley Vacation
- Dealership Operation (loading, employee parking, noise, etc)

NEXT STEPS

It is recommended that the Planning Commission open the public testimony, provide direction to staff and continue the item to a date certain. Since the public review period for the Draft EIR remains open, the Commission may not certify the EIR at this time, and therefore, may not approve the project at this meeting.

Alternatively, the Planning Commission may consider the following actions:

- Direct staff to prepare a resolution denying the project based on articulated findings

Report Reviewed By:

David Reyes, Principal Planner

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ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Primary Building			
Height	45-feet [BHMC 10-3-2726]	56-feet	Overlay Zone Requested
Lot Coverage / Floor Area	2:1 FAR [BHMC 10-3-2745]	3.17:1 FAR	Overlay Zone Requested
Front Setback	N/A		
Rear Setback	N/A		
Side Setback	N/A		
Street Side Setback	N/A		
Modulation	N/A		
Open Space	N/A		
Accessory Structure	None Proposed		
Accessory Building (living)			
Accessory Garage			
Fences/Walls			
Hedges			
Parking & Circulation			
Parking Spaces	1 parking space for every 350 square feet of area. 147 spaces required. [BHMC 10-3-2745]	147	Overlay Requested. Project provides code minimum number of parking spaces but provides them in tandem configuration as not otherwise permitted.
Loading Zones	Commission Discretion for conditionally permitted uses. [BHMC 10-3-2741 C]	Loading adjacent to property, within right-of-way	Encroachment Permit Sought/Approval from Commission required for proposed Loading Area.
Aisle Width	26-feet	24-feet	Overlay Requested
Vertical Clearance	8-feet	Varies 10-13 feet	Complies
Landscaping	N/A		
Transition Between Commercial and Residential Uses			
Setbacks	6-foot setback required [BHMC 10-3-1952]	20-feet	Complies
Landscaping of Setbacks	Required [BHMC 10-3-1954]	Landscaping in setback proposed	Complies
Walls	3 to 6-foot [BHMC 10-3-1953]	None proposed	None Proposed – Overlay Requested
Development Standards	[BHMC 10-3-1955]	The project complies with	If approved, conditions of

	A. No mechanical venting faces any residential use; B. No mirrored or reflective glass or material is used on the facade of the building, structure, or improvement which faces any residential use; C. No loading dock faces any residential use; provided, however, this subsection shall not apply to any site which is not a corner site and which abuts an alley which separates the nonresidential zone from the residential zone; and D. The building, structure, or improvement is designed to allow for adequate sight lines for vehicular ingress to and egress from each adjacent residential use or alley.	these standards or will be conditioned to do so if approved.	approval would ensure that structural and mechanical plans comply with these requirements.
Operational Standards	[BHMC 10-3-1956] No deliveries shall be received, and no loading, or unloading shall be permitted during extended hours unless: a. The deliveries, loading, or unloading operation is conducted entirely within an enclosed structure, or b. The deliveries, loading, or unloading operation is conducted exclusively from a public right of way that is not adjacent to a residential zone or RMCP zone. 2. Refuse shall not be deposited into a commercial refuse bin		Project shall be conditioned to apply with these operational standards. Applicant may request an Extended Hours Permit.

	located outside of an enclosed structure on private property or on a public right of way that is adjacent to a residential zone or RMCP zone during extended hours unless such refuse is in sealed bags. 3. Commercial refuse bins shall not be moved in a public right of way adjacent to a residential zone or RMCP zone, or within the area between a commercial structure and a residential zone or RMCP zone during extended hours, except by waste haulers operating pursuant to a franchise with the city that permits such activity during extended hours. 4. All commercial refuse bins shall be equipped with nonmetallic lids which shall remain closed at all times. 6. All doors facing a residential zone shall remain closed at all times during extended hours 7. Employees, agents, associates, or contractors of a nonresidential use shall not congregate behind the nonresidential structure or in any open area or public right of way separating a nonresidential structure and a residential zone or RMCP zone during extended hours. 8. All businesses in the commercial-residential		

	transition area shall comply with all provisions of title 5, chapter 1, article 1 of this code, regarding general noise regulations.		

ATTACHMENT B
Findings Required for Project Approval

FINDINGS

Zone Change

Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-3908, if the Planning Commission finds that the *public interest, health, safety, morals, peace, comfort, convenience, or general welfare* requires the reclassification of the property involved or the reclassification of any portion of the property, the planning commission shall so recommend to the council.

Conditional Use Permit

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, an adverse impact on traffic circulation or parking;
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 the activities associated with the proposed use or its hours of operation.
5. That the proposed location of any such use will not be detrimental to adjacent property or to the public welfare.

Development Plan Review Permit

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area.
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.
3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.
4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
5. The proposed plan will not be detrimental to the public health, safety or general welfare.

ATTACHMENT C
Public Notice

NOTICE OF AVAILABILITY of DRAFT ENVIRONMENTAL IMPACT REPORT and NOTICE of PUBLIC HEARING

DATE: September 16, 2010

TIME: 7:00 PM, or as soon thereafter as the matter may be heard

LOCATION: Council Chambers Room 280 A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The City of Beverly Hills has prepared a Draft Environmental Impact Report (EIR) for a proposed new Lexus Dealership, including showroom, servicing and sales components. The Draft EIR is being circulated for a 45-day public review period, from September 3 to October 18 2010.

The Planning Commission will hold a public hearing on the Project on ***September 16, 2010 at 7:00 PM*** or as soon thereafter as the matter may be heard.

The project site is located on the southwest corner of the Wilshire Boulevard and Maple Drive intersections. The project site encompasses two sites, one fronting on Wilshire Boulevard with addresses of 9230 and 9242 Wilshire Boulevard and to the south, across the alley at 121 Maple Drive.

The Applicant, Mitch Dawson, on behalf of property owners Jim Falk Properties, LLC and JF Wilshire Properties, LLC, proposes the demolition and replacement of the existing Lexus dealership (the existing building is approximately 34-feet in height and 24,069 square feet in area) with a new 103,746 square foot automobile dealership. The proposed new building would have a floor area ratio (FAR) of 3.17:1 and a height of approximately 56-feet to the roof level, 60-feet to the top of the parapet and 69-feet to the top of the stair tower. The portion of project located at 121 Maple will not exceed 35-feet in height. The project proposes 249 parking spaces (in a stacked/tandem configuration), including one level of subterranean parking. While 147 of the parking spaces would be utilized to satisfy the City's zoning code requirement, the remainder would be utilized for automobile storage. In addition, the project proposes 72 service bays and 3 detail bays.

The Wilshire Boulevard portion of the site is currently zoned for general commercial (C-3) uses and permits heights up to three stories and 45-feet and a floor area ratio of 2:1. The parcel on South Maple Drive, south of the existing building across the alley is currently utilized by the dealership for vehicle storage/surface parking and is zoned for multiple-family residential (R-4) uses, which also permits parking in buildings up to

35-feet in height that serve commercial uses fronting on Wilshire Boulevard. The 1,822 square foot portion of the east/west alley that bisects the parcels is proposed to be vacated as a part of the Project. The entire building site, including the proposed alley area is approximately 32,643 square feet.

Approval of the project requires approval of: a Zone Change to amend the Municipal Code to establish a new overlay zone, the New Car Dealership Planned Development Overlay Zone (C-3-NCD); a General Plan Amendment to reflect the proposed overlay zone and exceed the 2.0:1 FAR and 45-foot height limit identified in the General Plan; a Conditional Use Permit to establish a new car dealership; an alley vacation for a portion of a public alley south of Wilshire Boulevard, abutting the site; and an encroachment permit to allow loading activities to be located within the public right-of-way, on Maple Drive, abutting the project site.

PUBLIC REVIEW AND COMMENT ON DRAFT EIR

The Draft EIR is being circulated for a 45-day public review period, from September 3, 2010 to October 18, 2010. During the public review period, written comments concerning the adequacy of the document may be submitted by any interested person and/or affected agency. Following the public review period, written responses will be prepared for inclusion in the Final EIR.

Comments should be directed to (Emails will also be accepted at: dreyes@beverlyhills.org):

City of Beverly Hills
Department of Community Development
455 North Rexford Drive
Beverly Hills, California 90210
ATTN: David Reyes, Principal Planner

Public Review: Copies of the Draft EIR are available for public review beginning Friday, September 3, 2010 at the following locations:

City of Beverly Hills City Hall
Planning Division and Office of the City Clerk
455 North Rexford Drive
Beverly Hills, CA 90210

Beverly Hills Public Library
444 North Rexford Drive
Beverly Hills, CA 90210

The City's website: www.BeverlyHills.org

The case file on this project, which includes the plans and applications, is available for public review at the Community Development Department, 455 North Rexford Drive, Beverly Hills, CA 90210. If there are any questions regarding this notice, please contact David Reyes at 310-285-1116.

Jonathan Lait, AICP, City Planner

ATTACHMENT D
Public Works Memorandum

CITY OF BEVERLY HILLS

DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION

August 18, 2010

To: Georgana Millican, Associate Planner

From: David Gustavson, Director of Public Works & Transportation

Subject: **Lexus Administrative Draft EIR Review (Dated May 2010)**

Attachments:
1) MS4 Permit Applicable Pages
2) Summary of Requirements for the Installation/Removal of Tie-backs and Supporting Structures
3) FEHR & PEERS Technical Memorandum
4) Civil Engineering memo dated, January 6, 2010
5) General Civil Engineering conditions

The following comments from different Divisions of Public Works and Transportation Department are complied for your use.

Civil Engineering Division:

The Civil Engineering Division has reviewed the submitted "Administrative Draft EIR dated May 2010 and the attached plans dated August 3, 2010 for the Beverly Hills Lexus Dealership". Based on the third staff review and field visits for this year, we have the following comments:

1) A Sewer Area Study may be required based on final approved use and occupancy in order to analyze the existing sewer lines within the City of Beverly Hills which will convey the flow from the subject project. The applicant shall pay for the sewer system upgrades (if needed) due to the additional proposed sewage generated from this project.

   This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010, and it is addressed in the revised DEIR (page 4.8-15)

2) Proposed vacation of the alley south of Wilshire Boulevard between Maple Drive and the alley west of Maple Drive shall be in accordance with the Streets and Highways Code Section 8300 et seq. that clearly outlines the complete process involved in the vacation of dedicated public right-of-ways.

This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010, and it is addressed in the revised DEIR (page 4.9-51)

3) Proposed vacation of the alley south of Wilshire Boulevard between Maple Drive and the alley west of Maple Drive will require abandonment/relocation of the existing water mains and sewer lines. Sewer line in the proposed alley vacation need to be CCTV'd to verify existing connections before abandoning the line. This work has to be done according to City standards and shall be paid for by the applicant.

   This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010, and it is addressed in the revised DEIR (page 4.9-51)

4) Applicant shall contact all utility companies (Southern California Edison, the Gas Company, Time Warner and AT&T) to arrange for the relocation of their utilities before commencing vacation process.

   This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010, and it is addressed in condition 7 of the "Conditions-Public Works" on Sheet A-2.0. However, there was no mentioning of Gas line. It is also addressed in the revised DEIR (page 4.9-51), but it did not specify the utility companies to be contacted.

5) In the event that the existing east-west alley between the alley west of Maple Drive and Maple Drive is vacated, staff recommends that each utility within the alley be relocated without interruption of service, unless an easement is reserved for that utility. It will be the applicant's responsibility to make the requisite arrangements with each and every utility to provide an equivalent level of service as each utility deems necessary. All utilities proposed for relocation will need to be relocated to the satisfaction of each utility owner before any work for the proposed project will be allowed in the alley proposed for vacation.

   All City owned and operated utilities shall be relocated at the applicant's expense. The applicant shall work with franchise utilities to relocate those utilities at no expense to the City. The City will assist the applicant with such relocation, to the extent that the City bears no expense in this effort."

   This comment was part of the Civil Engineering memo dated June 21, 2010.

6) Applicant should clearly identify the process, phasing, and future location of utilities in the event that the east-west alley is vacated.

   This is a new comment.

7) The fire hydrant on the west side of Maple Drive where the future driveway is proposed will have to be relocated and shall be paid for by the applicant.

   This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010. New plans show that the fire hydrant is outside the limits of the new driveway approach.

8) There are four City trees on the west side of Maple Drive, and one palm tree on the south side of Wilshire Boulevard. Removal/replacement of these trees due to the location of the future driveway or to the excavation under the sidewalks (if approved) shall be coordinated and authorized by the City's Arborist. An indemnity bond must be submitted and approved by the City Attorney prior to removal.

   Parts of this comment were on the Civil Engineering memos dated January 6, and June 21, 2010. This comment was revised to include all trees on Wilshire Boulevard and Maple Drive.

9) Sidewalks, curb ramps and curb and gutter surrounding the site on Wilshire Boulevard and Maple Drive will need to be removed and replaced (according to City standards), and shall be paid for by the applicant.

   This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010. Condition 8 of the "Conditions-Public Works" on Plan Sheet A-2.0 calls for removal and replacement of the sidewalk only in case of damage. Sidewalks, and curb and gutter shall be removed and replaced regardless.

10) The pavement for the full width of Maple Drive (between Wilshire Boulevard and the southern property line) will have to be removed and replaced according to City standards, and shall be paid for by the applicant.

    This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010. Condition 8 of the "Conditions-Public Works" on Plan Sheet A-2.0 calls for the removal and replacement for only the westerly half of Maple Drive, and not the

full width. However, it is calls for the removal and replacement of the southerly lane of Wilshire Boulevard.

11) The pavement and center drainage gutter on the alley west of Maple Drive between the east-west alley south of Wilshire Boulevard and the southern property line and on the east-west alley (between Rexford Drive and the alley west of Maple Drive will have to be removed and replaced according to the City standards, and shall be paid for by the applicant.

This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010, and has not been addressed.

12) All survey monuments, street lights, and underground utilities, and any off-site improvements affected by the demolition shall be re-established according to the City standards, and shall be paid for by the applicant. No structures or improvements are permitted within the public right-of-way without an encroachment permit.

This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010. Highlighted portion has not been addressed.

13) Street lights on Wilshire Boulevard are being replaced as part of a Capital Improvement Project in 2010 Calendar year. No alteration to the location of these lights is allowed. In addition, If encroachment under the sidewalks is approved, all newly installed street light with all attached fixtures shall be properly stored and reinstalled according to the City standards and requirements, and shall be paid for by the applicant. An indemnity bond must be submitted and approved by the City Attorney prior to removal of street lights.

Parts of this comment were on the Civil Engineering memos dated January 6, and June 21, 2010. This comment was revised due to the possibility of excavation under the sidewalks.

14) The same lighting intensity will be maintained on Wilshire Boulevard and Maple Drive if street lights adjacent to the proposed building are removed due to excavation (if approved) under the sidewalks. Also, a continuous power supply will be maintained to the rest of the street lights on both streets if street light conduits are removed due to the excavation under the sidewalks (if approved).

This is a new comment

15) There is an unidentified future structure on Maple Drive at the southern end of the proposed project that is shown on the Site plan (figure 2-5) attached to the EIR. Please identify this structure.

This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010. This structure is not shown in the revised plans.

16) Future driveway approach will be required to be constructed to current ADA and City standards. Existing street light conduits on the west side of Maple Drive maybe impacted by the proposed 70 linear foot wide driveway approach. If these conduits get impacted, the applicant shall pay for the relocation cost.

This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010 and still valid, however, the proposed driveway shown in the revised plans is only 39 feet.

17) EIR did not discuss storm water runoff impacts during construction and post-construction. Due to the size of this project. Applicant is required to submit a Storm Water Pollution Prevention Plan (SWPPP), and a Standard Urban Storm Water Mitigation Plan (SUSMP) to the Utilities Division (Attention: Josette Descalzo) for review and approval. The SUSMP will be more complex than residential projects because it has to adhere to the numerical design criteria written in the attached MS4 permit.

This comment was part of the Civil Engineering memos dated January 6, and June 21, 2010 and still valid.

18) In accordance with the requirements set forth in City Council Resolution 71-R-4269, the applicant shall file a formal written request with the Civil Engineering Division for approval of any type of temporary construction encroachment (steel tieback rods, etc.) within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Civil Engineering Division. Shoring elements shall not project in to the alleys. An indemnity bond must be submitted and approved by the City Attorney prior to excavation. A copy of a document titled SUMMARY OF REQUIREMENTS FOR THE INSTALLATION/REMOVAL OF TIE-BACKS AND SUPPORTING STRUCTURES which summarizes these requirements is attached and should be forwarded to the applicant.

This comment was part of the Civil Engineering memo dated June 21, 2010 and should substitute condition 2 of "Conditions-Public Works" on Plan Sheet A-2.0

19) Applicant shall provide a soil report prepared by a California registered geotechnical engineer that identify the shoring recommendations and design parameters. Shoring design shall account for heavy traffic loads on Wilshire Boulevard, and must limit the deflection to ¼ inch on top of the piles/caissons to avoid any deflection and damage to adjacent streets.

This is a new comment.

20) A minimum clearance of eight feet is required between the top of the basement slab and the finish grade of the sidewalk, where the basement encroaches to the public right-of-way.

21) Plans show that there is a landscaped parkway on Wilshire Boulevard in front of the property. There is no existing landscaped parkway on Wilshire Boulevard at that location.

This comment was part of the Civil Engineering memo dated June 21, 2010 and still valid.

22) A twenty-foot easement for public utility purposes shall be granted to the City of Beverly Hills. No above-ground structures shall be installed in this easement (Street light, fire hydrant,...etc.)

This comment was part of the Civil Engineering memo dated June 21, 2010 and still valid.

23) A site improvement plan designed by a licensed Civil Engineer in the State of California shall be prepared and submitted to the Civil Engineering Division for plan check and approval. All work in the public right of way shall be constructed in accordance to the approved plans and required permits issued for this specific work.

This comment was part of the Civil Engineering memo dated June 21, 2010 and still valid.

24) Pedestrian access will be maintained on Wilshire Boulevard and Maple Drive if sidewalks are removed due to the excavation under the sidewalks (if approved). No pedestrian barricades are allowed on the roadway section of Wilshire Boulevard or Maple Drive.

This is a new comment

25) Plans should show the property line and the exact dimension of public right -of- way encroachments on all views and cross sections. Cross Section A on sheet A-5.0 does not show the encroachment under the side walk as shown on sheet A-3.0.

This is a new comment

26) Applicant shall provide a construction management plan which clearly shows usage of cranes and other heavy equipment. There shall be no lane closures on Wilshire Boulevard unless approved by City Council.

Environmental Utilities Division:

27) All City owned Utilities must be relocated at the applicant's expense and in full operation prior to the commencement of construction of the proposed project.

28) The relocated utilities shall be in a 20' wide utility easement with no structural or building projections below or above grade in that easement.

Traffic and Transportation Division:

29) The applicant shall dedicate the westerly 2.5 feet of the property adjacent to the alley west of Maple Dr. as required by the City's Master Plan of Streets, Alleys and Highways. The applicant shall construct the alley improvements required by this dedication. Plans for which will be prepared by the applicant and subject to the review and approval of the City Engineer.

30) Prospective uses, including development of the adjacent Nessah parking lot, should be considered when making the findings related to the potential alley vacation.

31) The applicant shall dedicate the southerly 20 feet of the property that is currently located south of the alley that is proposed for vacation to provide a replacement for the alley to be vacated so as to maintain circulation. The applicant shall construct the alley improvements required by this dedication. Plans for which will be prepared by the applicant and subject to the review and approval of the City Engineer and City Traffic Engineer.

32) If a replacement alley, as outlined in comment #24, is not included in the final entitlement conditions, the alley west of Maple Dr. shall be converted to one-way only with travel from north to south.

   a. Tenants/residents with parking access from this alley would be required to enter the alley from Rexford Drive and exit onto Charleville Blvd.

   b. Additional accommodations would need to be made for trash collection.

33) Per Resolution 71-R- 4269, no permits shall be issued for supporting structures under Wilshire Boulevard without approval by RTD, which is now Los Angeles County Metropolitan Transportation Authority (METRO).

inspection of the facility to confirm the complaint to determine if the facility is effectively complying with the SQMP and municipal storm water/urban runoff ordinances, and to oversee corrective action.

(4) **Support of Regional Board Enforcement Actions:** As directed by the Regional Board Executive Officer, Permittees shall support Regional Board enforcement actions by: assisting in identification of current owners, operators, and lessees of facilities; providing staff, when available, for joint inspections with Regional Board inspectors; appearing as witnesses in Regional Board enforcement hearings; and providing copies of inspection reports and other progressive enforcement documentation.

(5) **Participation in a Task Force:** The Permittees, Regional Board, and other stakeholders may form a Storm Water Task Force, the purpose of which is to communicate concerns regarding special cases of storm water violations by industrial and commercial facilities and to develop a coordinated approach to enforcement action.

D. Development Planning Program

The Permittees shall implement a development-planning program that will require all Planning Priority development and Redevelopment projects to:

- Minimize impacts from storm water and urban runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21100), CWC § 13369, CWA § 319, CWA § 402(p), CWA § 404, CZARA § 6217(g), ESA § 7, and local government ordinances ;
- Maximize the percentage of pervious surfaces to allow percolation of storm water into the ground;
- Minimize the quantity of storm water directed to impervious surfaces and the MS4;
- Minimize pollution emanating from parking lots through the use of appropriate Treatment Control BMPs and good housekeeping practices;
- Properly design and maintain Treatment Control BMPs in a manner that does not promote the breeding of vectors; and
- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.

1. Peak Flow Control

The Permittees shall control post-development peak storm water runoff discharge rates, velocities, and duration (peak flow control) in Natural

Drainage Systems (i.e., mimic pre-development hydrology) to prevent accelerated stream erosion and to protect stream habitat. Natural Drainage Systems are located in the following areas:

a) Malibu Creek;

b) Topanga Canyon Creek;

c) Upper Los Angeles River;

d) Upper San Gabriel River;

e) Santa Clara River; and

f) Los Angeles County Coastal streams (see Basin Plan Table 2-1).

The Principal Permittee in consultation with Permittees shall develop numerical criteria for peak flow control, based on the results of the Peak Discharge Impact Study (see Monitoring Program Section II.I).

Each Permittee shall, no later than February 1, 2005, implement numerical criteria for peak flow control.

A Permittee or group of Permittees may substitute for the countywide peak flow control criteria with a Hydromodification Control Plan (HCP), on approval by the Regional Board, in the following circumstances:

(1) Stream or watershed-specific conditions indicate the need for a different peak flow control criteria, and the alternative numerical criteria is developed through the application of hydrologic modeling and supporting field observations; or

(2) A watershed-wide plan has been developed for implementation of control measures to reduce erosion and stabilize drainage systems on a watershed basis.

2. Standard Urban Storm Water Mitigation Plans (SUSMPs)

a) Each Permittee shall amend codes and ordinances not later than August 1, 2002 to give legal effect to SUSMP changes contained in this Order. Changes to SUSMP requirements shall take effect not later than September 2, 2002.

b) Each Permittee shall require that a single-family hillside home:

(1) Conserve natural areas;

(2) Protect slopes and channels;

(3) Provide storm drain system stenciling and signage;

(4) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and

(5) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

c) Each Permittee shall require that a SUSMP as approved by the Regional Board in Board Resolution No. R 00-02 be implemented for the following categories of developments:

(1) Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments);

(2) A 100,000 or more square feet of impervious surface area industrial/ commercial development;

(3) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);

(4) Retail gasoline outlets;

(5) Restaurants (SIC 5812);

(6) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces; and

(7) Redevelopment projects in subject categories that meet Redevelopment thresholds.

d) Each Permittee shall submit an ESA Delineation Map for its jurisdictional boundary, based on the Regional Board's ESA Definition, no later than June 3, 2002, for approval by the Regional Board Executive Officer in consultation with the California Department of Fish and Game, and the California Coastal Commission.

e) Each Permittee shall require the implementation of SUSMP provisions no later than September 2, 2002, for all projects located in or directly adjacent to or discharging directly to an ESA, where the development will:

(1) Discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat; and

(2) Create 2,500 square feet or more of impervious surface area.

3. Numerical Design Criteria

The Permittees shall require that post-construction Treatment Control BMPs incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

a) Volumetric Treatment Control BMP

(1) The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from

the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*; or

(2) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial/ Commercial,* (1993); or

(3) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a storm water conveyance system; or

(4) The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

b) Flow Based Treatment Control BMP

(1) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

(2) The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or

(3) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

4. Applicability of Numerical Design Criteria

The Permittees shall require the following categories of Planning Priority Projects to design and implement post-construction treatment controls to mitigate storm water pollution:

a) Single-family hillside residential developments of one acre or more of surface area;

b) Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;

c) A 100,000 square feet or more impervious surface area industrial/ commercial development;

d) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area];

e) Retail gasoline outlets [5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles]. Subsurface Treatment Control BMPs

which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;

f) Restaurants (SIC 5812) [5,000 square feet or more of surface area];

g) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;

h) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above in 2.e; and

i) Redevelopment projects in subject categories that meet Redevelopment thresholds.

5. Not later than March 10, 2003, each Permittee shall require the implementation of SUSMP and post-construction control requirements for the industrial/commercial development category to projects that disturb one acre or more of surface area.

6. Site Specific Mitigation

Each Permittee shall, no later than September 2, 2002, require the implementation of a site-specific plan to mitigate post-development storm water for new development and redevelopment not requiring a SUSMP but which may potentially have adverse impacts on post-development storm water quality, where one or more of the following project characteristics exist:

a) Vehicle or equipment fueling areas;

b) Vehicle or equipment maintenance areas, including washing and repair;

c) Commercial or industrial waste handling or storage;

d) Outdoor handling or storage of hazardous materials;

e) Outdoor manufacturing areas;

f) Outdoor food handling or processing;

g) Outdoor animal care, confinement, or slaughter; or

h) Outdoor horticulture activities.

7. Redevelopment Projects

The Permittees shall apply the SUSMP, or site specific requirements including post-construction storm water mitigation to all Planning Priority Projects that undergo significant Redevelopment in their respective categories.

a) Significant Redevelopment means land-disturbing activity that results in the creation or addition or replacement of 5,000 square

feet or more of impervious surface area on an already developed site.

Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

b) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

c) Existing single family structures are exempt from the Redevelopment requirements.

8. Maintenance Agreement and Transfer

Each Permittee shall require that all developments subject to SUSMP and site specific plan requirements provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and or conditional use permits. Verification at a minimum shall include:

a) The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either

b) A signed statement from the public entity assuming responsibility for Structural or Treatment Control BMP maintenance and that it meets all local agency design standards; or

c) Written conditions in the sales or lease agreement, which requires the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or

d) Written text in project conditions, covenants and restrictions (CCRs) for residential properties assigning maintenance responsibilities to the Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or

e) Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural or Treatment Control BMPs.

9. Regional Storm Water Mitigation Program

A Permittee or Permittee group may apply to the Regional Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly SUSMP requirements. Upon review and a determination by the Regional Board Executive Officer that the proposal is technically valid and appropriate, the Regional Board may consider for approval such a program if its implementation will:

a) Result in equivalent or improved storm water quality;

b) Protect stream habitat;

c) Promote cooperative problem solving by diverse interests;

d) Be fiscally sustainable and has secure funding; and

e) Be completed in five years including the construction and start-up of treatment facilities.

Nothing in this provision shall be construed as to delay the implementation of SUSMP requirements, as approved in this Order.

10. Mitigation Funding

The Permittees may propose a management framework, for endorsement by the Regional Board Executive Officer, to support regional or sub-regional solutions to storm water pollution, where any of the following situations occur:

a) A waiver for impracticability is granted;

b) Legislative funds become available;

c) Off-site mitigation is required because of loss of environmental habitat; or

d) An approved watershed management plan or a regional storm water mitigation plan exists that incorporates an equivalent or improved strategy for storm water mitigation.

11. California Environmental Quality Act (CEQA) Document Update

Each Permittee shall incorporate into its CEQA process, with immediate effect, procedures for considering potential storm water quality impacts and providing for appropriate mitigation when preparing and reviewing CEQA documents. The procedures shall require consideration of the following:

a) Potential impact of project construction on storm water runoff;

b) Potential impact of project post-construction activity on storm water runoff;

c) Potential for discharge of storm water from areas from material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous

materials handling or storage, delivery areas or loading docks, or other outdoor work areas;

d) Potential for discharge of storm water to impair the beneficial uses of the receiving waters or areas that provide water quality benefit;

e) Potential for the discharge of storm water to cause significant harm on the biological integrity of the waterways and water bodies;

f) Potential for significant changes in the flow velocity or volume of storm water runoff that can cause environmental harm; and

g) Potential for significant increases in erosion of the project site or surrounding areas.

12. General Plan Update

a) Each Permittee shall amend, revise or update its General Plan to include watershed and storm water quality and quantity management considerations and policies when any of the following General Plan elements are updated or amended: (i) Land Use, (ii) Housing, (iii) Conservation, and (iv) Open Space.

b) Each Permittee shall provide the Regional Board with the draft amendment or revision when a listed General Plan element or the General Plan is noticed for comment in accordance with Cal. Govt. Code § 65350 *et seq.*

13. Targeted Employee Training

Each Permittee shall train its employees in targeted positions (whose jobs or activities are engaged in development planning) regarding the development planning requirements on an annual basis beginning no later than August 1, 2002, and more frequently if necessary. For Permittees with a population of 250,000 or more (2000 U.S. Census), training shall be completed no later than February 3, 2003.

14. Developer Technical Guidance and Information

a) Each Permittee shall develop and make available to the developer community SUSMP (development planning) guidelines immediately.

b) The Principal Permittee in partnership with Permittees shall issue no later than February 2, 2004, a technical manual for the siting and design of BMPs for the development community in Los Angeles County. The technical manual may be adapted from the revised California Storm Water Quality Task Force Best Management Practices Handbooks scheduled for publication in September 2002. The technical manual shall at a minimum include:

(1) Treatment Control BMPs based on flow-based and volumetric water quality design criteria for the purposes of countywide consistency;

(2) Peak Flow Control criteria to control peak discharge rates, velocities and duration;

(3) Expected pollutant removal performance ranges obtained from national databases, technical reports and the scientific literature;

(4) Maintenance considerations; and

(5) Cost considerations.

E. Development Construction Program

1. Each Permittee shall implement a program to control runoff from construction activity at all construction sites within its jurisdiction. The program shall ensure the following minimum requirements are effectively implemented at all construction sites:

   a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

   b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

   c) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and

   d) Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

2. For construction sites one acre and greater, each Permittee shall comply with all conditions in section E.1. above and shall:

   a) Require the preparation and submittal of a Local Storm Water Pollution Prevention Plan (Local SWPPP), for approval prior to issuance of a grading permit for construction projects.

   The Local SWPPP shall include appropriate construction site BMPs and maintenance schedules. (A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP). The Local SWPPP must include the rationale used for selecting or rejecting BMPs. The project architect, or engineer of record, or authorized

qualified designee, must sign a statement on the Local SWPPP to the effect:

"As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activity."

The landowner or the landowner's agent shall sign a statement to the effect:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/or inaccurate information, failing to update the Local SWPPP to reflect current conditions, or failing to properly and/or adequately implement the Local SWPPP may result in revocation of grading and/or other permits or other sanctions provided by law."

The Local SWPPP certification shall be signed by the landowner as follows, for a corporation: by a responsible corporate officer which means (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; for a partnership or sole proprietorship: by a general partner or the proprietor; or for a municipality or other public agency: by an elected official, a ranking management official (e.g., County Administrative Officer, City Manager, Director of Public Works, City Engineer, District Manager), or the manager of the construction activity if authority to sign Local SWPPPs has been assigned or delegated to the manager in accordance with established agency policy.

b) Inspect all construction sites for storm water quality requirements during routine inspections a minimum of once during the wet season. The Local SWPPP shall be reviewed for compliance with local codes, ordinances, and permits. For inspected sites that have not adequately implemented their Local SWPPP, a follow-up inspection to ensure compliance will take place within 2 weeks. If compliance has not been attained, the Permittee will take additional actions to achieve compliance (as specified in municipal

codes). If compliance has not been achieved, and the site is also covered under a statewide general construction storm water permit, each Permittee shall enforce their local ordinance requirements, and if non-compliance continues the Regional Board shall be notified for further joint enforcement actions.

c) Require, no later than March 10, 2003, prior to issuing a grading permit for all projects less than five acres requiring coverage under a statewide general construction storm water permit, proof of a Waste Discharger Identification (WDID) Number for filing a Notice of Intent (NOI) for permit coverage and a certification that a SWPPP has been prepared by the project developer. A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP.

3. For sites five acres and greater, each Permittee shall comply with all conditions in Sections E.1. and E.2. and shall:

a) Require, prior to issuing a grading permit for all projects requiring coverage under the state general permit, proof of a Waste Discharger Identification (WDID) Number for filing a Notice of Intent (NOI) for coverage under the GCASP and a certification that a SWPPP has been prepared by the project developer. A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP.

b) Require proof of an NOI and a copy of the SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

c) Use an effective system to track grading permits issued by each Permittee. To satisfy this requirement, the use of a database or GIS system is encouraged, but not required.

4. GCASP Violation Referrals

a) Referral of Violations of the SQMP, Regional Board Resolution 98-08, and municipal storm water ordinances:

A Permittee may refer a violation(s) to the Regional Board provided that the Permittee has made a good faith effort of progressive enforcement. At a minimum, a Permittee's good faith effort must include documentation of:

- Two follow-up inspections within 3 months, and
- Two warning letters or notices of violation.

b) Referral of Violations of GCASP Filing Requirements:

For those projects subject to the GCASP, Permittees shall refer non-filers (i.e., those projects which cannot demonstrate that they have a WDID number) to the Regional Board, within 15 days of

making a determination. In making such referrals, Permittees shall include, at a minimum, the following documentation:

- Project location;
- Developer;
- Estimated project size; and
- Records of communication with the developer regarding filing requirements.

5. Each Permittee shall train employees in targeted positions (whose jobs or activities are engaged in construction activities including construction inspection staff) regarding the requirements of the storm water management program no later than August 1, 2002, and annually thereafter. For Permittees with a population of 250,000 or more (2000 U.S. Census), initial training shall be completed no later than February 3, 2003. Each Permittee shall maintain a list of trained employees.

F. Public Agency Activities Program

Each Permittee shall implement a Public Agency program to minimize storm water pollution impacts from public agency activities. Public Agency requirements consist of:

- Sewage Systems Maintenance, Overflow, and Spill Prevention
- Public Construction Activities Management
- Vehicle Maintenance/Material Storage Facilities/Corporation Yards Management
- Landscape and Recreational Facilities Management
- Storm Drain Operation and Management
- Streets and Roads Maintenance
- Parking Facilities Management
- Public Industrial Activities Management
- Emergency Procedures
- Treatment Feasibility Study

1. Sewage System Maintenance, Overflow, and Spill Prevention

a) Each Permittee shall implement a response plan for overflows of the sanitary sewer system within their respective jurisdiction, which shall consist at a minimum of the following:

(1) Investigation of any complaints received;

(2) Upon notification, immediate response to overflows for containment; and

(3) Notification to appropriate sewer and public health agencies when a sewer overflows to the MS4.

b) In addition to 1.a.1, 1.a.2, and 1.a.3 above, for those Permittees, which own and/or operate a sanitary sewer system, the Permittee shall also implement the following requirements:

Engineering & Transportation Department
City of Beverly Hills
345 Foothill Road
Beverly Hills, CA 90210
(310) 285-2506

SUMMARY OF REQUIREMENTS FOR THE INSTALLATION / REMOVAL OF TIE-BACKS AND SUPPORTING STRUCTURES

The Council of the City of Beverly Hills, per Resolution Number 71-R-4269, has directed that standard procedures be established in connection with uses on public rights of way adjacent to private property where a private structure will be constructed with specific reference to the following uses:

1) Removal of a portion of the public right of way adjacent to private property during a portion of the construction period; or
2) Constructing steel, concrete, or steel and concrete structures in public rights of way for the purpose of providing lateral support for the public right of way during the construction period and permitting these structures to remain in the public right of way after completion of the building.

Three Types of Lateral Support

(i) Steel tieback rods and supporting structures.
(ii) Over-excavation on public right-of-way.
(iii) Caisson/Soldier piles, Raker/Brace system.

Whenever a permit is required by the provisions of Chapters 2 and 3 of Title 8, entitled "Parks, streets, and other Public Property" of the Beverly Hills Municipal Code, to excavate, occupy, or use any space below any public sidewalk, public street, or other public right of way adjacent to private property for the purpose of facilitating the construction of a structure to be erected on such private property, such permit shall be issued subject to each and all of the following conditions:

(a) The applicant shall comply with any and all of the applicable provisions of Title 8 of the Beverly Hills Municipal code.

(b) The applicant shall retain a professional engineer legally qualified to locate property lines and reference structures to such property line to prepare a plan and profile drawing on 24" x 36" sheet showing all installations, substructures, utilities, water works, drainage facilities and appurtenances between the property line and the centerline of the street or to such further line as may be identified by the City Engineer.

The profile elevations shall be shown to the official city datum plane referred to in Section 8-2.15 of the Municipal Code. The location of any substructure or underground utility between the curb and the property line shall be verified by spot excavation prior to completion of plans. Any other substructure, which may be affected by the proposed excavation or construction, shall also be verified by spot excavation if required to do so by the City Engineer or the owner of the substructure.

(c) The contractor shall obtain a statement from each of the following:
Beverly Hills Water Department, Southern California Gas Company, American Telephone and Telegraph Company, Southern California Edison Company, and any other owner of an affected utility or substructure that it has no objection to the proposed excavation and approving designated means of support of the public right of way and protection of the utility or other substructure. Each statement shall specify what inspection will be made by the utility company and replacement value of the facility for bonding purpose to ensure protection of its facility. The applicant shall bear all costs imposed by the utility company. A responsible official from the affected utility shall sign each statement.

(d) Any type of construction in public rights of way shall comply fully with the provisions of the Uniform Building Code as adopted by reference in Chapter 1, of Title 9 of the Beverly Hills Municipal Code.

(e) Excavated sections on the public right of way and surfacing shall be backfilled as soon as the structure is self-supporting at grade.

(f) In the event of removal of soil on public rights of way for the purpose of facilitating construction, no excavation shall be made closer than seven (7) feet to the face of the curb.

(g) The applicant shall submit plans and specification of the support proposed for the public right-of-way. These plans and specifications shall show in detail the extent of excavation of the public right of way and method of support and procedure to be followed and shall be prepared by a structural engineer in accordance with the results of soil tests and recommendations by a recognized soil engineer. The City Engineer shall not recommend or approve, as the case may be, the issuance of a permit pursuant to the provisions of the Municipal Code and this resolution until he has been provided with a statement from the Building and Safety Department Director to the Civil Engineering Department indication his/her review and approval of the shoring plans.

(h) No part of the structure in public rights of way for which a permit is issued under provisions of this resolution shall be considered to be part of the adjacent building.

(i) Any caisson type supporting structure (maximum encroachment three (3) feet) may be constructed immediately adjacent to the property line on street public right of way. Such structure shall be removed to a minimum depth of eight (8) feet below sidewalk grade. No support construction (caisson type) will be permitted in alley public rights of way.

(j) Any part of an earth anchor and tieback system in a public right of way shall be below a plane which at the property line is at a minimum depth of eight (8) feet and extends downward at an angle of thirty (30) degrees (20 degrees may be permitted by the City Engineer), said angle measured downward from a horizontal plane (tie backs may encroach into the alley). Additional depths will be required if necessary to position any part of the earth anchor and tieback system a minimum clearance distance of two (2) feet from any utility or substructure. The City Engineer may require additional depths. All steel tieback rods shall be removed.

(k) No permit shall be issued for supporting structures to be left in place on Wilshire Boulevard unless the Southern California Rapid Transit District advises in writing that it has no objection to the proposed structure being left in place.

(l) The Council may cancel any permit granted per the referred resolution for reasonable cause and the contractor may be required to provide supporting structure on private properties.

(m) Prior to issuance of a permit pursuant to the Municipal Code and per the referred resolution, the applicant shall pay to the Public Works Department a fee of $7.70 per linear foot measured along the public rights of way of adjacent to private property occupied by the building site where the use of public rights of way is permitted.

(n) Prior to issuance of a permit pursuant to the Municipal Code and per the reference resolution, the applicant shall pay to the Public Works Department $7,538.00 to guarantee the removal of the steel tieback rods and the removal of supporting structures to a minimum depth of eight (8) feet below sidewalk grade. The $7,538.00 will be refunded upon application by the applicant and approval from the Building & Safety Department that all steel tieback rods and supporting structures have been removed in accordance with paragraphs (i) and (j) above. The applicant shall forfeit $751.00 for each steel tieback rod left in place and shall forfeit $2,211.00 for each supporting structure not removed to a minimum depth of eight (8) feet below sidewalk grade. The applicant will be required to pay to the office of the Finance Director any additional sum in the event the $7,538.00 was insufficient.

The application for refund of deposit is required in writing, accompanied by drawing and satisfactory certification indicating tiebacks were removed and location of any left in place. Letter must be sent to the City by the resident deputy inspector verifying that all the tiebacks have been removed. The applicant shall show on a 24" x 36" sheet the location of all steel tieback rods and supporting structures left in place.

NOTE:
ALL FEES ARE SUBJECT TO ANNUAL REVISION AND DEPOSITS MAY VARY, DEPENDING UPON THE PARTICULAR PROJECT.

PARTIAL LIST OF UTILITY CONTACTS:

City of Beverly Hills Utility Division:	Marcel Garrubba	310.285.2493
A T& T	Rick Shah	323.224.0764
Southern California Edison:	Marcus Bland	310.315.3214
Time Warner:	Ken Gerreld	818.779.2669
The Gas Company:	Jeffrey Wayne	310.687.2015
MCI : National Support Group	N/A	972.656.6016
Metropolitan Water District:	Marko Buntich	213.217.6679
LA County Public Works:	Richard Yribe	626.458.3919
LA DWP:	Mike Downs	213.367.1218
Metro Media Fiber Network Services:	Jim Pope	714.385.9860
Verizon:	Aiko Brum	818.365.0111
Sprint:	Greg Foster	310.353.3271

FEHR & PEERS
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TECHNICAL MEMORANDUM

Date: May 5, 2010

To: Aaron Kunz, City of Beverly Hills

From: Sarah Brandenberg

Subject: ***Proposed Alley Closure Adjacent to Jim Falk Lexus in City of Beverly Hills***
SM10-2397.01

This memorandum presents an assessment of the proposed alley closure resulting from the expansion of the Jim Falk Lexus Dealership at the corner of Wilshire Boulevard and Maple Drive in the City of Beverly Hills. The alley of interest is just south of the existing dealership and provides one-way access in the eastbound direction between Rexford Drive and Maple Drive. This study provides a detailed assessment of alley operations including the number of vehicles using the alley that are not associated with the Lexus dealership. Peak activity at the Nessah Synagogue located at 142 Rexford Drive was observed during the Passover holiday and is also considered in this assessment.

A summary of existing conditions and traffic operations with the proposed alley closure is presented below along with a summary of findings and recommendations for consideration by the City of Beverly Hills.

EXISTING CONDITIONS

The expansion of the Jim Falk Lexus Dealership at the corner of Wilshire Boulevard and Maple Drive would result in the closure of the alley adjacent to the dealership. As shown in Figure 1, the study area is served by two alleys: 1) an east-west alley just south of Jim Falk Lexus providing one-way access between Rexford Drive and Maple Drive, and 2) a north-south alley providing two-way access between the east-west alley and Charleville Boulevard.

Field observations were conducted to assess traffic conditions in the alley and adjacent area. The field observations were conducted during a Passover service on Tuesday, March 30, 2010 at the Nessah Synagogue to assess conditions with full occupancy of the Nessah parking lot located on Rexford Drive just south of the alley and the temporary overflow parking lot on the corner of Wilshire Boulevard and Maple Drive. Vehicular traffic patterns and pedestrian activity were observed. Figure 1 highlights the key findings of the field observations.

EXISTING & "PLUS PROJECT" TRAFFIC VOLUMES

Peak hour and daily traffic counts were conducted on a weekday and Saturday in January 2009 as part of the traffic impact study for the Lexus expansion project. Traffic counts were conducted for two segments of the east-west alley: 1) between Rexford Drive and the north-south alley, and 2) between the north-south alley and Maple Drive. Traffic counts were also conducted in the north-south alley.

Figure 2 displays the peak hour and daily traffic volumes on a typical weekday and Saturday for the alley segments. As shown, the segment of the east-west alley connecting to Rexford Drive

serves approximately 210 vehicles on a weekday, and the segment of the east-west alley connecting to Maple Drive serves approximately 560 vehicles per day. The higher traffic volumes on the eastern portion of the alley are due to vehicles traveling between the Lexus dealership service area (north side of alley) and the Lexus parking lot (south side of alley). The north-south alley serves approximately 70 vehicles per day.

With the proposed expansion of Jim Falk Lexus, the western portion of the east-west alley would continue to provide access to the service area of the dealership (i.e., vehicles could enter the dealership from Rexford Drive utilizing the alley); however, the portion of the alley adjacent to the dealership would be closed. With the dealership expansion and alley closure, traffic volumes on the western segment of the east-west alley would increase by approximately 30 vehicles per day, and volumes on the north-south alley would increase by approximately 10 vehicles per day. Changes in peak hour and daily traffic volumes under "plus project" conditions are shown in Figure 2.

"NON-LEXUS" TRAFFIC VOLUMES

To determine the existing peak hour trip generation of the Lexus dealership, license plate surveys were collected as part of the traffic impact study in June 2009 at the following locations: 1) Rexford Drive & east-west alley, 2) Maple Drive & east-west alley, 3) Charleville Boulevard & north-south alley, and 4) the various entrance and exit points for the Lexus dealership. The license plate data was used to determine the amount of through traffic ("non-Lexus traffic") using the east-west alley during the peak hours and estimate the amount of through traffic on a typical weekday and Saturday during peak hours.

Figure 3 presents the number of "non-Lexus" vehicles traveling along the east-west alley between Rexford Drive and Maple Drive and the number of vehicles traveling on both the east-west and north-south alleys. As shown, the number of "non-Lexus" vehicles utilizing the alleys during peak hours is minimal. Closure of the east-west alley adjacent to the Lexus dealership would result in the following number of vehicles being diverted (i.e., vehicles would use an alternative travel route) during peak hours.

- Weekday AM Peak Hour: six vehicles
- Weekday Midday Peak Hour: seven vehicles
- Weekday PM Peak Hour: eight vehicles
- Saturday Midday Peak Hour: three vehicles

These diverted vehicles would likely travel on two alternate routes to reach their destination. Vehicles currently traveling northbound on the north-south alley and turning eastbound onto the east-west alley would instead travel southbound to Charleville Boulevard to access Maple Drive. Vehicles currently traveling on the east-west alley between Rexford Drive and Maple Drive would likely avoid the alley and use the adjacent parallel roadways, such as Wilshire Boulevard or Charleville Boulevard, to reach their destination.

ALLEY TURNING RADIUS

The east-west and north-south alleys are both 15 feet wide, resulting in a tight turning radius for vehicles traveling from one alley to the other alley. With the Lexus dealership expansion, the segment of the north-south alley adjacent to the dealership would be widened to 17.5 feet. With the closure of the east-west alley adjacent to the dealership, all "non-Lexus" vehicles traveling along the alley would have to turn onto the north-south alley to access Charleville Boulevard and the surrounding roadway network. To determine if the turning radius was sufficient to serve cars and trucks, the Auto-Turn software package was used to track the turning movement for vehicles traveling from the east-west alley to the north-south alley.

Figure 4 displays the turning radius for a large car (19 feet long) traveling from the east-west alley to the north-south alley. As shown, a car would be able to make this turn and does so today with the narrower 15-foot north-south alley.

Figures 5 and 6 display the turning radius for a 30-foot and 40-foot truck traveling from the east-west alley to the north-south alley. As shown in both figures, additional right-of-way is needed for the truck to complete this turning movement. To accommodate a 30-foot truck, the northern portion of the alley would need to be approximately 27 feet wide, which would eliminate one parking space in the adjacent Nessah Synagogue parking lot. To accommodate a 40-foot truck, the northern portion of the alley would need to be widened to approximately 30 feet, which would eliminate two parking spaces in the adjacent lot.

ONE-WAY VERSUS TWO-WAY ALLEY OPERATIONS

With the removal of the east-west alley adjacent to the Lexus dealership, vehicles would no longer be able to travel northbound on the north-south alley to exit onto Maple Drive. All "non-Lexus" vehicles traveling on both alleys would exit onto Charleville Boulevard. Three feasible options for the directionality of the alleys are summarized below:

- ***Option 1***: One-way eastbound East-West Alley & one-way southbound North-South Alley
- ***Option 2***: One-way northbound North-South Alley & one-way westbound East-West Alley
- ***Option 3***: One-way eastbound East-West Alley & two-way North-South Alley (existing operations)

Daily tube counts conducted on January 15, 2009 indicate that the east-west and north-south alleys serve the following number of vehicles during peak hours:

- East-West Alley:
  - 31 total vehicles during the AM peak hour (three non-Lexus related)
  - 21 total vehicles during the PM peak hour (six non-Lexus related)

- North-South Alley:
  - Nine total vehicles during the AM peak hour (six northbound and three southbound)
  - Seven total vehicles during the PM peak hour (three northbound and four southbound)

The number of vehicles that would be rerouted and alley operations with the three potential configurations are summarized below.

- ***Option 1***: With the one-way eastbound east-west alley and one-way southbound north-south alley, vehicles currently traveling northbound along the north-south alley to access the residential parking spaces would be rerouted to the alley entrance on Rexford Drive. These vehicles, in addition to vehicles currently traveling northbound to access Maple Drive, would result in six vehicles being rerouted to during the AM peak hour and three vehicles being rerouted during the PM peak hour. To eliminate through traffic using the alleys, signage could be installed at the east-west alley entrance on Rexford Drive indicating "No Thru Traffic."

- ***Option 2***: With the one-way northbound north-south alley and one-way westbound east-west alley, vehicles currently traveling to the Lexus Dealership would be rerouted to Charleville Boulevard to access the dealership using the north-south alley. Since the majority of vehicles currently traveling on the western portion of the east-west alley are accessing the Lexus dealership, this would result in the highest number of vehicles being rerouted of the three potential options (approximately 30 vehicles during the AM peak hour and 15 vehicles during the PM peak hour).

- ***Option 3***: With the one-way eastbound east-west alley and two-way north-south alley (existing operations), the only vehicles that would be diverted would be due to the closure of the east-west alley adjacent to the Lexus dealership (as shown on Figure 3 and discussed above). This configuration would result in a two-way alley joining a one-way alley. Therefore, a turnaround area would need to be provided on the south side of the Lexus dealership and signing indicating "Do Not Enter," "Wrong Way" and "No Thru Traffic" would need to be installed, as shown in Figure 7.

  The north-south alley is primarily used by those residing in the residential units along Maple Drive between the Lexus dealership and Charleville Boulevard to access the on-site parking spaces. As discussed, the north-south alley serves less than 10 vehicles per peak hour. Vehicles currently traveling northbound to access Maple Drive (six vehicles during the AM peak hour and three vehicles during the PM peak hour) could be directed to Charleville Boulevard by placing "Exit" signs along the alley.

Of the three options outlined above, Option 1 would result in the fewest number of vehicles being rerouted and would eliminate the need to provide a turnaround area and multiple signs due to a one-way alley intersecting a two-way alley. If the north-south alley was made southbound one-way only, six vehicles would be rerouted during the AM peak hour and three vehicles would be rerouted during the PM peak hour. Due to the minimal number of vehicles being rerouted, traffic impacts would not occur as a result of this configuration. Based on the data summarized above, Option 1 reflects the preferred alignment for the remaining alley network. However, each of the three options outlined above could be implemented, as preferred by the City.

ALTERNATIVES TO PROPOSED ALLEY CLOSURE

The potential alternatives to the proposed east-west alley closure listed below were considered. A summary of the advantages and constraints for each scenario is provided for use by the City.

- No change to existing configuration:
  - *Advantage*: Allows truck access along the east-west alley without additional right-of-way.
  - *Constraint*: Alley is not needed for typical daily or peak hour vehicular access; alley operates more like a parking lot drive aisle than an alley/roadway due to vehicles traveling between the service area on the north side of the alley and the

Lexus parking lot on the south side of the alley; through vehicles are typically delayed by Lexus vehicles entering/exiting the adjacent parking lot or dealership.

- Vacate alley as proposed on the project plans with City easements for utilities:
  - *Advantage*: Alley is not needed for typical daily or peak hour vehicular access; alley operates more like a parking lot drive aisle than an alley/roadway due to vehicles traveling between the service area on the north side of the alley and the Lexus parking lot on the south side of the alley; through vehicles are typically delayed by Lexus vehicles entering/exiting the adjacent parking lot or dealership.
  - *Constraint*: Truck access is limited along the east-west alley unless additional right-of-way is provided; vehicles would have to travel on the north-south alley to access Charleville Boulevard and surrounding roadway network; pedestrians utilizing the temporary overflow parking lot would be rerouted to Wilshire Boulevard & Rexford Drive to access the synagogue.

- Realign alley and permit vehicular and pedestrian traffic, utilities (City retains ownership):
  - *Advantage*: Additional access would be provided for vehicles traveling on the east-west and north-south alleys; pedestrians utilizing temporary overflow parking lot would be able to walk in alley to access the synagogue.
  - *Constraint*: Truck access would continue to be limited along the east-west alley unless additional right-of-way is provided.

- Realign alley and permit only pedestrian traffic, utilities (City retains ownership)
  - *Advantage*: Pedestrians utilizing temporary overflow parking lot would be able to walk in alley to access the synagogue.
  - *Constraint*: Pedestrian usage is low (except during overflow parking events); the overflow parking lot is temporary and pedestrians can be rerouted to Wilshire Boulevard; this would require City to meet current lighting standards for a pedestrian walkway and would require regular maintenance.

KEY FINDINGS

The key findings of the study are presented below:

- With the alley closure, a limited number of vehicles would be rerouted (six vehicles during the AM peak hour, seven vehicles midday, eight vehicles PM, and three vehicles during the Saturday midday peak). These diverted vehicles would likely travel on two alternate routes. Vehicles currently traveling northbound on the north-south alley would instead travel southbound to Charleville Boulevard to access Maple Drive, and through vehicles currently traveling on the east-west alley between Rexford Drive and Maple Drive would likely avoid the alley and use the adjacent parallel roadways, such as Wilshire Boulevard or Charleville Boulevard.

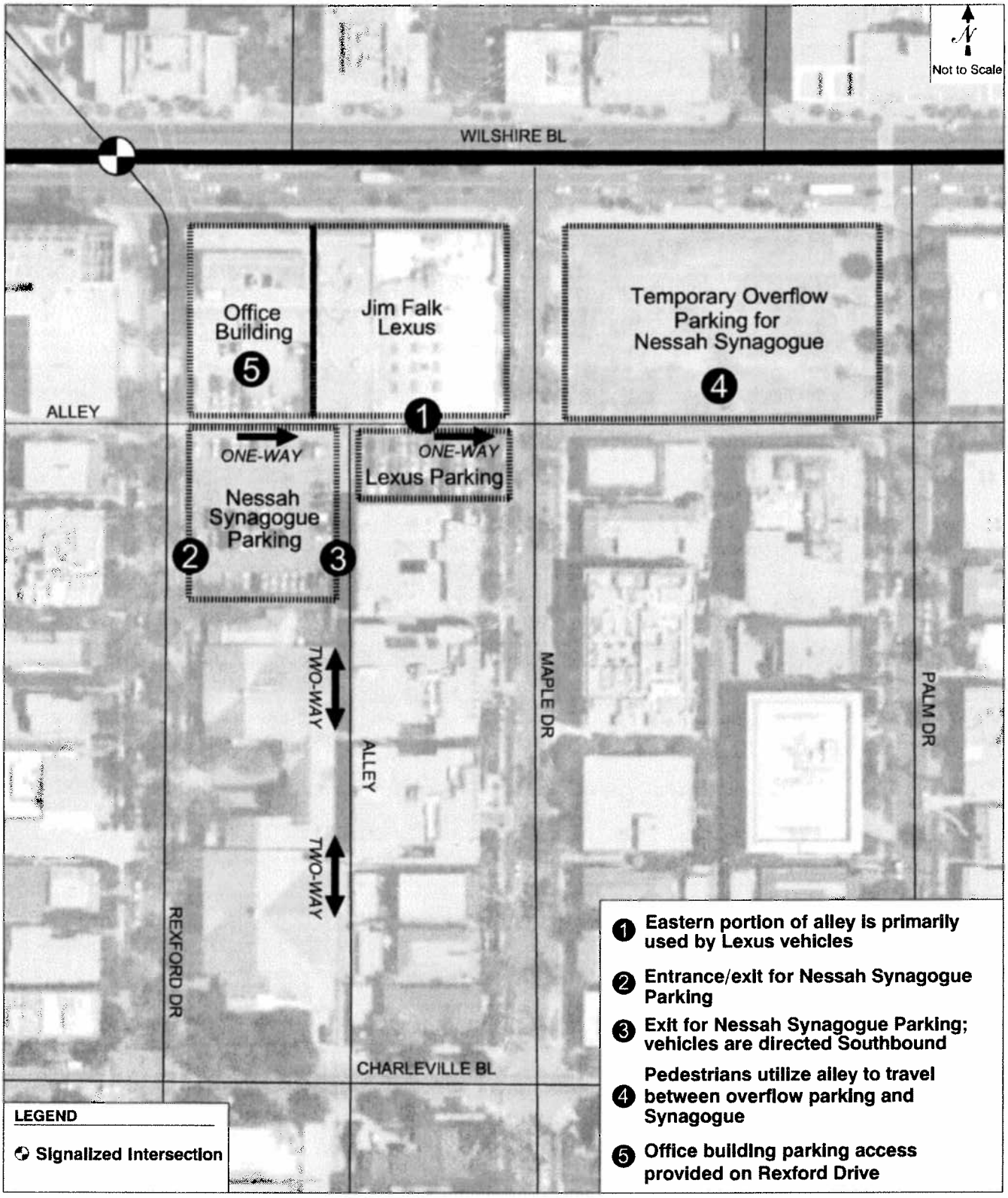
- The segment of the alley adjacent to the dealership has a lot of Lexus activity. Many vehicles travel between the service area on the north side of the alley and the Lexus parking lot on the south side of the alley. This section of the alley operates more like a parking lot drive aisle than an alley/roadway. Based on field observations, when a non-Lexus vehicle is traveling in the alley, it is typically delayed by Lexus vehicles entering/exiting the adjacent parking lot or dealership.

- The turning radius from the east-west alley to the north-south alley is narrow. Cars would be able to make this turn with the dealership expansion and alley closure and are able to make the turn today. However, trucks would not be able to make the turn without additional right-of-way. The northern portion of the alley would need to be approximately 27 feet wide to accommodate a 30-foot truck and 30 feet wide to accommodate a 40-foot truck. If the additional right-of-way was provided on the west side of the alley, one parking space would be eliminated in the Nessah Synagogue parking lot to accommodate the 30-foot truck. Two spaces would be eliminated to accommodate a 40-foot truck. If additional right-of-way is not feasible, a sign could be posted at the entrances to the east-west and north-south alleys indicating "No Truck Access."

- Pedestrian usage in the alley primarily occurs during high attendance events at the synagogue when vehicles park in the overflow lot on the east side of Maple Drive and walk through the alley to the synagogue. This is a temporary parking lot. While the lot is in use, pedestrians could walk along Wilshire Boulevard and Rexford Drive to access the synagogue.

- During the Passover event, vehicles entered the Nessah Synagogue parking lot on Rexford Drive and exited southbound onto the north-south alley (the driveway on Rexford is also used for exiting). In general, Nessah visitors did not use the east-west alley adjacent to the dealership (except for walking as noted above).

- Of the three potential alley configuration options, the one-way eastbound east-west alley and one-way southbound north-south alley (Option 1) would result in the fewest number of vehicles being rerouted and would eliminate the need to provide a turnaround area and multiple signage; and therefore is the preferred alternative. If the north-south alley was made southbound one-way only, six vehicles would be rerouted during the AM peak hour and three vehicles would be rerouted during the PM peak hour. Due to the minimal number of vehicles being rerouted, traffic impacts would not occur as a result of this configuration. If the north-south alley needs to be kept as two-way operation as currently exists, the turnaround area and signing requirements are displayed in Figure 7.



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Apr 07, 2010 JS
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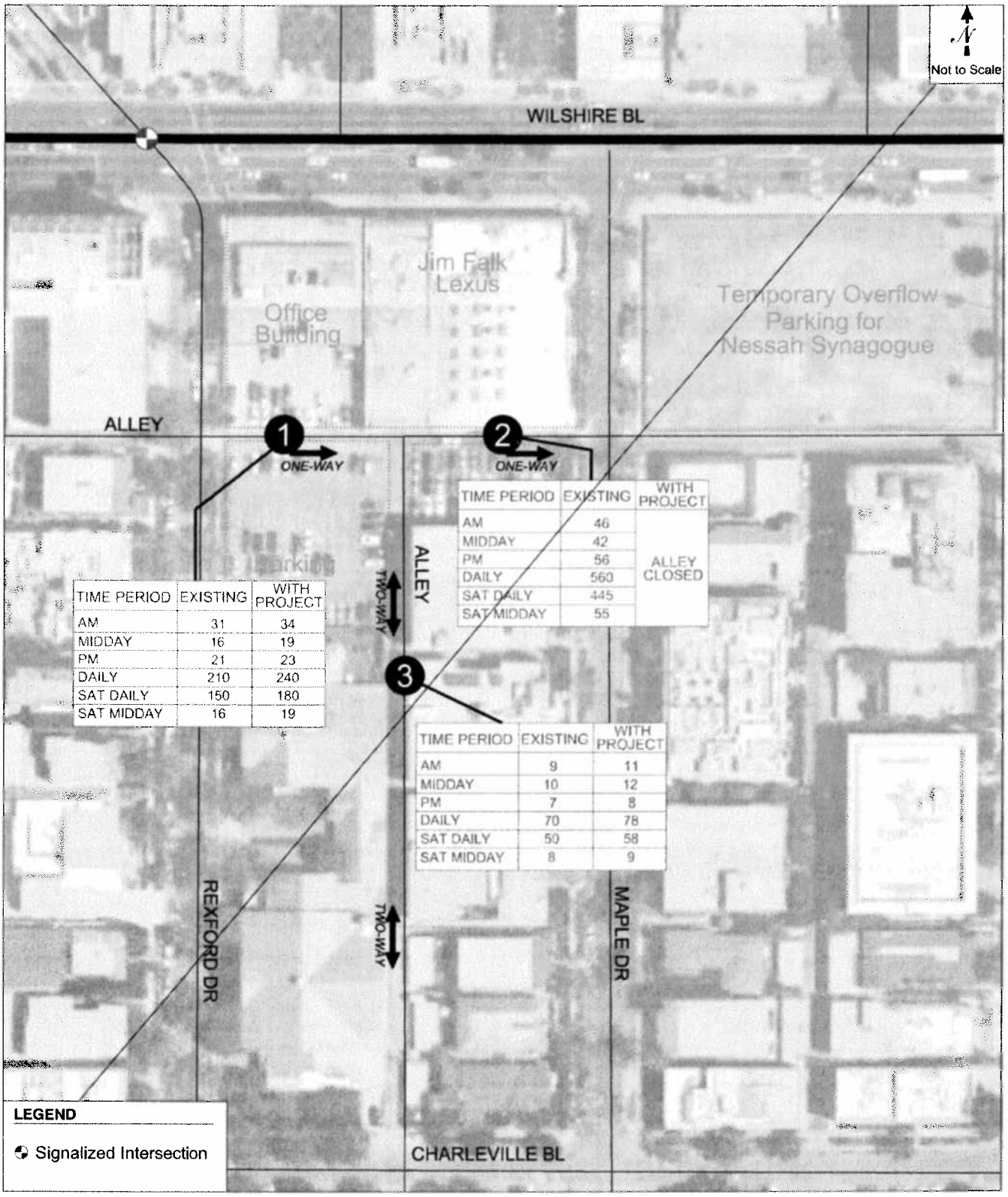
EXISTING CONDITIONS

FIGURE 1



TIME PERIOD	EXISTING	WITH PROJECT
AM	31	34
MIDDAY	16	19
PM	21	23
DAILY	210	240
SAT DAILY	150	180
SAT MIDDAY	16	19

TIME PERIOD	EXISTING	WITH PROJECT
AM	46	ALLEY CLOSED
MIDDAY	42	
PM	56	
DAILY	560	
SAT DAILY	445	
SAT MIDDAY	55	

TIME PERIOD	EXISTING	WITH PROJECT
AM	9	11
MIDDAY	10	12
PM	7	8
DAILY	70	78
SAT DAILY	50	58
SAT MIDDAY	8	9

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May 05, 2010 INITIALS
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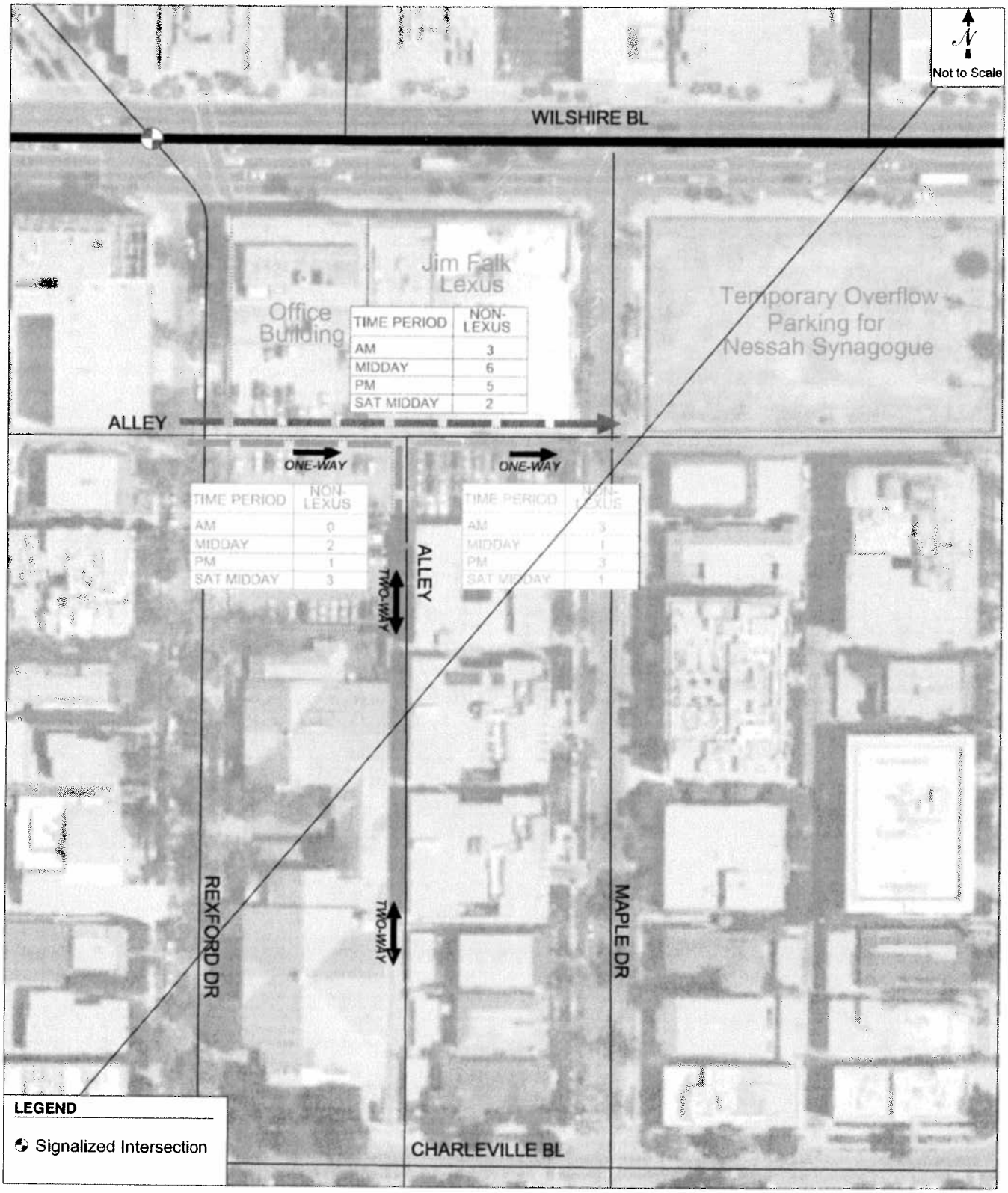
TRAFFIC VOLUMES

FIGURE 2



TIME PERIOD	NON-LEXUS
AM	3
MIDDAY	6
PM	5
SAT MIDDAY	2

TIME PERIOD	NON-LEXUS
AM	0
MIDDAY	2
PM	1
SAT MIDDAY	3

TIME PERIOD	NON-LEXUS
AM	3
MIDDAY	1
PM	3
SAT MIDDAY	1

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May 04, 2010 INITIALS
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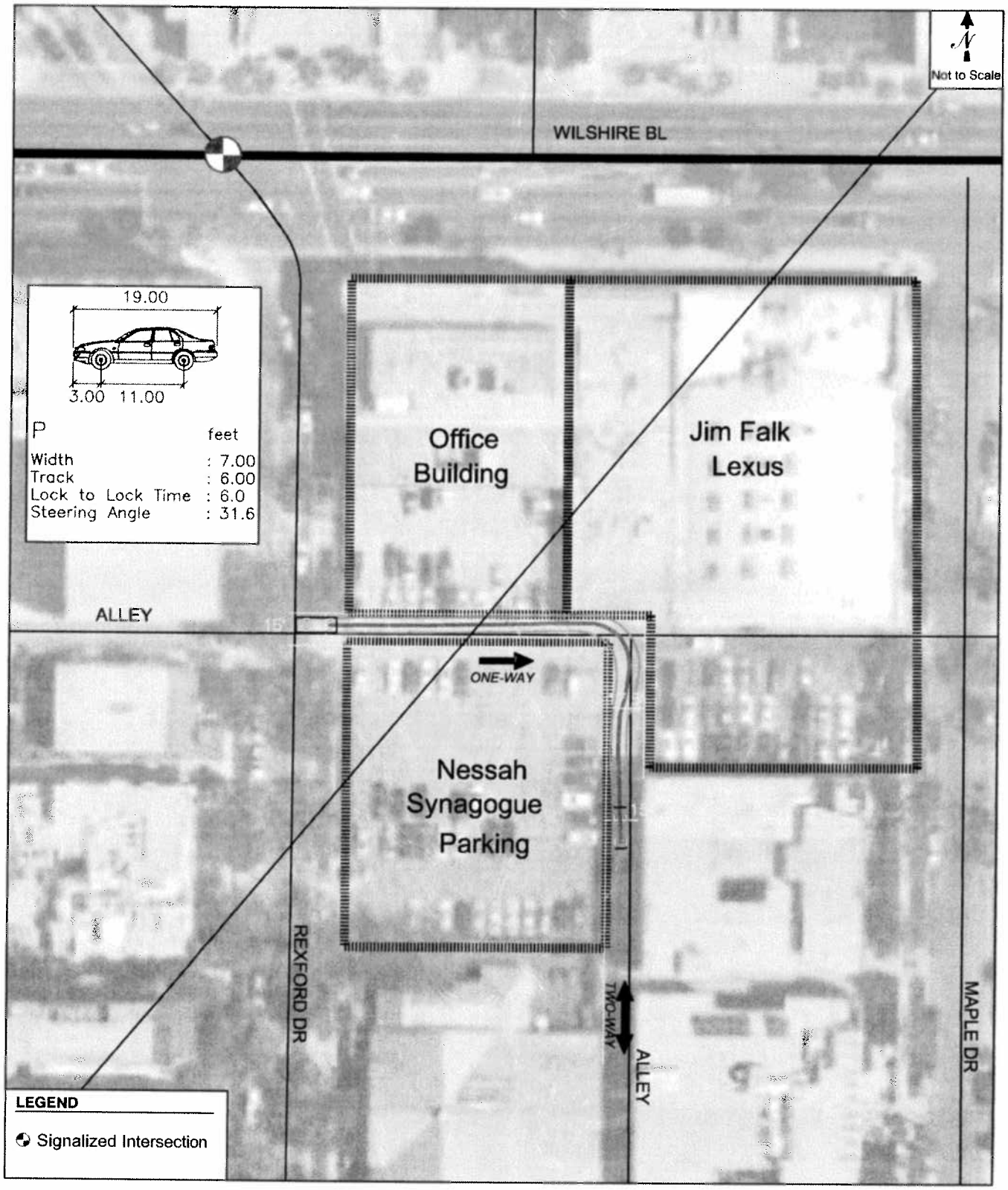
NON-LEXUS TRAFFIC VOLUMES

FIGURE 3



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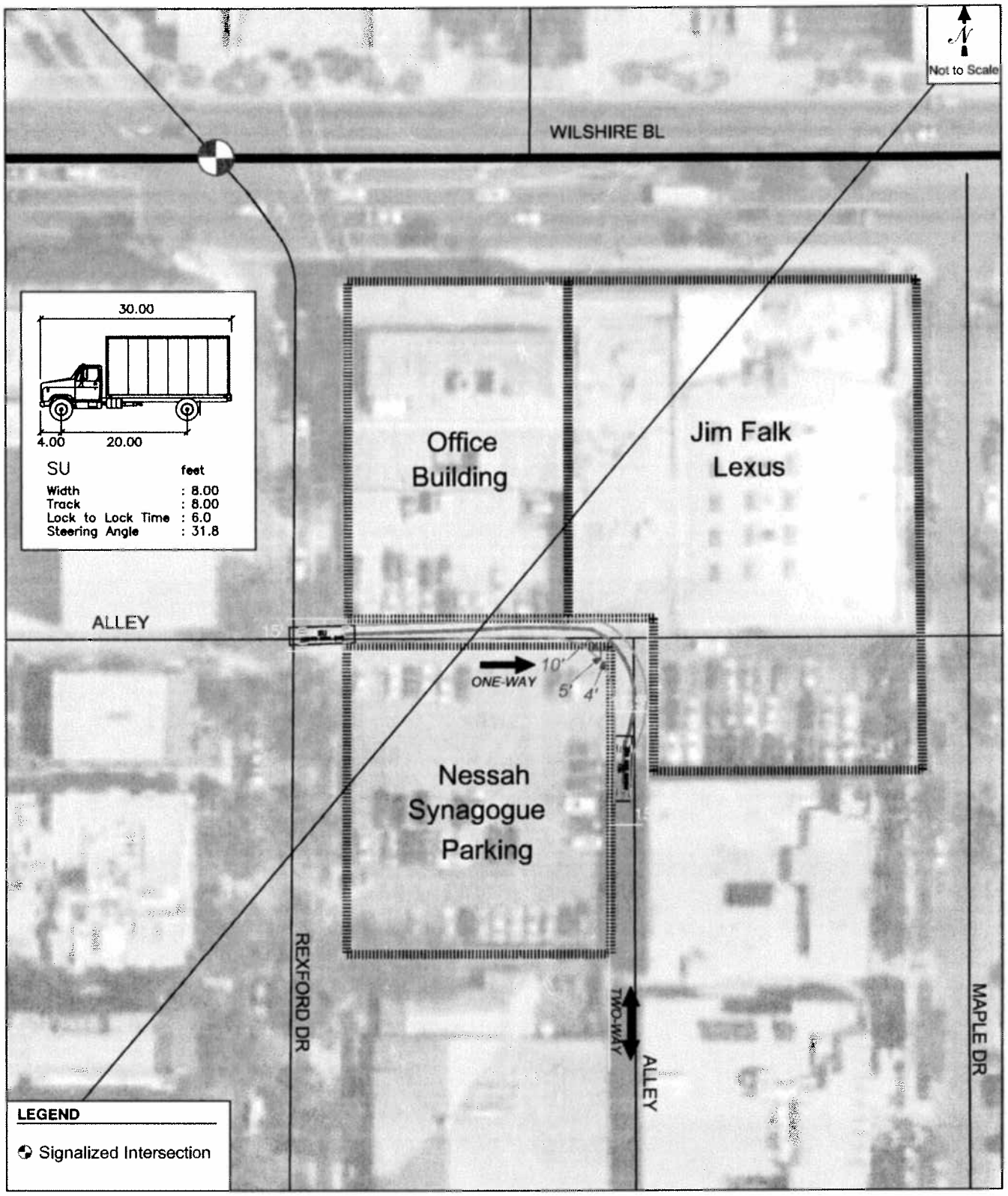
CAR TURNING MOVEMENT

FIGURE 4



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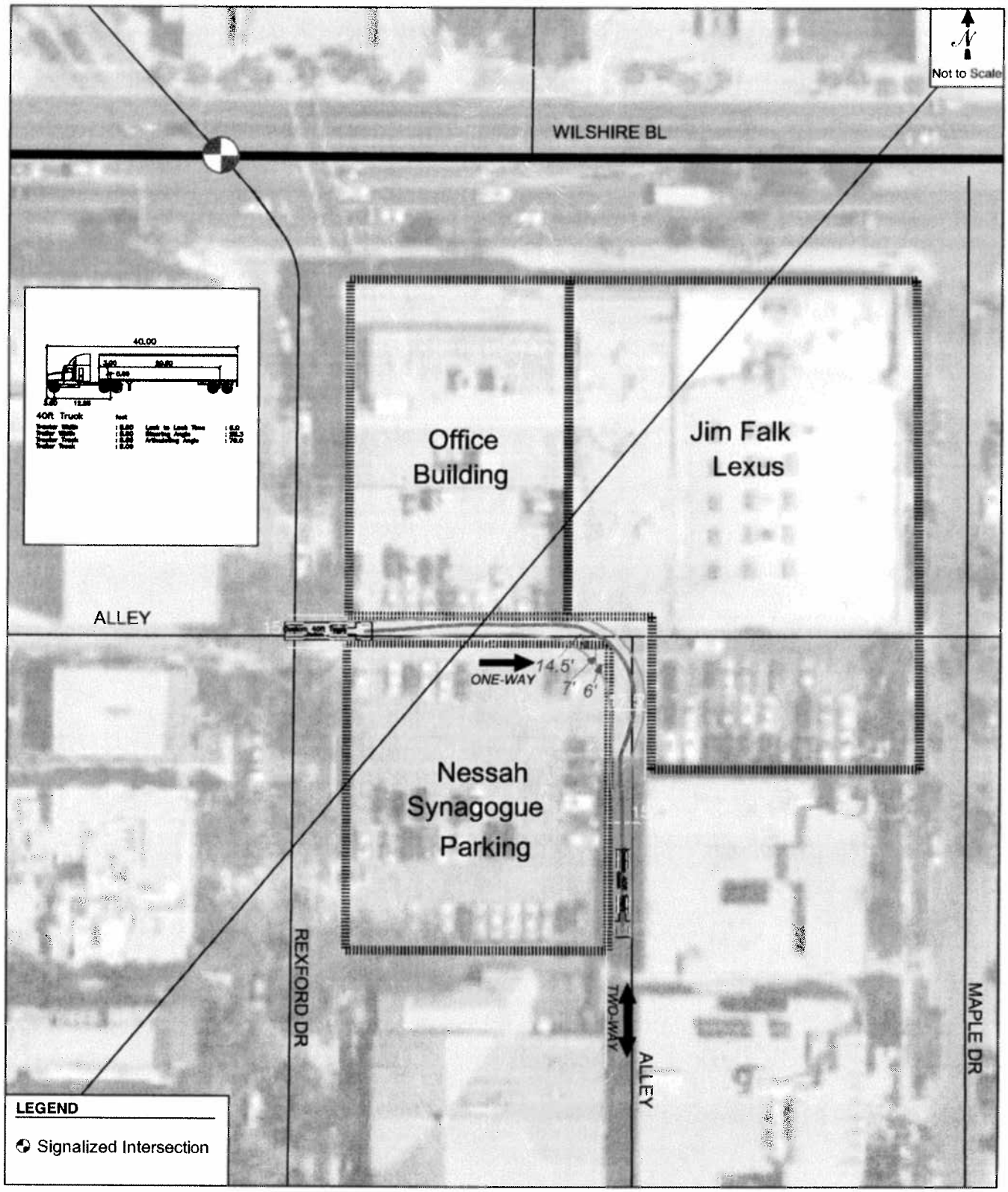
TRUCK TURNING MOVEMENT

FIGURE 5



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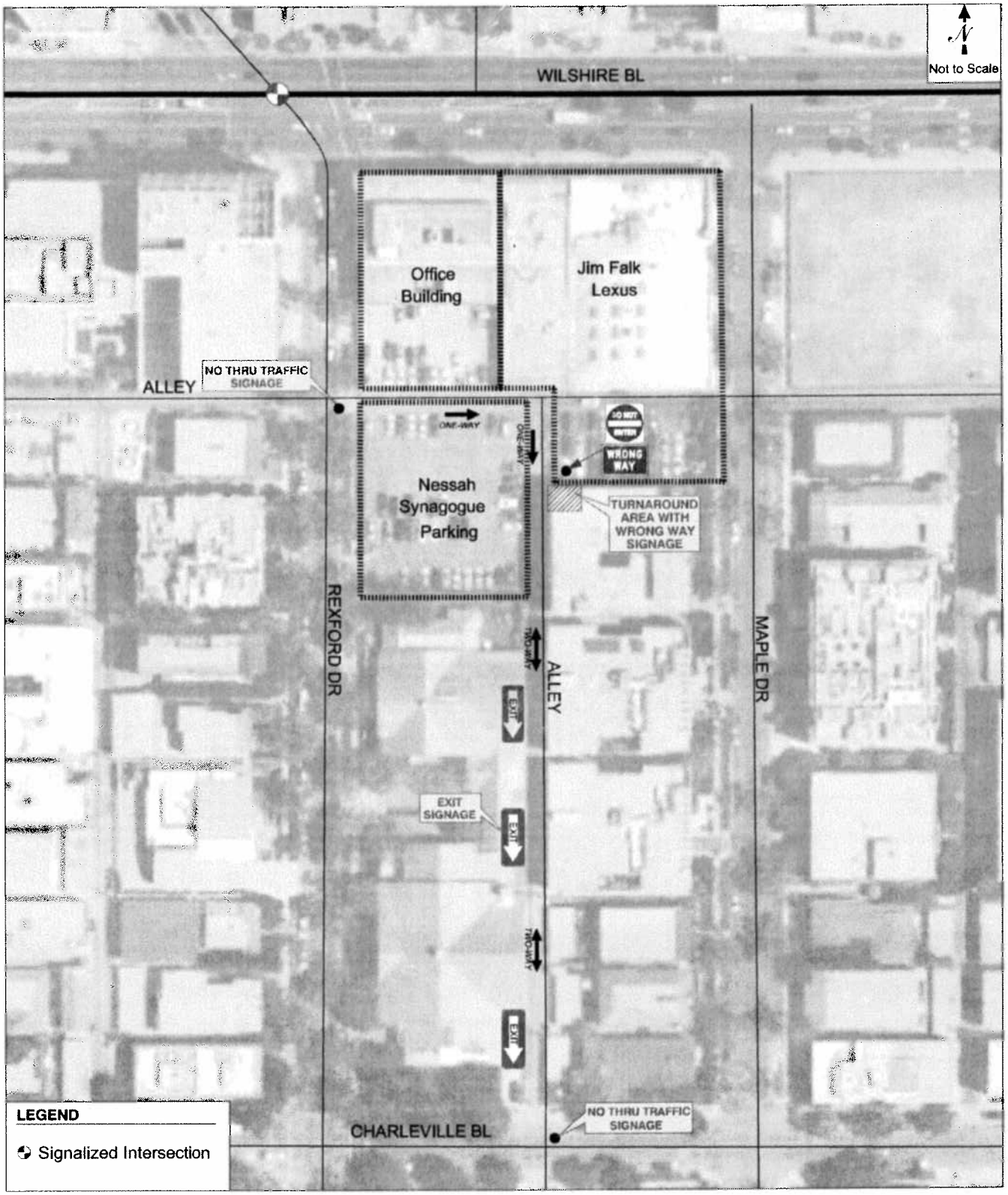
TRUCK TURNING MOVEMENT

FIGURE 6



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ONE-WAY AND TWO-WAY ALLEY SIGNAGE

FIGURE 7

CITY OF BEVERLY HILLS

STANDARD CONDITIONS LIST

FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.

2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.

3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of $5,638.80, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (The tax figure is adjusted annually.)

4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.

5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

   Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.

10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.

11. 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.

12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the project.

13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.

17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.

18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.

20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.