



AGENDA REPORT

Meeting Date: February 17, 2009

Item Number: D-1

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, City Planner
Larry Sakurai, Principal Planner

Subject: ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING THE APPLICABILITY OF PARKING AND LOADING STANDARDS TO CERTAIN NONCONFORMING COMMERCIAL STRUCTURES IN THE C-3T-2 ZONE ON OLYMPIC BOULEVARD BETWEEN REXFORD DRIVE AND ROBERTSON BOULEVARD

Attachments:

1. Ordinance
2. Planning Commission Resolution

RECOMMENDATION

Staff recommends that the City Council introduce the ordinance for first reading, receive public testimony, and advance the matter to the Council's meeting of March 17, 2009 for second reading and adoption.

INTRODUCTION

On November 5, 2008, in response to imminent proposals to intensify the use of certain properties along Olympic Boulevard in absence of any discretion by the City, the City Council adopted an urgency interim ordinance to address changes in use in large commercial structures along Olympic Boulevard. The urgency ordinance requires intensification of use of nonconforming commercial buildings of 12,000 square feet or more along Olympic Boulevard to meet the current parking and loading standards unless an alternative arrangement is approved by the Planning Commission. The urgency ordinance took immediate effect upon adoption and, on December 16, 2008, was extended through June 30, 2009. At its November 5, 2008, meeting, City

Council directed that a permanent ordinance be put into place as soon as possible. The Planning Commission considered the proposed zoning regulations at its meetings of December 11, 2008 and January 28, 2009 and recommended that the regulations be adopted.

DISCUSSION

Proposed Zoning Standards

Under the proposed standards, when the use of 12,000 square feet or more of commercial space along Olympic Boulevard between Rexford Drive and the alley west of Robertson Boulevard is proposed to be intensified, it is then required to meet current parking and loading standards. Where the current parking and loading standards cannot feasibly be met, an applicant can seek a reduction in the requirement by the Planning Commission through the City's Development Plan Review public hearing process.

The standards define the changes in land use intensity through a series of three tiers. A change from a lower tier to a higher tier would be considered an intensification of use. The tiers are as follows, from lowest to highest:

- Tier 1: Warehousing or storage, mini-warehouses, antique stores, furniture stores, car sales, or service, surface parking, and other similar uses as determined by the Director of Community Development.
- Tier 2: Apparel stores, hardware stores, toy stores, general retail stores, general offices, health/fitness clubs, and other similar uses as determined by the Director of Community Development.
- Tier 3: Restaurants, supermarkets, drugstores, convenience markets, video rental stores, educational institutions, religious institutions, medical offices, beauty shops, and other similar uses as determined by the Director of Community Development.

Background and Discussion

The original need for the ordinance became evident as a result of two projects proposed on Olympic Boulevard. Both cases involved former automobile dealership spaces which could be occupied by potentially more intensive retail uses without City discretion to address nonconforming parking and loading issues. The interim ordinance now requires that such conversions either conform to current parking and loading standards or obtain Planning Commission approval through the DPR process. The ordinance, at present, would affect seven sites along Olympic Boulevard. In addition to the aforementioned dealership sites, two of the sites involve religious and educational institutions, two of the sites are multi-tenant mini-malls, and one is an antique store (see map on next page).

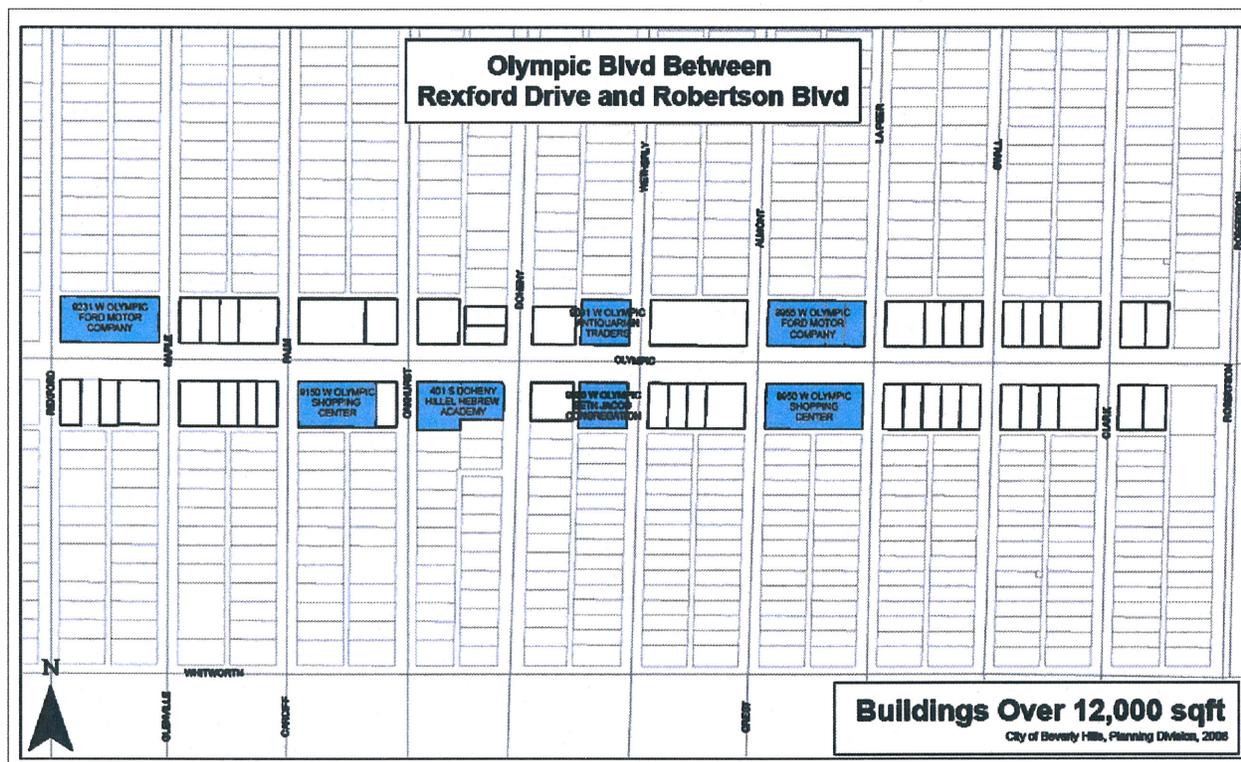
When the interim ordinance was originally proposed to the City Council, it was proposed to apply to all of the commercial-residential transition areas¹ in the City. The business community

¹ Article 19.5 of Chapter 3 of Title of the Beverly Hills Municipal Code

expressed concerns regarding the wide scope of the ordinance under the current economic climate. Given that the immediate issues were associated with Olympic Boulevard, the City Council narrowed the scope the ordinance to this specific area of concern. The short blocks along the east-west commercial corridors such as Olympic Boulevard provide convenient pedestrian access to the residential neighborhoods while the long north-south blocks along such north-south corridors as Beverly Drive, Robertson Boulevard, and La Cienega Boulevard lengthen the walking distances between businesses and the neighborhoods.

In addition, the original proposal was modified in two respects:

1. A one-year sunset provision on vacant nonconforming structures was removed, and
2. Applicability of the provisions of the ordinance was narrowed to buildings and spaces of 12,000 square feet or greater.



The rationale behind the latter provision is that 1) the routine turnover of smaller tenant spaces, such as in a retail center, results in smaller, incremental changes in activity; and, 2) many of the uses of concern (e.g. supermarkets, drugstores, "big box" stores) can only be accommodated in larger spaces.

Planning Commission Review

The Planning Commission considered the proposed zoning regulations at its meetings of December 11, 2008 and January 28, 2009. Noting that two of the affected sites were occupied by a religious institution and a private school, the Commission recommended that these two uses be added to the highest (third) use intensity tier. The three-tier system of defining the intensity of

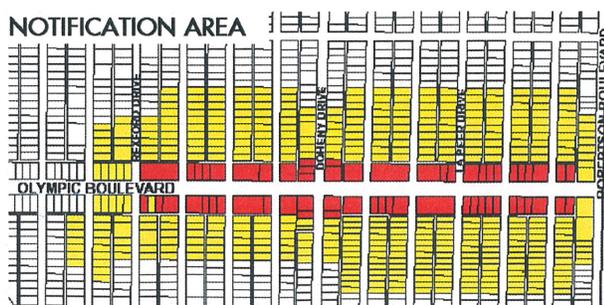
use was thought by some to be imprecise and it was suggested that some further study might be warranted in defining intensity of use. The system was intended to be a relatively simple means to define the issue in the majority of cases. Where uses are not specified in the tier system, the Community Development Director would determine the classification of a use based on available traffic and parking data and on the expertise of the City's engineers and other available professionals. After the Planning Commission's discussion and recommendation, staff has proposed that two additional uses be added to the tiers to reflect particular uses in the affected properties: antique stores and beauty shops. Antique stores are viewed similar to other uses possessing relatively low parking and trip generation characteristics, and thus this use has been added to the first tier. After real property lessors, beauty shops are the second most numerous businesses in the affected area, based on the City's business tax certificate database. Beauty shops are known to have a high peak parking demand, and thus this use has been added to the third tier. Medical office is also proposed to be moved from the second tier to the third tier. Medical office requires more parking than retail and general office uses and therefore has greater parking implications than the other Tier II uses.

Municipal Code and General Plan Conformance

Presently, deficiencies in the parking and the loading facilities can result from changes in, or introduction of, new businesses in existing nonconforming buildings within the Commercial-Residential Transition Area along Olympic Boulevard. These deficiencies in parking, loading, or both, result in the intrusion of parking and other activity associated with commercial uses into nearby residential areas. Such intrusion negatively impacts the character and enjoyment of these residential areas. The proposed zoning regulations would protect nearby neighborhoods by requiring intensification of commercial uses in existing nonconforming buildings to comply with current parking and loading standards and/or allowing deficiencies to be addressed by the Planning Commission through a public hearing process. The proposed standards would therefore serve the public interest, health, comfort, convenience, and general welfare. By protecting neighborhoods, the proposed ordinance will help to maintain the community's housing stock and preserve the viability and stability of residential neighborhoods (Goal No. 1 in the Housing Element; Objective 1.1 in the Land Use Element). The proposed ordinance proposes no changes in density and presents no conflicts with the policies in the General Plan. By applying current parking and loading policies to older development that might not otherwise adequately address these issues, the proposed standards also advance policies of the General Plan. Therefore, the proposed zoning regulations are consistent with the General Plan.

Notification

Notice was published in the February 6, 2009 edition of *The Beverly Hills Courier*, the February 12, 2008 edition of *The Beverly Hills Weekly*, to all property owners and mailed to all residents within 300 feet of the area of applicability along Olympic



Boulevard, all owners and residents of single-family residential properties within 500 feet of the area of applicability, and to the City's homeowner associations and community organizations, including the Beverly Hills Chamber of Commerce.

Environmental Assessment

This ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Staff has determined that it can be seen with certainty that there is no possibility that the adoption and implementation of the proposed zoning regulations may have a significant effect on the environment. The proposed standards do not authorize construction and, in fact, impose greater restrictions on certain development in order to protect the public health, safety and general welfare. The proposed regulations are therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Further, the proposed zone standards are exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for protection of the environment because they will protect residential neighborhoods from impacts associated with intensification of commercial uses, and thus qualifies as a Class 8 exemption pursuant to Section 15308 of Title 14 of the California Code of Regulations.

Alternatives/Options

In addition to the recommended action, the Council may wish to consider the following:

1. Modify the proposed ordinance.
2. Reject the proposed ordinance.

FISCAL IMPACT

No direct fiscal impact is anticipated.


Jonathan Lait, AICP

Approved By

Proposed Ordinance

ORDINANCE NO. 09-O-

ORDINANCE OF THE CITY OF BEVERLY HILLS
REGARDING THE APPLICABILITY OF PARKING AND
LOADING STANDARDS TO CERTAIN NONCONFORMING
COMMERCIAL STRUCTURES IN THE C-3T-2 ZONE ON
OLYMPIC BOULEVARD BETWEEN REXFORD DRIVE AND
ROBERTSON BOULEVARD

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY
ORDAINS AS FOLLOWS:

Section 1. It has come to the attention of the City that existing deficiencies in parking and the loading facilities can be exacerbated as a result of changes in, or introduction of, new businesses in existing nonconforming buildings within the Commercial Transition Zone (C-3T-2) along Olympic Boulevard between Rexford Drive and Robertson Boulevard. These deficiencies in parking, loading, or both, cause the intrusion of parking and other activity associated with commercial uses into nearby residential areas. Such intrusion negatively impacts the character and enjoyment of these residential areas.

Section 2. The Planning Commission considered the zone text amendment set forth in this Ordinance at a duly-noticed public hearing on January 29, 2009. Evidence, both written and oral was presented during the hearing. After considering the evidence, discussing the ordinance, and providing direction to staff regarding revisions to same, the Planning Commission recommended that the City Council adopt an Ordinance substantially similar to this Ordinance.

Section 3. The City Council considered this Ordinance at a duly noticed public hearing on February 17, 2009. Evidence, both written and oral, was presented during the hearing.

Section 4. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. The proposed ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. The proposed ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Further, the proposed ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for protection of the environment because it will protect residential neighborhoods from impacts associated with intensification of commercial uses, and thus qualifies as a Class 8 exemption pursuant to Section 15308 of Title 14 of the California Code of Regulations.

Section 5. City Council hereby adds Section 10-3-1633 to Article 16.3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding the C-3T-2 Commercial Transition Zone to read as follows:

"Section 10-3-1633: Intensification of Existing Nonconforming Uses.

Notwithstanding the provisions of Article 41 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, if intensification of a major commercial space located in the Olympic Commercial Residential Transition Area, as defined in Section 10-3-1633 A., is proposed, such proposal shall comply with current parking and loading standards set forth in

Sections 10-3-2729, 10-3-2730, 10-3-2741, 10-3-2742, and 10-3-2743, unless, pursuant to the provisions of Section 10-3-1633 C., the Planning Commission approves and establishes parking standards, loading standards, or both, that differ from the otherwise applicable standards.

A. Definitions. For the purposes of this Section, the following words and phrases shall have the meaning set forth below:

1. 'Olympic Commercial-Residential Transition Area' shall mean the portion of the C-3T-2 Zone located between Rexford Drive and the alley immediately west of Robertson Boulevard.

2. 'Intensification of Use' shall mean a change in use where the new use is listed in a higher tier on the list set forth in Section 10-3-1633B than the previous use. Tier 2, for example, is higher than Tier 1.

3. 'Major Commercial Space' shall mean buildings and tenant spaces that meet any of the following:

(a) Existing commercial buildings with 12,000 square feet or more of floor area as defined by Section 10-3-100, which is proposed to be occupied by a single tenant or business, even if a reduction in the floor area below 12,000 square feet is proposed, or

(b) Existing multiple-tenant commercial buildings that include one or more spaces with 12,000 square feet or more of floor area as defined by Section 10-3-100 which is proposed to be intensified, even if a reduction in

the floor area of one or more of the spaces with 12,000 square feet or more is proposed, or

(c) Existing multiple-tenant commercial buildings that are proposed to be reconfigured to create one or more new tenant spaces with 12,000 square feet or more of floor area as defined by Section 10-3-100.

4. 'Regular Operation' shall mean a permitted or existing nonconforming use that is open for business to the general public during a use's customary business hours.

B. Intensity of Use. To determine whether a change of use is an intensification of use, uses have been classified into the following three tiers of land use intensity. Tier 1 represents the lowest intensity of use, Tier 2 represents a higher intensity of use than Tier 1, and Tier 3 represents the highest intensity of use.

Tier 1 shall include: warehousing or storage, mini-warehouses, antique stores, furniture stores, car sales, or service, surface parking, and other similar uses as determined by the Director of Community Development.

Tier 2 shall include: apparel stores, hardware stores, toy stores, general retail stores, general offices, health/fitness clubs, and other similar uses as determined by the Director of Community Development.

Tier 3 shall include: restaurants, supermarkets, drugstores, convenience markets, video rental stores, educational institutions, religious institutions, medical offices, beauty shops, and other similar uses as determined by the Director of Community Development.

In determining the tier in which a specific use belongs, the Director of Community Development may consider all relevant factors including, without limitation, parking demand and traffic generation as indicated in *ITE Parking Generation, 3rd Edition*; *ULI Shared Parking, 2nd Edition*; *ITE Trip Generation, 7th Edition*, or any combination thereof; vehicle trips generated by the use; the judgment of the Director of Public Works and Transportation; and any data or evidence and supporting analysis provided by a registered engineer.

- C. Planning Commission Authority. A project applicant may apply to the Planning Commission for a change to the parking standards, loading standards, or both, required by this Section. The application shall be submitted and processed pursuant to the procedures established for the City's Development Plan Review process as set forth in Article 31 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission may establish parking requirements that differ from those requirements set forth in Section 10-3-2729 or Section 10-3-2730 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code if, in addition to the Development Plan Review findings of Section 10-3-3104, the Planning Commission determines that the use will generate a need for parking

different than the amount or layout of parking required under Section 10-3-2730 or the Commission determines that the parking demand will be met by means other than those means specified in Section 10-3-2730; provided further, that the Planning Commission may not reduce the required parking to less than the amount of parking that can currently be accommodated on the subject site.

The Planning Commission may also establish loading requirements that are different than those requirements established in Sections 10-3-2740 through 10-3-2742 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code if, in addition to the Development Plan Review findings of Section 10-3-3104, the Planning Commission determines that the use's loading needs can be accommodated with a number of spaces, layout, or both, that differs from the requirements of Sections 10-3-2740 through 10-3-2742, or if the Commission determines that the use's loading requirements will be met by means other than those specified in Sections 10-3-2740 through 10-3-2742."

Section 6. Based on the evidence presented in the record on this matter including the staff report and oral and written testimony, the City Council hereby finds that by protecting neighborhoods, the proposed ordinance will help to maintain the community's housing stock and preserve the viability and stability of residential neighborhoods (Goal No. 1 in the Housing Element; Objective 1.1 in the Land Use Element). The proposed ordinance proposes no changes in density and presents no conflicts with the policies in the General Plan; therefore,

because the Ordinance also advances policies of the General Plan, it is consistent with the General Plan.

Section 7. Interim Ordinance No. 08-O-2556, as extended by Ordinance No. 08-O-2559, is hereby repealed when this ordinance takes effect.

Section 8. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be remain in full force and effect.

Section 9. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 10. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

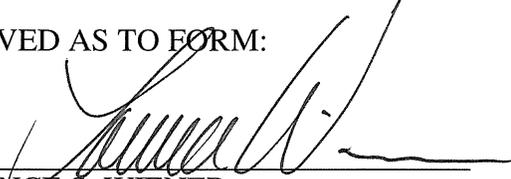
BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

_____(SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, CCM
City Manager



ANNE BROWNING MACINTOSH, AICP
Interim Director of Community
Development

Planning Commission Resolution

NOTE: An executed version of the resolution will be provided to the City Council prior to the public hearing.

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REGARDING THE APPLICABILITY OF PARKING AND LOADING STANDARDS TO CERTAIN NONCONFORMING COMMERCIAL STRUCTURES IN THE C-3T-2 ZONE ON OLYMPIC BOULEVARD BETWEEN REXFORD DRIVE AND ROBERTSON BOULEVARD

The Planning Commission of the City of Beverly Hills hereby resolves as follows:

Section 1. It has come to the attention of the City that existing deficiencies in parking and the loading facilities can be exacerbated as a result of changes in, or introduction of, new businesses in existing nonconforming buildings within the Commercial Transition Zone (C-3T-2) along Olympic Boulevard between Rexford Drive and Robertson Boulevard. These deficiencies in parking, loading, or both, cause the intrusion of parking and other activity associated with commercial uses into nearby residential areas. While neighborhoods will experience incremental changes in activity with changes in tenancy in small spaces, the effects can be particularly intrusive when changes in use occur in large spaces. Furthermore, many intensive uses of concern can only be accommodated in larger spaces. Based on testimony received from the business community, including the Beverly Hills Chamber of Commerce and other members of the community, and the City Council's deliberation at the Council's public hearing of November 5, 2008, it was determined that such large spaces that could accommodate uses with the potential for impacting nearby residential areas should be defined as possessing 12,000 square feet or greater. Such intrusion negatively impacts the character and enjoyment of these residential areas.

Section 2. The Planning Commission hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. The proposed ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. The proposed ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Further, the proposed ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for protection of the environment because it will protect residential neighborhoods from impacts associated with intensification of commercial uses, and thus qualifies as a Class 8 exemption pursuant to Section 15308 of Title 14 of the California Code of Regulations.

Section 3. On January 16, 2009, notice of the public hearing was published in The Beverly Hills Courier. On January 29, 2009, the Planning Commission held a duly noticed public hearing to consider a draft ordinance entitled as follows, hereinafter referred to as "Ordinance":

"Ordinance of the City of Beverly Hills Regarding the Applicability of Parking and Loading Standards to Certain Nonconforming Commercial Structures in the C-3T-2 Zone on Olympic Boulevard between Rexford Drive and Robertson Boulevard"

Evidence, both written and oral, was presented at the hearing.

Section 4. The ordinance, as proposed, would add Section 10-3-1633 to Article 16.3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code regarding the C-3T-2 Commercial Transition Zone to read as follows:

"Section 10-3-1633: Intensification of Existing Nonconforming Uses.

Notwithstanding the provisions of Article 41 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, if intensification of a major commercial space located in the Olympic Commercial Residential Transition Area, as defined in Section 10-3-1633 A., is proposed, such proposal shall comply with current parking and loading standards set forth in Sections 10-3-2729, 10-3-2730, 10-3-2741, 10-3-2742, and 10-3-2743, unless, pursuant to the provisions of Section 10-3-1633 C., the Planning Commission approves and establishes parking standards, loading standards, or both, that differ from the otherwise applicable standards.

A. Definitions. For the purposes of this Section, the following words and phrases shall have the meaning set forth below:

1. 'Olympic Commercial-Residential Transition Area' shall mean the portion of the C-3T-2 Zone located between Rexford Drive and the alley immediately west of Robertson Boulevard.
2. 'Intensification of Use' shall mean a change in use where the new use is listed in a higher tier on the list set forth in Section 10-3-1633B than the previous use. Tier 2, for example, is higher than Tier 1.
3. 'Major Commercial Space' shall mean (a) commercial buildings with 12,000 square feet or more of floor area as defined by Section 10-3-100

which is proposed to be occupied by a single tenant or business, even if a reduction in the floor area is proposed, (b) multiple-tenant commercial buildings that include one or more tenant spaces with 12,000 square feet or more of floor area as defined by Section 10-3-100, even if a reduction in the floor area of one or more of the spaces with 12,000 square feet or more is proposed, and (c) a multiple-tenant commercial building that is reconfigured to create one or more new tenant spaces with 12,000 square feet or more of floor area as defined by Section 10-3-100.

4. 'Regular Operation' shall mean a permitted or existing nonconforming use that is open for business to the general public during a use's customary business hours.

B. Intensity of Use. To determine whether a change of use is an intensification of use, uses have been classified into the following three tiers of land use intensity. Tier 1 represents the lowest intensity of use, Tier 2 represents a higher intensity of use than Tier 1, and Tier 3 represents the highest intensity of use.

Tier 1 shall include: warehousing or storage, mini-warehouses, furniture stores, car sales, or service, surface parking, and other similar uses as determined by the Director of Community Development.

Tier 2 shall include: apparel stores, hardware stores, toy stores, general retail stores, general offices, medical offices, health/fitness clubs,

and other similar uses as determined by the Director of Community Development.

Tier 3 shall include: restaurants, supermarkets, drugstores, convenience markets, video rental stores, educational institutions, religious institutions, and other similar uses as determined by the Director of Community Development.

In determining the tier in which a specific use belongs, the Director of Community Development may consider all relevant factors including, without limitation, parking demand and traffic generation as indicated in *ITE Parking Generation, 3rd Edition*; *ULI Shared Parking, 2nd Edition*; *ITE Trip Generation, 7th Edition*, or any combination thereof; vehicle trips generated by the use; the judgment of the Director of Public Works and Transportation; and any data or evidence and supporting analysis provided by a registered engineer.

- C. Planning Commission Authority. A project applicant may apply to the Planning Commission for a change to the parking standards, loading standards, or both, required by this Section. The application shall be submitted and processed pursuant to the procedures established for the City's Development Plan Review process as set forth in Article 31 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission may establish parking requirements that differ from those requirements set forth in Section 10-3-2729 or Section 10-3-2730 of

Chapter 3 of Title 10 of the Beverly Hills Municipal Code if, in addition to the Development Plan Review findings of Section 10-3-3104, the Planning Commission determines that the use will generate a need for parking different than the amount or layout of parking required under Section 10-3-2730 or the Commission determines that the parking demand will be met by means other than those means specified in Section 10-3-2730; provided further, that the Planning Commission may not reduce the required parking to less than the amount of parking that can currently be accommodated on the subject site.

The Planning Commission may also establish loading requirements that are different than those requirements established in Sections 10-3-2740 through 10-3-2742 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code if, in addition to the Development Plan Review findings of Section 10-3-3104, the Planning Commission determines that the use's loading needs can be accommodated with a number of spaces, layout, or both, that differs from the requirements of Sections 10-3-2740 through 10-3-2742, or if the Commission determines that the use's loading requirements will be met by means other than those specified in Sections 10-3-2740 through 10-3-2742."

Section 5. Pursuant to Beverly Hills Municipal Code Section 10-3-3908, if, from the facts presented at the public hearing, or by investigation by or at the instance of the Planning Commission, the Planning Commission finds that the public interest, health, safety,

morals, peace, comfort, convenience, or general welfare requires the reclassification of any portion of the property, the Planning Commission shall so recommend to the City Council.

Section 6. Based on the evidence presented in the record on this matter including the staff report and oral and written testimony, the Planning Commission hereby finds that the proposed ordinance would serve the public interest, health, comfort, convenience, and general welfare. Presently, deficiencies in the parking and the loading facilities can result from changes in, or introduction of, new businesses in existing nonconforming buildings within the Commercial-Residential Transition Area along Olympic Boulevard. These deficiencies in parking, loading, or both, result in the intrusion of parking and other activity associated with commercial uses into nearby residential areas. Such intrusion negatively impacts the character and enjoyment of these residential areas. The proposed ordinance protects neighborhoods by requiring intensification of commercial uses in existing nonconforming buildings to comply with current parking standards, loading standards or both, and allowing deficiencies to be addressed by the Planning Commission through a public hearing process.

Section 7. Based on the evidence presented in the record on this matter including the staff report and oral and written testimony, the Planning Commission hereby finds that by protecting neighborhoods, the proposed ordinance will help to maintain the community's housing stock and preserve the viability and stability of residential neighborhoods (Goal No. 1 in the Housing Element; Objective 1.1 in the Land Use Element). The proposed ordinance proposes no changes in density and presents no conflicts with the policies in the General Plan; therefore, because the Ordinance also advances policies of the General Plan, it is consistent with the General Plan.

Section 8. The Planning Commission hereby recommends that the City Council adopt an Ordinance with provisions substantially as set forth in Section 4 of this Resolution.

Section 9. The Secretary shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Kathy Reims
Chair of the Planning Commission of the
City of Beverly Hills, California

ATTEST:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner