

ATTACHMENT 2

PLANNING COMMISSION

RESOLUTION No. 1787,

RECOMMENDING A ZONE TEXT AMENDMENT

RESOLUTION NO. 1787

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CONDITIONALLY ALLOW ALTERNATIVE PARKING FACILITIES TO PROVIDE REQUIRED PARKING IN COMMERCIAL ZONES SUBJECT TO A CONDITIONAL USE PERMIT.

WHEREAS, the Planning Commission has considered proposed amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Amendments"); and

WHEREAS, the Planning Commission conducted duly noticed public hearing on September 19, 2016, which was continued on September 26, 2016, at which time it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare, and that such Amendments are consistent with the general objectives, principles, and standards of the General Plan; and

WHEREAS, the Planning Commission, at the September 26, 2016 hearing, also considered conditionally approving a Conditional Use Permit to permit use of an alternative parking facility to provide required parking on the property located at 250-260 North Canon Drive as would be permissible should the proposed zone text amendments be approved;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendments have been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the environmental regulations of the City. The Planning Commission finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15305 (Class 5) of Title 14 of the California Code of Regulations. The Class 5 exemption is applicable to the Amendments because the Amendments result in minor changes in land use limitations regarding the manner in which parking is provided, and applies only to properties with an average slope not exceeding 20%. Thus, the Planning Commission hereby finds that the Amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15305.

Section 2. The Planning Commission does hereby find that the proposed Amendments are intended to provide flexibility for properties in commercial zones that wish to utilize mechanical parking lifts and/or automobile elevators to provide required parking. This is accomplished by allowing the Planning Commission, on a case-by-case basis, to issue a Conditional Use Permit to allow the establishment of an alternative parking facility that provides required parking, provided that the proposed alternative parking facility and the use(s) it serves are located in a commercial zone, is 100% valet-operated, and meets other specific criteria. For

these reasons, the Amendments serve to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council adoption of an ordinance amending the Municipal Code to incorporate provisions substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

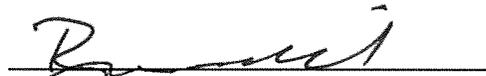
Section 4. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: *September 26, 2016*



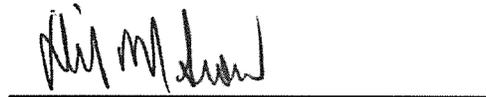
Farshid Joe Shooshani
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved As To Form:



David M. Snow
Assistant City Attorney

Approved As To Content:



Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department

EXHIBIT A

6 pages excluding this cover

Amend BHMC §10-3-100: WORDS DEFINED to add the following in alphabetical order:

ALTERNATIVE PARKING FACILITY: An off-street parking facility in which vehicular storage is accomplished with mechanical parking lifts and/or automobile elevators that are operated by a valet or other driver. An alternative parking facility shall not be a fully automated parking facility that uses mechanical systems to hoist individual vehicles from receiving areas to separate automobile storage areas without a driver.

AUTOMOBILE ELEVATOR: An elevator used to move vehicles vertically into and between levels of a parking garage in lieu of the use of ramps.

MECHANICAL PARKING LIFT: An elevating device that enables the positioning of a vehicle above or below another parking space in a stacked (vertical tandem) fashion.

Amend BHMC §10-3-1604: CONDITIONALLY PERMITTED USES (C-3 zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Amend BHMC §10-3-1702: CONDITIONALLY PERMITTED USES (C-3A zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Amend BHMC §10-3-1802: CONDITIONALLY PERMITTED USES (C-3B zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Amend BHMC §10-3-2003: CONDITIONALLY PERMITTED USES (C-5 zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Add BHMC §10-3-2730.4 to Article 27 of Chapter 3 of Title 10 of the BHMC:

10-3-2730.4: ALTERNATIVE PARKING FACILITY

An alternative parking facility, as defined in section 10-3-100, may be used to meet the parking requirements of section 10-3-2730 provided the alternative parking facility and the use(s) for which it provides required parking do not include medical uses and are located in a commercial zone on property with a site area not exceeding sixteen thousand (16,000) square feet, and subject to the following:

- A. Conditional use permit required. A conditional use permit, issued pursuant to the provisions of article 38 of this chapter, shall be obtained prior to any alternative parking facility commencing provision of required parking spaces for any use.

- B. Standards. All alternative parking facilities authorized by a conditional use permit shall comply with the following standards:
 - 1. Except for required ingress and egress, all alternative parking facilities shall be fully enclosed. Alternative parking facilities and portions of buildings that contain alternative parking facilities shall be subject to Architectural Review;
 - 2. Staging and queuing of vehicles shall occur on private property and shall not impede travel and access within the public right-of-way;
 - 3. The alternative parking facility shall be operated by one or more parking attendants, as determined through the conditional use permit process, at all times during the hours of operation, so that it is valet-operated to service the use needs of the commercial facility for which it provides required parking;
 - 4. The design of the alternative parking facility shall meet all applicable California building codes, as approved by the community development department;
 - 5. An alternative parking facility shall comply with all applicable development standards, including those set forth in Article 16.5 of this chapter, and excluding the City's minimum parking standards if modifications to those standards are approved as part of the conditional use permit:
 - a. The reviewing authority may condition an alternative parking facility to modify standards relating to minimum parking stall size, minimum drive aisle width, and drive aisle parking spaces, provided the applicant demonstrates that the facility will accommodate a range of vehicle types

and will not have an adverse impact on the efficiency of the parking operation or the safety of people or property.

- C. Information required for application. Application submittals for an alternative parking facility conditional use permit shall include information that the director of community development deems to be necessary to determine whether the alternative parking facility can adequately meet the parking needs of the proposed development and determine that no substantial negative impacts will result from the facility. At a minimum, the following shall be provided as part of the conditional use permit application:
1. Site Plan: Submittal of a site plan prepared by a design professional indicating all structures; the alternative parking facility location; number of required parking stalls; site ingress and egress; proposed queuing location; and the identification of adjacent land uses;
 2. Operations Plan: Submittal of an alternative parking facility operations plan describing the broadest range of operating hours allowed for the commercial use(s) to be served by the alternative parking facility; the number of parking attendants and working hours; methods for automobile storage and retrieval during and outside of regular business hours; vehicle drop-off and pick-up location(s) for customers; vehicle circulation path; location of staging area for vehicles waiting to enter the alternative parking facility. The operations plan shall also describe, with regard to the mechanical parking lifts and automobile elevators: maintenance schedules and additional parts inventory requirements to maintain optimal operations;
 3. Technical Studies: Submittal of technical studies demonstrating that the proposed design and operation of the alternative parking facility will not be detrimental to surrounding uses and properties with regard to noise, visual impacts, area parking and circulation, and existing on-site improvements;
 4. Disabled Access Parking: Submittal of evidence that the parking provided will comply with all applicable disabled access requirements;
 5. Back-Up Power: Prior to issuance of building permits, the applicant shall provide documentation that the alternative parking facility will be equipped with back-up generators with sufficient capacity to allow operation of the parking system in the case of electrical failure. In an alternative parking facility with multiple automobile

elevators, mechanical lifts, or both, each elevator and lift shall be individually operable such that mechanical failure of one would not prevent use of the others.

- D. Findings. In addition to the findings outlined in article 38 of this chapter, a conditional use permit shall only be issued if the planning commission finds that:
1. The proposed location of the alternative parking facility will not be detrimental to adjacent property or to the public welfare;
 2. Due to circumstances such as lot size, lot shape, lot location, or other existing conditions of the site, the applicant has demonstrated that an alternative parking facility is a reasonable method of providing code-required parking;
 3. The use of an alternative parking facility enhances the design of the proposed project and does not result in a substantial adverse impact to the character of the surrounding area;
 4. The proposed alternative parking facility and operation thereof will not create any significantly adverse traffic or parking impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
- E. Conditions of Approval. The reviewing authority may impose any conditions that are necessary to address any potential adverse impacts resulting from the constriction and use of an alternative parking facility to provide required parking, including but not limited to:
1. Inspection Report: A maintenance inspection report and usage report for any alternative parking facility, prepared at the sole expense of the applicant, shall be submitted at any time upon request from the community development department and no less than every six months for review by the city.
 2. Service Contract: The owner of the alternative parking facility shall at all times maintain one of more contracts with an entity or entities that provides maintenance and 24-hour emergency service for the all aspects of the alternative parking facility, including but not limited to any automobile elevators and, mechanical parking lifts installed in the alternative parking facility.
- F. The conditional use permit for an alternative parking facility authorized by this section 10-3-2730.4 is a pilot program. The city council or planning commission may take action pursuant to this section 10-3-2730.4 on up to two (2) applications. Unless the city council

extends this section 10-3-2730.4. this section 10-3-2730.4 shall be repealed at such time as two (2) applications have been submitted to and approved by the city.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

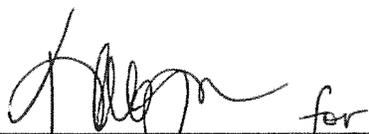
I, RYAN GOHLICH, AICP, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1787 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on September 26, 2016, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Licht, Block, Fisher, Vice Chair Gordon, Chair Shooshani.

NOES: None.

ABSTAIN: None.

ABSENT: None.



RYAN GOHLICH, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California