

ATTACHMENT 8

Letters Opposing Project - Includes Staff Response



City of Beverly Hills

Planning Division

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Supplemental Planning Commission Report

Meeting Date: January 13, 2011

Subject: 9465 Wilshire Boulevard
Equinox Fitness Club

SUMMARY

The City received written communication from Todd Elliot of Truman & Elliot LLP dated October 13, 2010, November 10, 2010, November 11, 2010, December 7, 2010, and December 20, 2010. The communications from Mr. Elliot, on behalf of certain individuals and Neighbors Organized to Protect the Environment in Beverly Hills (NOPE Beverly Hills, hereafter NOPE) are written in opposition to the Conditional Use Permit application before the Planning Commission for the Equinox Fitness Club (9465 Wilshire Boulevard). NOPE outlines various issues with the proposed project, but more specifically challenges the validity of using a Categorical Exemption in reviewing the project, as well as the staff-recommended findings. In light of the various communications, the Planning Commission at its October 14, 2010 meeting continued the matter to allow for analysis of the issues raised in NOPE's letters. Copies of these letters are attached hereto as Exhibits A, B, C, and D, respectively.

The purpose of this memo is to address NOPE's letters and provide responses as appropriate.

ANALYSIS

Categorical Exemption

In reviewing the proposed project under the California Environmental Quality Act (CEQA) the City has determined that the proposed project is eligible for Class 1, Class 2, and Class 32 Categorical Exemptions. The State's CEQA Guidelines (14 Cal Code Regs. 15000, *et seq.*), and specifically Sections 15301, 15302, and 15332, provides the following related to the Categorical Exemptions:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended

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to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Section 15301 includes a list of examples of project that would qualify for the Class 1 exemption, and the full text of the section is attached hereto as Exhibit F. Relevant examples of projects that fall under this exemption category, include but are not limited to “[i]nterior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.” (Sec. 15301 (a).)

NOPE contends that the proposed project is not eligible for a Class 1 Categorical Exemption because “The project will result in a total reconstruction of the first three floors of an office building with a change in use from general offices and bank use to a private exercise club.”

NOPE, however, misconstrues this project to convert general office and bank space to a commercial exercise club as a “change in use.” The previous office and bank uses of the site were permitted uses in the commercial zone, as is an exercise club. (BHMC Sec. 10-3-1601). From the City’s perspective, all of these uses are commercial uses, and thus the proposed project does not constitute a change in, or expansion of the previous commercial use of this existing building.

Based on compliance with all applicable regulations and review of technical reports prepared in conjunction with the proposed project, staff finds that the proposed change among different permitted commercial uses will result in insignificant changes to the way in which the existing building currently functions, and will therefore not result in any significant environmental impacts.

While it is true that the proposed project will involve work on the first three floors of the existing office building, the project will not result in “total reconstruction” of the floors because the project includes minimal structural modifications to the building, and instead predominantly consists of new partitions/non-structural walls, finishes, millwork, electrical, and plumbing, all of which are encompassed within the scope of the Class 1 Categorical Exemption for interior and exterior modifications.

Further, the project is exempt from CEQA on the separate and independent ground that it is a replacement or reconstruction of an existing building. Specifically, CEQA Guidelines Section 15302 provides:

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent;
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

In this case, the project envisions utilization of the same amount area in an existing commercial building for a different commercial use, and tenant improvements necessary to accommodate the different commercial use. The Class 2 exemption allows for complete destruction of a commercial building, and replacement with a new structure of substantially the same size, purpose, and capacity. It further would allow for reconstruction of schools and hospitals with increased capacity of 50 percent or less. This project involves removal and replacement of tenant improvements, with no expansion in the gross floor area or commercial capacity, and is well within the scope of the Class 2 exemption.

Finally, the project is exempt from CEQA on the separate and independent ground that it is considered to be in-fill development within an existing urban area. Specifically, CEQA Guidelines Section 15332 provides:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- (e) The site can be adequately served by all required utilities and public services.

Staff has prepared a Class 32 Categorical Exemption for in-fill development, which includes the preparation of technical studies to demonstrate that a project will not result in a significant impact.

Through the preparation of a Class 32 Categorical Exemption, the criteria outlined above are assessed in relation to the proposed project. Staff's analysis of the required criteria for a Class 32 Categorical Exemption is provided in Attachment D of the staff report, and concludes that the project meets all applicable criteria, will not result in any significant impacts, and is therefore eligible for a Class 32 Categorical Exemption.

Exceptions to the Use of Categorical Exemptions

Categorical exemptions, such as the Class 1, Class 2, and Class 32 exemptions discussed above, cannot be relied upon when, among other things there is a potential significant effect. The CEQA guidelines provide:

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines Section 15300.2 (c).)

NOPE's letter asserts that this "exception" to the use of the categorical exemptions applies in this case, by claiming that the change from one permitted commercial use to another permitted commercial use has the possibility of having a significant impact. First, technical analysis provided in the Class 32 Categorical Exemption dispels any possibility that the project could result in a significant impact. Second, NOPE's letters do not provide any basis for why these alleged impacts are the result of "unusual circumstances." Staff does not believe that there are any unusual circumstances associated with the conversion of a building from one permitted commercial use to a second permitted commercial use. The fact that there are specific discretionary actions required of this project does not change the underlying fact that the impacts of a commercial use in this building have already been accounted for in the City's planning.

NOPE alleges potential impacts related to traffic, air quality, land use, aesthetics, noise, hydrology and water, cultural/historic resources, and cumulative impacts. For the following reasons, staff does not believe the project would have the impacts NOPE alleges, and even if one or more of the impacts did occur, it would not be as a result of "unusual circumstances."

Traffic. NOPE suggests that the project will result in a substantial net increase in daily vehicle trips, consequently resulting in a significant traffic impact.

A full traffic study was prepared in conjunction with the Class 32 Categorical Exemption. The traffic study analyzed seven signalized intersections and three residential street segments to determine whether the project would result in a significant impact. Further, empirical data was collected by way of a patron intercept survey to establish existing trip credits (and thus any net changes in trip generation) for the bank use. The City's policy for establishing existing trip credits is to use ITE trip generation rates; however, due to the unique characteristics of the existing bank use, empirical data was used to provide a conservative and accurate assessment. The findings of the traffic study indicate that the proposed project will generate approximately 1,130 net new average daily vehicle trips, but will not result in any significant impacts. Based on the information contained in the traffic study NOPE's assertion that the project will generate additional trips is correct; however, the assumption that the additional trips will generate a significant impact is invalidated by the facts and data contained within the traffic study. As a result, the project remains eligible for a Categorical Exemption.

Air Quality. NOPE suggests that the proposed project could result in significant impacts to air quality as a result of additional daily vehicle trips. While the project will generate additional vehicle trips as outlined in the traffic study and staff report, separate air quality analysis has been provided for the Class 32 Categorical Exemption. The air quality analysis takes into consideration the net increase in vehicle trips, and concludes that the project will not result in a significant air quality impact, thus invalidating NOPE's speculation that increased traffic would result in an air quality impact.

Land Use. NOPE suggests that the proposed project will result in a significant land use impact because the proposed exercise club is not intended for pedestrian uses. The proposed project would replace a banking/financial use, which is not considered to be a pedestrian use. Further, the Equinox use is permitted within the zone, although certain aspects of this project are subject to approval of a Conditional Use Permit and required findings, including location on the ground floor, visibility from a street or sidewalk, pedestrian area street frontage, and shared parking. Proposed findings are included as Attachment A of the January 13, 2011 staff report. Because the proposed project would replace an existing non-pedestrian use, there is no net change in pedestrian areas within the Business Triangle, and therefore no significant impact in that regard.

Aesthetics. NOPE suggests that the proposed project could result in significant impacts to the aesthetics of the building, and could also result in additional light or glare. The proposed project would predominantly result in modifications to the interior of the existing building, and display areas on the inside of existing windows. Physical modifications to the exterior of the building are limited, and would include a new entry, signage, and planter. These modifications will not significantly impact the aesthetic quality of the existing building, and will be reviewed by the City's Architectural Commission to ensure compatibility with the existing structure.

Noise. NOPE suggests that the proposed project may result in significant impacts to noise as a result of an increase in daily vehicle trips. While the project will generate additional vehicle trips as outlined in the traffic study and staff report, a separate noise analysis has been provided in the Class 32 Categorical Exemption. The noise analysis takes into consideration the net increase in vehicle trips, and concludes that the project will not result in a significant noise impact, thus invalidating NOPE's suggestion that increased traffic would result in a noise impact.

Hydrology and Water. NOPE suggests that the proposed project will result in an increase in the amount of water used by the existing building, and that such use could exceed the City's capacity to provide services. While the proposed project is likely to use more water than office and financial uses, any potential increase in usage does not rise to the level of creating a significant impact. The City's existing facilities have been designed to provide services to the broad range of uses set forth in the General Plan, and existing facilities are sufficient to provide water to the proposed project. Further, this project is not even remotely of a size that would require a water supply assessment, and, as confirmed by the City's Water Supply and Distribution Division, the City's water supply is adequate to accommodate the array of permitted commercial uses in its existing commercial buildings, including an exercise club at the project location.

Cultural and Historic Resources. NOPE suggests that the existing building associated with the proposed project is a historic resource that must not be altered. The City has conducted several historic resources surveys over the years, most recently in 2004 and 2006. The surveys have been conducted by qualified historic consultants, and as a result of these surveys the City has identified over 300 properties that are considered to be potentially significant. Several properties along Wilshire Boulevard have been identified as potentially historic, but the subject property has not been identified as a potential resource during any of the studies. Consequently, there is no evidence to suggest that the subject property qualifies as a historic resource. Further, the project involves tenant improvements that would not change the character of the building in any significant way, and particularly not in any way that could not be reversed. There is no evidence that the project would result in an impact in this regard.

Cumulative Impacts. NOPE suggests that the proposed project could result in a cumulative impact when reviewed in conjunction with the Montage Hotel and William Morris project. As is detailed above and outlined in the Class 32 Categorical Exemption, the project is not anticipated to result in any significant impacts. Further, the Montage Hotel has been completed and in operation for approximately one-and-a-half years (1 ½) and is now part of the baseline condition in the City. Thus, it would not be considered during a cumulative analysis. The core and shell of the William Morris project has been completed and is pending individual tenant improvements, however, when that project was analyzed, it considered the overall impact of a fully occupied Bank of America building in conjunction with an occupied William Morris building. Further, the traffic study prepared in conjunction with the Class 32 Categorical

Exemption studied cumulative traffic impacts and concluded that the project would not result in a cumulative traffic impact.

At bottom, NOPE has provided no evidence of potential impacts, but instead offers only argument, speculation, and opinions not supported by relevant facts regarding potential environmental impacts. Staff does not believe that exceptions to the categorical exemptions apply based on the information in the administrative record.

USE OF SANDAG TRIP GENERATION

NOPE, in conjunction with System Metrics Group, suggests that the daily trip generation numbers for the existing bank uses should be based on "centre city" trip generation data prepared by the San Diego Association of Governments (SANDAG), which were specifically prepared for an "urban center setting", because the Business Triangle should be viewed as an urban center setting. Use of SANDAG "centre city" trip generation rates result in a net increase of approximately 958 daily trips.

Staff has reviewed NOPE's recommendation of using the "centre city" trip generation rates, and disagrees with the reasoning behind this suggestion. The "centre city" trip generation rates are specifically tailored to the "centre city" area of San Diego (the downtown area), which includes high density commercial and residential developments that often exceed 20 stories in height, and are in close proximity to multiple forms of public transportation. Development within the Beverly Hills Business Triangle is vastly different from that found within San Diego's "centre city," as buildings generally do not exceed 10 stories in height, and use of public transit and walk trips in Beverly Hills are often 12% or less of all trips. The size of Beverly Hills' approximately 0.2 square mile business triangle is a fraction of the approximately 2.4 square mile San Diego downtown area. Therefore, the demographics and development of Beverly Hills are very different from those of the San Diego downtown area. For these reasons, the SANDAG should not be relied upon when assessing projects in Beverly Hills.

Rather than rely upon SANDAG trip generation rates, the City conducted a patron intercept survey of the existing bank uses in order to gather empirical data and establish an accurate assessment of vehicle trips attributable to the existing bank uses. Detailed information on trip generation rates and the patron intercept survey are provided in the traffic study. Based on this information and incorporation of the empirical data, the proposed project will generate approximately 1,130 net new average daily vehicle trips.

The Trip generation data derived from the empirical studies and set forth in the traffic study is not only more accurate than applying generation rates specifically formulated for San Diego's Centre City area, but also results in a greater net increase in trips, which is a more conservative assessment of the project.

For the foregoing reasons, staff does not believe the SANDAG "centre city" trip generation rates are appropriate for analysis of this project

FINDINGS

NOPE suggests that the draft findings presented in the staff report are incorrect and cannot be relied upon. The findings presented by staff are based on a thorough analysis of the project and several technical reports, and represent Staff's professional judgment with regard to the required findings. The Planning Commission is not bound to these recommended findings, and may choose to make findings that vary from, or are contrary to, those recommended by staff.

GENERAL PLAN

NOPE suggests that the proposed project is inconsistent with the City's General Plan because it is not a pedestrian-oriented use. Staff has reviewed the General Plan and determined that the proposed project is in conformance with its goals and policies. Although the proposed project does not meet the City's definition of a pedestrian-oriented use, the proposed use does provide features that improve upon existing conditions and help to further the goals and policies of the General Plan. It is further understood that not every ground-floor space within the Business Triangle can be a pedestrian-oriented use. The proposed use strives to provide pedestrian-related features, improves existing conditions, and does not result in the loss of any existing pedestrian-oriented uses. Further, the proposed exercise club is consistent with the general commercial land use designation of the site. As a result, the proposed project has been determined to be consistent with the City's General Plan.

ZONING CODE

NOPE suggests that the proposed project does not meet the minimum zoning requirements for a shared parking use due to the spaces being located beneath two buildings, the timing of peak operations for the various uses, and unknown tenants and uses associated with the William Morris building. Staff reviewed the proposed project and determined that because parking facilities between the two buildings are interconnected and shared, they are properly viewed as one structure. As a result, the proposed project is eligible to request shared parking. Staff also analyzed the peak operation hours of the proposed project and other uses within the building. The zoning code states that the exercise club must be "considered to be primarily an early morning and/or nighttime use...and have different peak hours of operation than the daytime use," but does not state that the exercise club must be both an early morning and nighttime use. The parking demand studies demonstrate that the exercise club has peak parking demand between the hours of 6:00 PM and 7:00 PM (which is considered "nighttime" because it occurs later than normal business hours for general office uses). Further, the other uses within the building have peak parking demand at 2:00 PM. As a result, the uses have different peak hours of operation and are in compliance with the zoning code. Further, the parking demand analysis is based on existing uses within the Bank of America Building, and does not make assumptions with regard to the William Morris building. However, staff's zoning analysis does assume that the William Morris building will be utilized by those uses specified in its conditional approval and development agreement. Therefore, the zoning analysis and demand analysis both arrive at the conclusion that the proposed project will not result in any significant parking impacts.

PERMIT STREAMLINING ACT

NOPE's December 7, 2010 letter discusses the Permit Streamlining Act and attempts to inform the Commission that action must be taken on the project at the January 13, 2011 meeting in order to avoid an automatic approval of the project for failure to comply with the Permit Streamlining Act. Pursuant to Government Code Section 65950(a)(4), the City would be required to act on the application within "sixty (60) days from the determination by the lead agency that the project is exempt from [CEQA]..." Although staff has recommended that the project be deemed exempt, the Planning Commission is the decision making authority. As such, there has been no CEQA determination at this time, and the 60-day Permit Streamlining Act period has not yet begun to run. Therefore, the Commission is not required to take action at the January 13, 2011 meeting.

CONCLUSION

Although NOPE's letters raise concerns over the proposed project, staff does not believe that they provide sufficient and supportable evidence to negate the City's reliance on Class 1, Class 2, or Class 32 Categorical Exemptions.

Exhibits:

A – Elliot Letter Dated October 13, 2010

B – Elliot Letter Dated November 10, 2010

C – System Metrics Group Letter Dated November 11, 2010

D – Elliot Letter Dated December 7, 2010

E – Elliot Letter Dated December 20, 2010

F – Full Text of CEQA Guidelines Section 15301

Exhibit A
Elliot Letter Dated October 13, 2010

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October 13, 2010

VIA ELECTRONIC MAIL AND HAND DELIVERY

Mr. Ryan Gohlich
Associate Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

Re: Equinox Exercise Club: Proposed Project at 9465 Wilshire Boulevard,
Beverly Hills, California 90212

Dear Mr. Gohlich:

Our firm represents Ron and Sharon Gart and Neighbors Organized to Protect the Environment in Beverly Hills ("N.O.P.E. Beverly Hills"). Despite only having been able to obtain the Staff Report for the Proposed Project late Friday night, we have reviewed the Report and have enclosed a letter objecting to the approval of the Proposed Project.

We request that you immediately distribute the enclosed letter and attachments to the Planning Commissioners for the upcoming October 14, 2010 Planning Commission hearing on the Proposed Project.

Sincerely,



Todd Elliott
of TRUMAN & ELLIOTT LLP

Enclosures (3)

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October 13, 2010

VIA ELECTRONIC MAIL AND HAND DELIVERY

Honorable Chairperson Bosse and
Members of the Beverly Hills Planning Commission
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

Re: Proposed Equinox Exercise Club: 9465 Wilshire Boulevard, Beverly Hills,
California 90212

Dear Honorable Chairperson Bosse and Honorable Members of the Planning Commission:

We submit this letter on behalf of our clients, Ron and Sharon Gart and Neighbors Organized to Protect the Environment in Beverly Hills ("N.O.P.E. Beverly Hills"). The Garts and N.O.P.E. Beverly Hills object to the proposed conditional use permit for the Equinox Exercise Club at the building located at 9465 Wilshire Boulevard, Beverly Hills, California, also known as the Bank of America Building ("Proposed Project").

The Garts and N.O.P.E. Beverly Hills are deeply concerned about the development proposal and the lack of environmental review for the Proposed Project. In addition, the Planning Commission cannot make the necessary findings of fact to approve an exercise club in the Beverly Hills Business Triangle and within the designated "pedestrian-oriented area" of the City.

For the reasons detailed below, we respectfully request the Planning Commission deny the Proposed Project.

I. THE CITY HAS FAILED TO CONDUCT THE REQUIRED REVIEW OF THE PROPOSED PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA").

The California Environmental Quality Act, Public Resources Code section 21000, *et seq.* ("CEQA"), requires a lead agency to analyze the potential adverse environmental impacts that

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may be caused by a proposed project. The City staff determined the Proposed Project is exempt from CEQA as "an existing facility" under a Class 1 Categorical Exemption.

However, the City may not use a Class 1 Categorical Exemption for the Proposed Project. Class 1 Exemptions for "Existing Facilities" are to be used for "minor alteration of existing public or private structures...involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." (Cal. Code Reg, tit. 14 ("CEQA Guidelines"), § 15301. (emphasis added.)) The Proposed Project will result in a total reconstruction of the first three floors of an office building with a change in use from general offices and bank use to a private exercise club. This significant expansion in use is not the type of project envisioned by the CEQA Guidelines to be eligible for a categorical exemption.

Moreover, the City cannot use a categorical exemption where "there is any reasonable possibility that a project or activity may have a significant effect on the environment." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1191.) Further, a categorical exemption may not be used where "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (*Azusa Land Reclamation Co.*, *supra*, 52 Cal.App.4th 1165; CEQA Guidelines, § 15300.2.)

CEQA Guidelines section 15064(f)(1) provides:

If a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

As discussed below, substantial evidence supports a fair argument that there may be a number of potentially significant adverse effects caused by the Proposed Project, including impacts on air quality, traffic and circulation, land use, and cumulative impacts. Therefore, a categorical exemption may not be used in this instance and an EIR must be prepared for the Proposed Project.

A. The City Has Failed To Analyze Potentially Significant Traffic And Circulation Impacts.

The City failed to adequately analyze the potential impact of nearly 1,000 additional vehicle trips per day and the capacity of the surrounding streets and intersections to absorb those additional trips. The flawed assumptions in the traffic analysis skew the results of the analysis.

First, the traffic analysis uses a grossly inflated trip count for "walk-in bank use," which manipulates the data to make it appear the Proposed Project would result in a decreased number of trips. This trip count data is misplaced and misleading. The traffic analysis used the San Diego Association of Government (SANDAG) trip generation analysis from the San Diego

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Municipal Code. The justification for using the SANDAG model is the "ITE [Institute of Traffic Engineers Manual] lacks information regarding both daily and AM peak hour trip generation rates for banks." (Memorandum from Bijan Vaziri, Traffic Engineer, Public Works and Transportation Division, City of Beverly Hills, September 30, 2010.) The SANDAG model indicates an assumption of 150 trips per 1,000 square feet is appropriate for financial institutions for a greater metropolitan area such as San Diego. However, the model expressly states in an urban center setting, "trip generation rates are generally lower...due to higher share of mass transit, high density of land, very high proportion of 'walk' trips, parking availability, and parking costs." (See Attachment 1, San Diego Municipal Code Land Development Code Trip Generation Manual, p. 2.) In a center city area, financial institutions are prescribed a trip count between 26-31 trips per 1,000 square feet. Accordingly, the data used in the traffic study for the Proposed Project is incorrect.

Using a trip count appropriate for a city center, such as Beverly Hills, where there is high density, mass transit, pedestrian orientation and city parking, the correct trip analysis would show the following:

<u>Proposed Use</u>	<u>Gross Sq. Ft.</u>	<u>Daily</u>
Health Club	48,462	1,596
Office	160,268	1,918
Bank*	<u>8,411</u>	<u>261</u>
Total	217,141	3,775
<u>Existing Use</u>	<u>Gross Sq. Ft.</u>	<u>Daily</u>
Office	199,522	2,271
Bank*	<u>17,619</u>	<u>546</u>
Total	217,141	2,817

Net Trips Generated, Proposed - Existing

Daily **3775-2817 = 958**

* using 31 trips per day/1,000 sq. ft per SANDAG City Center Definition

When corrected, contrary to the traffic analysis presented by the applicant, the Proposed Project will result in 958 additional daily trips. This potentially significant adverse impact must be analyzed.

B. The City Has Failed To Analyze Potentially Significant Air Quality Impacts.

The City also fails to analyze the potential impact of nearly 1,000 additional vehicle trips per day and the effect of those additional trips on air quality and its contribution of greenhouse

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gas emissions in the surrounding area. Exercise facilities generate numerous cold start emissions and trips throughout the day, resulting in increased release of carbon monoxide (CO), particulate matter, volatile organic compounds (VOCs), and nitrogen oxide (NOx). Based on data from the U.S. Department of Transportation, cold start emissions, the start up and first few minutes of driving that generate significantly higher emissions than parked cars, result in 7.7 grams of VOCs, 88 grams of CO and 5 grams of NOx. (See Attachment 2.) If multiplied by 958 additional trips per day, this would result in 7,377 grams of VOCs, 84,304 grams of CO and 4,790 grams of NOx released into the atmosphere. This potentially significant impact must be fully analyzed.

C. The City Has Failed To Analyze Potentially Significant Land Use Impacts.

The City failed to analyze the potential impact of placing a high intensity vehicle-oriented use at a site intended for pedestrian uses. The Beverly Hills Business Triangle is one of the most vital commercial centers in Los Angeles County. This area is dominated by retail uses and restaurants to provide its visitors and citizens with shopping and service amenities. This potentially significant impact must be analyzed.

D. The City Has Failed To Analyze Potentially Significant Aesthetics Impacts.

The City failed to analyze the potential impact of modifications to the exterior of the existing building and its impacts on the aesthetic quality of the building and the surrounding area. The project description for the Proposed Project briefly mentions certain exterior modifications proposed to shield the proposed gym use from the public. In addition to "blocking off" from public view and use one of the most critical corners in the City, the modifications may potentially impact the aesthetic quality of the building and upset the type of architectural design in the immediate area. A detailed analysis is also necessary to determine if the Proposed Project will create a new source of substantial light or glare which would adversely affect nighttime views in the area.

E. The City Has Failed To Analyze Potentially Significant Noise Impacts.

The City failed to analyze the potential noise impact of nearly 1,000 additional vehicle trips per day and how the proposed improvements and increased traffic and congestion would result in increased noise in the surrounding area and specifically whether a substantial temporary or periodic increase in ambient noise levels in the Proposed Project vicinity would occur above existing levels without the Proposed Project.

F. The City Has Failed To Analyze Potentially Significant Hydrology and Water Impacts.

The Proposed Project would certainly use significantly more water than would retail or other service-oriented uses in that particular location. The Proposed Project would include a

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full-service spa area as well as full bathrooms equipped with showers. The additional water usage has not been analyzed to determine whether there is sufficient water available to serve the Proposed Project.

G. The City Has Failed To Analyze the Proposed Project's Impact on a Potentially Significant Cultural/Historic Resource.

The Bank of America Building was constructed in 1960 and designed by Victor Gruen Architects. Located on an iconic corner in the Beverly Hills Golden Triangle, this late mid-century building was designed by the inventor of the "regional shopping centre". Malcolm Gladwell, writing in *The New Yorker*, suggested that "Victor Gruen may well have been the most influential architect of the twentieth century." However, Gruen also came to recognize the self-sustaining city by constructing large buildings to serve the business and commercial needs in key nodes of the City. The Bank of America Building represents this model by maintaining office uses on the upper floors with an intended use of retail and pedestrian-focused uses on the ground floor, inviting the pedestrian to come inside with courtyards and patio-like open space areas. The exterior design of the structure also represents the post-war era with its curved façade shaped inward away from the public as if inviting the public, while simultaneously displaying the awe of the structure with large ground floor windows and stone columns. The effect of the Proposed Project on the landmark Bank of America building has not been analyzed and any exterior modifications to this building should be prevented until the designation process of the building as a state and federal historic resource is complete.

H. The City Has Failed To Analyze Potentially Significant Cumulative Impacts.

The Proposed Project, when considered cumulatively with other recent and proposed projects in the immediate area, has the potential to cause a significant adverse effect on the environment. The cumulative effect of the Proposed Project along with construction of the adjacent William Morris building and the Montage complex across the street must be cumulatively considered to determine whether the Proposed Project will have substantial and unavoidable impacts on the environment.

II. THE PLANNING COMMISSION CANNOT MAKE THE FINDINGS OF FACT REQUIRED TO APPROVE THE PROPOSED PROJECT.

In order to approve a conditional use permit for the Proposed Project, the Planning Commission must conclude the project satisfies certain findings of fact pursuant to Beverly Hills Municipal Code sections 10-3-3800 and 10-3-1655.B. The Staff Report for the Proposed Project indicates that all findings of fact required to approve the Equinox Exercise Club can be made. This is unsupported by the evidence.

The Planning Commission must first determine that "the proposed location of any such use will not be detrimental to adjacent property or to the public welfare." (BHMC, § 10-3-3800.)

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This finding cannot be made. The Bank of America Building is located in the middle of the Business District at one of the busiest intersections in the City. The ground floor of this building is slated for less intense, pedestrian-friendly retail/service uses and restaurant uses. As evidenced by the parking study developed by the Applicant, Equinox clubs are highly dependent on auto users and generate automobile rather than pedestrian traffic. The Westside Equinox locations studied in the parking study indicate that most members live or work within walking distance of those facilities. However, there are almost no residential properties in the vicinity of the project site. Consequently, the Proposed Project would be more auto dependent than those exercise clubs studied by the Applicant.

The large 37,000 square foot private exercise club in the Beverly Hills Business Triangle would occupy both corners of Wilshire Boulevard and Beverly Drive, would screen out pedestrian views from the street and, despite the conclusions of the flawed traffic report, actually would increase the daily trips and traffic in the area. The placement of a nominal "café/retail store," intended for use by private club members and not the general public, would not be sufficient to mitigate for the loss of the intended use of this property as an office/retail use. The Proposed Project would increase the number of daily vehicle trips in the area, further congesting Wilshire and Beverly Boulevard during peak traffic hours. Despite proposed review by the Architectural Commission, the façade could not be a "pedestrian-friendly design" when the underlying use is not pedestrian-friendly.

Second, the Planning Commission must find that the "proposed restricted use is compatible with and will not result in any substantial adverse impacts to surrounding uses." (BHMC, § 10-3-1655.B.1.) As indicated above, an exercise club use is not intended to be located at the proposed site. Accordingly, the Proposed Project would result in a number of adverse environmental impacts as well as negatively impact the pedestrian-oriented nature of the Business Triangle.

The placement of a private exercise facility in the heart of the business triangle at one of the busiest intersections in the City would be incompatible with the pedestrian oriented uses in the surrounding area. The Business Triangle is recognized internationally for its collection of fine retail stores and superior restaurants. Major department stores as well as the historic Beverly Wilshire Hotel are located along the western portion of Wilshire Boulevard, footsteps from the Proposed Project site. The core of Beverly Hills' retail identity and activity is the Business Triangle. The lack of conformity of the Proposed Project with the Zoning Code and General Plan would adversely affect surrounding uses and the neighborhood by decreasing pedestrian use of the area, creating a gap of pedestrian-friendly businesses along Wilshire Boulevard between world famous Rodeo Drive and Beverly Drive.

Third, the Planning Commission must determine the proposed use "will not result in an overconcentration of non-pedestrian oriented uses in the block in which the proposed restricted use will be located." (BHMC, § 10-3-1655.B.2.) With approval of the Proposed Project the entire block along Wilshire Boulevard would contain non-pedestrian oriented uses. Most of

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Beverly Drive, but for the small café, also would be non-pedestrian-oriented. A small café/retail shop proposed by the Applicant would not overcome the significant loss of pedestrian-oriented uses. The leasing of the new building under construction to the north has not been completed, and, accordingly, the conclusion that retail/pedestrian-oriented uses would exist cannot be made. The argument that the Proposed Project increases pedestrian-oriented uses is inappropriate and misleading. The current ground floor vacancies and building layout provide the opportunity for 150 feet of pedestrian-oriented frontage along Wilshire Boulevard and Beverly Drive while the Proposed Project would not provide the City the benefits of a pedestrian-oriented use.

Fourth, the Planning Commission must determine "granting the request for a conditional use permit will not adversely impact the public health, safety or general welfare and will leave ample space available for future retail growth in designated pedestrian oriented areas." (BHMC, § 10-3-1655.B.3.) As indicated, the Proposed Project would result in numerous environmental impacts and would cut-off key pedestrian thoroughfares from their intended use.

Finally, the Planning Commission must conclude "the configuration of building in which the proposed space is located is not suited to pedestrian-oriented retail uses and does not contribute to the pedestrian experience." (BHMC, § 10-3-1655.B.4.) To the contrary, the Bank of America building is located on one of the busiest corners in the City. Located half a block from the historic Beverly Wilshire Hotel and steps from Rodeo Drive and pedestrian-oriented uses up and down Beverly Drive, the property serves as a pedestrian-friendly linkage between Rodeo and Beverly Drive. The loss of ground floor frontage to pedestrian-oriented uses would likely be a permanent loss to the City. The building's architecture, with its curved façade, actually calls to the pedestrian, creating a courtyard along Wilshire Boulevard and a patio-like space at the corner of Wilshire Boulevard and Beverly Drive. The ground floor space is actually very inviting to the pedestrian.

III. THE PROPOSED PROJECT DOES NOT COMPLY WITH THE CITY'S ZONING CODE FOR APPROVAL OF THIS USE.

Exercise facilities are not permitted on the ground floor of buildings in the Beverly Hills Business Triangle. (BHMC, §10-3-1617.) In order to approve a conditional use permit to allow an exercise club within the City's Business Triangle, the Proposed Project must comply with strict criteria. The Proposed Project fails to satisfy a number of these criteria.

Pursuant to Municipal Code section 10-3-1618.B, the Proposed Project could be approved only if 1) the offsite-parking facility is primarily a day use, 2) the Proposed Exercise Club is primarily an early morning and nighttime use, and 3) the gym has different peak hours of operation than uses in the off-site parking facility.

The Proposed Project intends to use the parking facility in the adjacent recently-constructed building at 265 Beverly Drive ("William Morris Building"). However, because this building is completely vacant, it is unknown whether the uses in this building will be primarily

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day use. It is possible the William Morris Building will contain a large restaurant on the ground floor, which may be primarily a nighttime use. In addition, entertainment-related offices have different working hours than typical office uses. Without knowing the uses in the adjacent building, this finding cannot be made.

Most importantly, parking data prepared by the Applicant shows the proposed Equinox is likely not an early morning or nighttime use. Peak hours of operation for the Equinox gyms studied showed the hours of 10 a.m. and 6 p.m. are the gym's busiest hours. Accordingly, the peak hours of the gym may be the same as the peak hours of operation in the William Morris Building. Peak hours for entertainment-related uses are generally later than typical office uses. Therefore, it is obvious that the peak hours of the Proposed Project would be the same as the adjacent use, violating the code requirements.

Further, section 10-3-1618.B.2 requires that the off-site parking facilities have a minimum of 500 parking spaces. This requirement is not met. While the adjacent William Morris Building has a total of 747 parking spaces, 262 parking spaces are permanently dedicated by covenant to the Bank of America Building. Accordingly, the off-site parking facility only has a total of 485 available parking spaces. The Applicant cannot double-count the parking spaces for the proposed use and for the adjacent use.

Lastly, the shared parking analysis undertaken by Crain and Associates is flawed in numerous ways, resulting in inflated trip counts for walk-in banks and deflated trip counts for the Proposed Project. The ambiguities, uncertainties and improper assumptions made in the Applicant's parking analysis, including reliance on a 2006 parking estimate for the building in which it is likely that the number and types of uses have changed significantly. Further, the study does not take into account day use and weekly use of visitors to the Proposed Project, nor part-time employees which likely would significantly increase the daily trips. In addition, the utilization patterns of the existing Equinox clubs are not indicative of the impacts the City can expect from the proposed location because of the lack of residential properties in the vicinity of the Proposed Project. Finally, the peak hours of gym operation conflict with code requirements for early morning and nighttime use. The 10 a.m. and 6 p.m. peak hours will conflict with the traffic peak and operation hours of other businesses in the surrounding area, leading to additional traffic and degraded air quality.

IV. THE PROPOSED PROJECT IS INCONSISTENT WITH THE CITY'S GENERAL PLAN.

A. The Proposed Project Is Inconsistent With The Land Use Element Of The General Plan.

The City did not analyze the Proposed Project's consistency with the Land Use Element of the General Plan beyond listing some of its relevant policies. In fact, the vehicle-oriented, non-retail/service aspect of the Proposed Project is inconsistent with the General Plan. One of

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the critical 2010 amendments to the General Plan, which was intended to address the community's desires, stated:

[That the] Location and design of buildings and their relationship to public sidewalks are intended to energize and enliven pedestrian activity throughout the city, but especially in the business triangle and the commercial corridors.

The placement of an exercise facility, in which over 120 feet of frontage along Wilshire and Beverly Drive would be closed to the public, expressly violates the General Plan goals. In addition, the Proposed Project would conflict with a number of land-use related policies in the General Plan.

LU 2.8 Pedestrian-Active Streets. Require that buildings in business districts be oriented to, and actively engage the street through design features such as build-to lines, articulated and modulated façades, ground floor transparency such as large windows, and the limitation of parking entries directly on the street. Parking ingress and egress should be accessed from alleys where feasible. (Imp. 2.1)

LU 11.1 Preservation of Pedestrian-Oriented Retail Shopping Areas. Preserve, protect and enhance the character of the pedestrian-oriented retail shopping areas, which are typified by a variety of retail shops with displays to attract and hold the interest of pedestrian shoppers, to ensure the continuity of the pedestrian experience. (Amended by Resolution No. 80-R-6218, 8-19-80.) (LU 2.2.3, pg LU-6)

It is wrong to conclude the small café would actually improve the pedestrian-oriented quality of the block because the subject site currently does not have retail/pedestrian-oriented uses. With the ground-floor vacancies in the building, the opportunity exists to locate only retail/pedestrian-oriented uses and improve the quality of the area.

V. CONCLUSION.

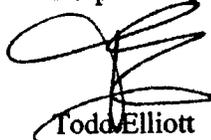
CEQA does not allow the City use a categorical exemption for a project which is likely to have a significant adverse effect on the environment. There is substantial evidence that the Proposed Project would have a significant adverse effect on the environment, and, therefore, the City must prepare an Environmental Impact Report to analyze these impacts and propose, if possible, mitigation measures to lessen the effect of the Proposed Project on the environment. Further, the Planning Commission cannot affirmatively make the necessary findings of fact to approve the Proposed Project as it will result in increased traffic and circulation impacts, increase negative air quality impacts and result in a loss of pedestrian-oriented uses in a critical intersection of the City.

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We respectfully request the Planning Commission deny the approval of the conditional use permit for the Proposed Project.

Respectfully submitted,



Todd Elliott
of TRUMAN & ELLIOTT LLP

Attachments:

- (1) San Diego Municipal Code Land Development Code, Trip Generation Manual, Revised May 2003
- (2) Department of Transportation Federal Highway Administration, Transportation Air Quality, Vehicle Emissions, January 2006



San Diego Municipal Code

Land Development Code

Trip Generation Manual

Revised May 2003



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This information, document, or portions thereof, will be made available in alternative formats upon request.

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INTRODUCTION

The *Trip Generation Manual* is a collection of information about vehicular traffic that is generated by different land uses. This information is based on studies made to determine how many vehicles enter and exit a site devoted to a particular land use.

The process for a typical trip generation study includes a selection of several (usually four to seven) sites that can be categorized as having the same land use. Next, data regarding various characteristics of these sites is collected. Data collection varies according to the specifics of the subject land use. The collected data could include several different physical parameters attributed to the subject site such as location, lot size, structure size, number of employees, and other units of interest. Individual sites are isolated and traffic counters are placed at every entrance and exit point of these sites. The traffic counts are taken for a period of up to seven days. The results of these counts are compiled to determine daily and peak hour trip generation rates per the independent variable(s) for the subject use. Depending on the specific land use, the independent variable(s) may be square feet, acre, number of employees, dwelling units, rooms, etc. Additional data include the proportion of trips made in the morning and afternoon peak periods and the proportion of peak trips that entered and exited the sites.

The trip generation rates presented in this manual are the result of trip generation studies made by the City of San Diego, the San Diego Association of Governments (SANDAG), the Institute of Transportation Engineers (ITE), and other qualified sources. Where possible, local data was used. A task force made up of staff from the City of San Diego, SANDAG, and private consultants was created to provide input into the formation of this manual.

This manual includes the following information:

<u>TABLE</u>	
<u>NO.</u>	<u>DESCRIPTION</u>

- | | |
|---|---|
| 1 | Trip Generation Rate Summary - This table includes rates or formulas for the calculation of driveway and cumulative trip generation rates (see Appendix A for definitions). It also includes percentage of trips for AM and PM peak hours. The proportion of trips entering and exiting the sites during the peak hours are also provided. |
| 2 | Regional Shopping Center - Studies show that the trip generation rate for a Regional Shopping Center depends on its size. However, since this relationship is not discrete, the trip generation rate for a Regional Shopping Center is represented as a logarithmic formula. The formula reflects that the number of trips do not increase proportionally to increases in the size of the Regional Shopping Center. Table 2 includes the calculated driveway and cumulative trip generation for selected sizes of Regional Shopping Centers. |

**TABLE
NO.**

DESCRIPTION

- 3 **Commercial Office** - Similar to Regional Shopping Centers, a logarithmic formula is used to determine the trip generation of office buildings. The formula calculates the trip generation rates that increase at a slower rate than the increase in the size of the Commercial Office. Trip generation for selected sizes of Commercial Offices is presented in this table.
- 4 **Additional Trip Generation Rates** - The trip generation rates obtained based on limited data for several specific land uses are included in Table 4. In absence of other information available, these rates may be used as a reference for a similar land use elsewhere.
- 5 **Centre City Cumulative Trip Generation Rates** - The trip generation rates in the Centre City area are generally lower than the rates elsewhere in the city. This is due to higher share of mass transit in mode split, high density of land use, high proportion of "walk" trips, parking availability, and parking costs.
- 6 **Centre City Trip Generation Look-Up Table** - The logarithmic formulas for Regional Shopping Centers and Commercial Offices in Centre City are calculated for selected sizes.
- 7 **Facilities Financing** - The trip generation rates for the purpose of fee collection toward financing the required infrastructure are in this table.

Appeal Process: The procedure to appeal a particular trip rate is included in the last section.

Appendices: General terms, physical land use parameters, definition of land use categories for trip generation purposes, and the City's land use zones are provided in the appendices.

Other Resources: Two other useful publications that assist in project traffic impact analysis are: the City's *Traffic Impact Study Manual*, prepared by the Transportation Development Section, Development Services Department; and the City's *Street Design Manual*. Both publications may be obtained from the Records Section of the Development Services Department, 1222 First Avenue, second floor.

TABLE 1
TRIP GENERATION RATE SUMMARY
(WEEKDAY)

LAND USE	DRIVEWAY ⁽¹⁾⁽²⁾ VEHICLE TRIP RATE	CUMULATIVE ⁽⁸⁾ VEHICLE TRIP RATE	PEAK HOUR AND IN/OUT RATIO	
			AM (IN:OUT)	PM IN:OUT)
AGRICULTURE (OPEN SPACE) ⁽³⁾	2 trips/acre	2 trips/acre	--	--
AIRPORT ⁽³⁾				
Commercial	100 trips/flight; 60 trips/acre	100 trips/flight; 60 trips/acre	6% (6:4)	7% (5:5)
General Aviation	2 trips/flight; 6 trips/acre	2 trips/flight; 6 trips/acre	--	--
CEMETERY	5 trips/acre	5 trips/acre	--	--
COMMERCIAL-RETAIL ⁽⁴⁾⁽⁵⁾				
Automobile Services:				
Car Dealer	50 trips/1,000 sq. ft.; 300 trips/acre	45 trips/1,000 sq. ft.; 297 trips/acre	5% (7:3)	8% (4:6)
Carwash:				
Full service	900 trips/site; 600 trips/acre	450 trips/site; 300 trips/acre	4% (5:5)	9% (5:5)
Gasoline Stations:				
130 trips/vehicle fueling space; 750 trips/station	130 trips/vehicle fueling space; 750 trips/station	26 trips/vehicle fueling space; 150 trips/station	7% (5:5)	11% (5:5)
135 trips/vehicle fueling space	135 trips/vehicle fueling space	27 trips/vehicle fueling space	--	--
With fully automated carwash	62 trips/1,000 sq. ft.	56 trips/1,000 sq. ft.	4% (5:5)	10% (5:5)
Parts Sale	25 trips/1,000 sq. ft.; 30 trips/service stall	23 trips/1,000 sq. ft.; 27 trips/service stall	7% (6:4)	11% (5:5)
Tire Store				
Convenience Market Chain:				
Open Up to 16 Hours Per Day	500 trips/1,000 sq. ft.	250 trips/1,000 sq. ft.	8% (5:5)	8% (5:5)
Discount Store/Discount Club	70 trips/1,000 sq. ft.	49 trips/1,000 sq. ft.	2% (6:4)	10% (5:5)
Furniture Store	6 trips/1,000 sq. ft.; 100 trips/acre	5.4 trips/1,000 sq. ft.	4% (7:3)	9% (5:5)
Nursery	40 trips/1,000 sq. ft.; 90 trips/acre	36 trips/1,000 sq. ft.; 81 trips/acre	3% (6:4)	10% (5:5)
Restaurant:				
Quality	100 trips/1,000 sq. ft.; 3 trips/seat; 500 trips/acre	90 trips/1,000 sq. ft.; 2.7 trips/seat; 450 trips/acre	1% (6:4)	8% (7:3)
Fast Food (with or without drive-through)	700 trips/1,000 sq. ft.; 22 trips/seat; 3,000 trips/acre	420 trips/1,000 sq. ft.; 13.2 trips/seat; 1,800 trips/acre	4% (6:4)	8% (5:5)
Shopping Center:				
Community (100,000 sq. ft. or more GLA on 10 or more acres)	70 trips/1,000 sq. ft. GLA; 700 trips/acre	49 trips/1,000 sq. ft.; 490 trips/acre	3% (6:4)	10% (5:5)
Specialty Retail Center/Strip Commercial	40 trips/1,000 sq. ft.; 400 trips/acre	36 trips/1,000 sq. ft.; 360 trips/acre	3% (6:4)	9% (5:5)

* See Table 2

TABLE 1 (Continued)

TRIP GENERATION RATE SUMMARY
(WEEKDAY)

LAND USE	DRIVEWAY ⁽¹⁾⁽²⁾ VEHICLE TRIP RATE	CUMULATIVE ⁽⁸⁾ VEHICLE TRIP RATE	PEAK HOUR AND IN/OUT RATIO	
			AM (IN:OUT)	PM (IN:OUT)
EDUCATION ⁽³⁾				
University (4 years or higher)	2.5 trips/student; 100 trips/acre	2.5 trips/student; 100 trips/acre	10% (9:1)	9% (3:7)
High School	1.8 trips/student; 50 trips/acre; 11 trips/1,000 sq. ft.	1.8 trips/student; 50 trips/acre; 11 trips/1,000 sq. ft.	20% (8:2)	14% (3:7)
Elementary School	2.9 trips/student; 39 trips/1,000 sq. ft.; 136 trips/acre	2.9 trips/student; 39 trips/1,000 sq. ft.; 136 trips/acre	31% (6:4)	19% (4:6)
FINANCIAL INSTITUTION (Bank or Credit Union) ⁽⁵⁾				
Excluding drive-through	150 trips/1,000 sq. ft.; 1,000 trips/acre	112.5 trips/1,000 sq. ft.; 750 trips/acre	4% (7:3)	8% (4:6)
Drive-through only	250 trips/lane	187.5 trips/lane	3% (5:5)	13% (5:5)
HOSPITAL ⁽³⁾				
Convalescent/Nursing	3 trips/bed	3 trips/bed	7% (6:4)	7% (4:6)
HOUSE OF WORSHIP ⁽⁴⁾				
General	15 trips/1,000 sq. ft.; quadruple rates for days of	9 trips/1,000 sq. ft.; quadruple rate for days of	4% (8:2)	8% (5:5)
INDUSTRIAL				
Industrial/Business Park (some commercial included) ⁽³⁾	16 trips/1,000 sq. ft.; 200 trips/acre	16 trips/1,000 sq. ft.; 200 trips/acre	12% (8:2)	12% (2:8)
Large Industrial Park *	8 trips/1,000 sq. ft.; 100 trips/acre	8 trips/1,000 sq. ft.; 100 trips/acre	11% (9:1)	12% (2:8)
Rental Storage	2 trips/1,000 sq. ft.; 30 trips/acre	2 trips/1,000 sq. ft.; 30 trips/acre	6% (5:5)	9% (5:5)
Truck Terminal	10 trips/1,000 sq. ft.; 7 trips/bay; 80 trips/acre	10 trips/1,000 sq. ft.; 7 trips/bay; 80 trips/acre	9% (4:6)	8% (5:5)
LIBRARY ⁽³⁾				
100,000 sq. ft. or more	50 trips/1,000 sq. ft.; 400 trips/acre	16 trips/1,000 sq. ft.	2% (7:3)	10% (5:5)

* Small amount of local serving commercial included. May have multiple shifts.

TABLE 1 (Continued)

May 2003

TRIP GENERATION RATE SUMMARY
(WEEKDAY)

LAND USE	DRIVEWAY ⁽¹⁾⁽²⁾ VEHICLE TRIP RATE	CUMULATIVE ⁽⁸⁾ VEHICLE TRIP RATE	PEAK HOUR AND IN/OUT RATIO	
			AM (IN:OUT)	PM (IN:OUT)
LODGING ⁽³⁾				
Hotel (w/convention facilities/restaurant)	10 trips/room; 300 trips/acre	10 trips/room; 300 trips/acre	6% (6:4)	8% (6:4)
Resort Hotel	8 trips/room; 100 trips/acre	8 trips/room; 100 trips/acre	5% (6:4)	7% (6:4)
MILITARY BASE ⁽³⁾				
	2.5 trips/employee (military or civilian)	2.5 trips/employee (military or civilian)	9% (9:1)	10% (6:4)
OFFICE				
Commercial Office ⁽⁶⁾	$\text{Ln}(T) = 0.756 \text{Ln}(x) + 3.95$; 450 trips/acre	$\text{Ln}(T) = 0.756 \text{Ln}(x) + 3.95$; 450 trips/acre	13% (9:1)	14% (2:8)
Department of Motor Vehicles	180 trips/1,000 sq. ft.; 900 trips/acre	18 trips/1,000 sq. ft.	6% (6:4)	11% (4:6)
Less than 100,000 sq. ft.		20 trips/1,000 sq. ft.	9% (9:1)	12% (3:7)
Medical Office:	50 trips/1,000 sq. ft.; 500 trips/acre		6% (8:2)	10% (3:7)
100,000 sq. ft. or more		16 trips/1,000 sq. ft.	6% (8:2)	10% (3:7)
Post Office:				
Distribution (central/walk-in only)	90 trips/1,000 sq. ft.	76 trips/1,000 sq. ft.	5%	7%
Community (with mail drop lane)	300 trips/1,000 sq. ft.; 2,000 trips/acre		7% (5:5)	9% (3:7)
100,000 sq. ft. or more		252 trips/1,000 sq. ft.; 1,680 trips/acre	7% (5:5)	8% (7:3)
RECREATION				
Bowling Center	30 trips/lane; 300 trips/acre	30 trips/lane; 300 trips/acre	7% (7:3)	10% (4:6)
Marina	4 trips/berth; 20 trips/acre	4 trips/berth; 20 trips/acre	3% (3:7)	7% (6:4)
Park:				
Beach, Ocean or Bay	600 trips/1,000 ft. shoreline; 60 trips/acre	600 trips/1,000 ft. shoreline; 60 trips/acre	--	11% (4:6)
Undeveloped	5 trips/acre	5 trips/acre	4%	8%
San Diego Zoo	115 trips/acre	115 trips/acre	--	--
Sport Facility:				
Indoor	30 trips/acre	30 trips/acre	--	--

TABLE 1 (Continued)

May 2003

TRIP GENERATION RATE SUMMARY
(WEEKDAY)

LAND USE	DRIVEWAY ⁽¹⁾⁽²⁾ VEHICLE TRIP RATE	CUMULATIVE ⁽⁸⁾ VEHICLE TRIP RATE	PEAK HOUR AND IN/OUT RATIO	
			AM (IN:OUT)	PM (IN:OUT)
RESIDENTIAL ⁽³⁾				
Congregate Care Facility	2 trips/dwelling unit	2 trips/dwelling unit	3% (6:4)	8% (5:5)
Mobile Home	5 trips/dwelling unit; 40 trips/acre	5 trips/dwelling unit; 40 trips/acre	9% (3:7)	12% (6:4)
Multiple Dwelling Unit:				
Over 20 dwelling units/acre	6 trips/dwelling unit	6 trips/dwelling unit	8% (2:8)	9% (7:3)
Single Family Detached:				
Urbanized Area ⁽¹⁾	9 trips/dwelling unit	9 trips/dwelling unit	8% (2:8)	10% (7:3)
TRANSPORTATION FACILITIES ⁽³⁾				
Bus Depot	25 trips/1,000 sq. ft.	25 trips/1,000 sq. ft.		
Transit Station (rail)	300 trips/acre	300 trips/acre	14% (7:3)	15% (3:7)

Notes:

- (1) From the 1990 Trip Generation Manual. Driveway rates reflect trips that are generated by a site. These rates are used to calculate the total number of trips that impact the project and its immediate vicinity.
- (2) Does not include trip rates for Centre City area. See Table 5.
- (3) San Diego Association of Governments (SANDAG), "Traffic Generators," San Diego, California, December 1996, and July 1998.
- (4) City of San Diego memo, "Trip Generation Rate for Churches," December 9, 1992.
- (5) Refer to Cumulative Vehicle Trip Rate column for reduced trip rates.
- (6) Ln = Natural logarithm; fitted curve logarithmic equation is used for Commercial Office and Regional Shopping Center. For example, the trip generation of an Office Building with 100,000 sq. ft. of GLA is: $\text{Ln}(T) = 0.756 \text{Ln}(100) + 3.95$, or $\text{Ln}(T) = 0.756 (4.60517) + 3.95$, or $\text{Ln}(T) = 3.481509 + 3.95$, or $\text{Ln}(T) = 7.431509$, which is 1,688 trips. The trip generation of a Regional Shopping Center with 1,000,000 sq. ft. of GLA is: $\text{Ln}(T) = 0.756 \text{Ln}(1,000) + 5.25$, or $\text{Ln}(T) = 0.756 (6.907755) + 5.25$, or $\text{Ln}(T) = 5.222263 + 5.25$, or $\text{Ln}(T) = 10.47226$, which is 35,322 trips. See Table 2 for calculated trip generation for selected sizes of Regional Shopping Centers, and Table 3 for calculated trip generation for selected sizes of Commercial Offices. GLA = Gross Leasable Area; T = trips; x = GLA in 1,000 square feet.
- (7) Institute of Transportation Engineers, "Trip Generation," 5th and 6th Editions, Washington, District of Columbia, 1991 and 1998.
- (8) Trips made to a site are Pass-By and Cumulative trips. See Appendix A for definitions of these trips. Cumulative rates are used to determine the community-wide impact of a new project.

TABLE 2

TRIP GENERATION LOOK-UP TABLE FOR SELECTED SIZES OF A REGIONAL SHOPPING CENTER

SIZE OF GROSS LEASABLE AREA IN SQUARE FEET	DRIVEWAY $Ln(CT) = 0.756 Ln(x) + 5.25$	CUMULATIVE $0.8 [Ln(CT) = 0.756 Ln(x) + 5.25]$
300,000	14.215	11.372
325,000	14.500	11.600
350,000	15.972	12.778
400,000	17.669	14.135
425,000	18.000	14.400
450,000	19.314	15.451
475,000	19.650	15.716
500,000	20.915	16.732
525,000	21.250	17.000
550,000	22.478	17.983
575,000	22.813	18.248
600,000	24.006	19.205
625,000	24.341	19.470
650,000	25.504	20.403
675,000	25.839	20.668
700,000	26.974	21.579
725,000	27.309	21.844
750,000	28.418	22.734
775,000	28.753	23.000
800,000	29.839	23.871
825,000	30.174	24.136
850,000	31.238	24.991
875,000	31.573	25.256
900,000	32.618	26.094
950,000	33.979	27.183
1,000,000	35.322	28.258
1,050,000	35.657	28.523
1,100,000	37.961	30.369
1,150,000	38.296	30.634
1,200,000	40.542	32.434
1,250,000	41.813	33.450
1,300,000	42.148	33.715
1,350,000	44.318	35.454
1,400,000	44.653	35.719
1,450,000	46.778	37.422
1,500,000	47.992	38.394
1,550,000	48.327	38.659
1,600,000	50.392	40.314
1,650,000	50.727	40.579
1,700,000	52.755	42.204
1,750,000	53.974	43.139
1,800,000	54.309	43.404
1,850,000	56.238	44.990
1,900,000	56.573	45.255
2,000,000	59.652	47.722
2,100,000	60.000	48.000
2,200,000	64.109	51.287
2,300,000	64.444	51.552
2,400,000	68.468	54.774
2,500,000	68.803	55.039
2,600,000	72.739	58.191

Ln = Natural Logarithm (see notes for Table 1); T = Trips; x = Gross Leasable Area in 1,000 square feet

TABLE 3

May 2003

TRIP GENERATION LOOK-UP TABLE FOR SELECTED
SIZES OF A COMMERCIAL OFFICE

SIZE OF GROSS LEASABLE AREA IN SQUARE FEET	TRIP GENERATION $L_n(T) = 0.756 L_n(x) + 3.95$
25,000	592
30,000	627
35,000	763
40,000	827
45,000	923
50,000	1,000
55,000	1,087
60,000	1,147
65,000	1,211
70,000	1,289
75,000	1,372
80,000	1,426
85,000	1,493
90,000	1,559
95,000	1,625
100,000	1,688
105,000	1,750
110,000	1,938
115,000	2,025
120,000	2,112
125,000	2,177
130,000	2,242
135,000	2,409
140,000	2,474
145,000	2,539
150,000	2,604
155,000	2,669
160,000	2,733
165,000	2,798
170,000	2,863
175,000	2,928
180,000	2,993
185,000	3,058
190,000	3,123
195,000	3,188
200,000	3,253
205,000	3,318
210,000	3,383
215,000	3,448
220,000	3,513
225,000	3,578
230,000	3,643
235,000	3,708
240,000	3,773
245,000	3,838
250,000	3,903
255,000	3,968
260,000	4,033
265,000	4,098
270,000	4,163
275,000	4,228
280,000	4,293
285,000	4,358
290,000	4,423
295,000	4,488
300,000	4,553
305,000	4,618
310,000	4,683
315,000	4,748
320,000	4,813
325,000	4,878
330,000	4,943
335,000	5,008
340,000	5,073
345,000	5,138
350,000	5,203
355,000	5,268
360,000	5,333
365,000	5,398
370,000	5,463
375,000	5,528
380,000	5,593
385,000	5,658
390,000	5,723
395,000	5,788
400,000	5,853
405,000	5,918
410,000	5,983
415,000	6,048
420,000	6,113
425,000	6,178
430,000	6,243
435,000	6,308
440,000	6,373
445,000	6,438
450,000	6,503
455,000	6,568
460,000	6,633
465,000	6,698
470,000	6,763
475,000	6,828
480,000	6,893
485,000	6,958
490,000	7,023
495,000	7,088
500,000	7,153
505,000	7,218
510,000	7,283
515,000	7,348
520,000	7,413
525,000	7,478
530,000	7,543
535,000	7,608
540,000	7,673
545,000	7,738
550,000	7,803
555,000	7,868
560,000	7,933
565,000	7,998
570,000	8,063
575,000	8,128
580,000	8,193
585,000	8,258
590,000	8,323
595,000	8,388
600,000	8,453
605,000	8,518
610,000	8,583
615,000	8,648
620,000	8,713
625,000	8,778
630,000	8,843
635,000	8,908
640,000	8,973
645,000	9,038
650,000	9,103
655,000	9,168
660,000	9,233
665,000	9,298
670,000	9,363
675,000	9,428
680,000	9,493
685,000	9,558
690,000	9,623
695,000	9,688
700,000	9,753
705,000	9,818
710,000	9,883
715,000	9,948
720,000	10,013
725,000	10,078
730,000	10,143
735,000	10,208
740,000	10,273
745,000	10,338
750,000	10,403
755,000	10,468
760,000	10,533
765,000	10,598
770,000	10,663
775,000	10,728
780,000	10,793
785,000	10,858
790,000	10,923
795,000	10,988
800,000	11,053
805,000	11,118
810,000	11,183
815,000	11,248
820,000	11,313
825,000	11,378
830,000	11,443
835,000	11,508
840,000	11,573
845,000	11,638
850,000	11,703
855,000	11,768
860,000	11,833
865,000	11,898
870,000	11,963
875,000	12,028
880,000	12,093
885,000	12,158
890,000	12,223
895,000	12,288
900,000	12,353
905,000	12,418
910,000	12,483
915,000	12,548
920,000	12,613
925,000	12,678
930,000	12,743
935,000	12,808
940,000	12,873
945,000	12,938
950,000	13,003
955,000	13,068
960,000	13,133
965,000	13,198
970,000	13,263
975,000	13,328
980,000	13,393
985,000	13,458
990,000	13,523
995,000	13,588
1,000,000	13,653

L_n = Natural Logarithm (see notes for Table 1); T = Trips; x = Gross Leasable Area in 1,000 square feet

TABLE 4

May 2003

ADDITIONAL TRIP GENERATION RATE GUIDELINES

The following trip generation rates were determined by the Transportation Planning Section based on a limited amount of data. Although most of these rates are site specific, they may be used as a reference for a similar land use elsewhere, with prior approval.

LAND USE	TRIP GENERATION RATE
Aircraft Hangar/Storage	6 trips/aircraft
Asphalt Batch Plant	100 trips/usable acre
Automated Teller Machine (Freestanding)	260 trips/site
Automobile Dismantling Facility	50 trips/acre
Automobile Multiple Dealerships *	31 trips/1,000 sq. ft.; 217 trips/acre;
Basketball Court	28 trips/1,000 sq. ft.; 200 trips/acre cumulative 200 trips/court
Charitable Resale Store (Salvation Army)	610 trips/weekday; 380 trips/Sunday
Courier Express Distribution Center (Federal Express)	10 trips/1,000 sq. ft.
Factory Outlets	70 trips/1,000 sq. ft.; 700 trips/acre
Golf Driving Range	600 trips/site
Gravel Quarry Operation	100 trips/usable acre
Handball Court	40 trips/court
Heavy Equipment Repair/Storage (Hawthorne)	1,069 trips/site
Multi Family Residential for Physically Disabled	4.5 trips/dwelling unit
Quick Oil Change	40 trips/1,000 sq. ft.; 36 trips/1,000 sq. ft. cumulative
Recreation Building	45 trips/1,000 sq. ft.
Recreational Vehicle Dealership	200 trips/acre
Recreational Vehicle Park	$2 \times 1/(T.O.) \times \text{number of hookups} \times 0.85$
Seminar Room/Study Hall/Office (Pt. Loma Nazarene College)	4 trips/1,000 sq. ft.
Truck Parking Facility	60 trips/acre; 30 trips/acre for Otay Mesa
Truck Repair Service	140 trips/service repair site + 2.5 trips/ 1,000 sq. ft. of administrative office

* Minimum of three automobile dealerships with access from the same street. Based on Federhart and Associates, February 1987.

TABLE 5

May 2003

CENTRE CITY CUMULATIVE TRIP GENERATION RATES

LAND USE	TRIP GENERATION RATE
COMMERCIAL-RETAIL	
Convenience Market:	
Open 15-16 hours	37 trips/1,000 sq. ft.
Lumber Store	24 trips/1,000 sq. ft.
Restaurant:	
Quality	32 trips/1,000 sq. ft.
Fast Food (with or without drive-through)	35 trips/1,000 sq. ft.
Shopping Center:	
Neighborhood	48 trips/1,000 sq. ft.
Community	28 trips/1,000 sq. ft.
Regional:	
Less than 500,000 sq. ft.	0.65 [Ln(T) = 0.756 Ln(x) + 5.25]
Specialty Retail Center (Strip Commercial)	18 trips/1,000 sq. ft.
FINANCIAL INSTITUTION	
Excluding drive-through	26 trips/1,000 sq. ft.
Drive-through only	34 trips/lane
INDUSTRIAL	
Industrial/Business Park	13 trips/1,000 sq. ft.
Small Industrial Park	12 trips/1,000 sq. ft.
	14 trips/1,000 sq. ft.
LIBRARY	
LODGING	
Hotel (w/convention facilities/restaurant)	9 trips/room
Resort Hotel	7 trips/room
OFFICE	
Commercial Office:	
Less than 100,000 sq. ft.	0.85 [Ln(T) = 0.756 Ln(x) + 3.95]
100,000 sq. ft. or more	0.81 [Ln(T) = 0.756 Ln(x) + 3.95]
Corporate Headquarters/Single Tenant Office:	
Less than 100,000 sq. ft.	0.62 [Ln(T) = 0.756 Ln(x) + 3.95]
Government Office (Civic Center)	10 trips/1,000 sq. ft.
Post Office:	
Distribution (walk-in only)	11 trips/1,000 sq. ft.
Community (with mail drop lane)	27 trips/1,000 sq. ft.
RECREATION	
Movie Theater	7 trips/1,000 sq. ft.
RESIDENTIAL	
Multiple Dwelling Units:	
Under 20 dwelling units per acre	5 trips/dwelling unit
Retirement/Senior Citizen Housing	2.5 trips/dwelling unit

Notes:

The above land uses are expected to generate less trips in Centre City than outside downtown for the following reasons: In Centre City mass transit has a higher percentage of mode split, due to high density; "walk" trips are a greater percentage of internal trips; parking availability and costs (people do not necessarily park where they work or visit). The trip rates shown are based on "Development of Centre City Trip Generation Rates," by S. Pazargadi, P.E., August 1990.
 Ln = Natural Logarithm (see notes for Table 1); T = Trips; x = Gross Leasable Area in 1,000 square feet

TABLE 6

May 2003

TRIP GENERATION LOOK-UP TABLE FOR CENTRE CITY
REGIONAL SHOPPING CENTER AND COMMERCIAL OFFICE

REGIONAL SHOPPING CENTER		COMMERCIAL OFFICE	
Size of Gross Leasable Area in Square Feet	Trip Generation K Ln(D) = 0.756 Ln(X) + 5.251	Size of Gross Leasable Area in Square Feet	Trip Generation K Ln(D) = 0.756 Ln(X) + 3.951
300,000	9,816	25,000	503
325,000	9,978	30,000	649
375,000	10,938	35,000	777
400,000	11,111	40,000	785
425,000	12,023	45,000	838
450,000	12,196	50,000	913
475,000	13,078	55,000	913
500,000	13,177	60,000	1,036
525,000	13,672	65,000	1,036
550,000	14,167	70,000	1,155
575,000	14,645	75,000	1,155
600,000	15,123	80,000	1,269
625,000	15,598	85,000	1,269
650,000	16,073	90,000	1,381
675,000	16,533	95,000	1,381
700,000	17,027	100,000	1,470
725,000	17,450	110,000	1,470
750,000	17,873	120,000	1,668
775,000	18,353	130,000	1,668
800,000	18,835	140,000	1,858
825,000	19,241	150,000	1,858
850,000	19,691	160,000	2,043
875,000	20,116	170,000	2,043
900,000	20,516	180,000	2,222
950,000	21,406	190,000	2,222
		200,000	2,396
		210,000	2,396
		220,000	2,567
		230,000	2,567
		240,000	2,734
		250,000	2,734
		260,000	2,979
		270,000	2,979
		280,000	3,217
		290,000	3,217
		300,000	3,449
		310,000	3,449
		320,000	3,677
		330,000	3,677
		340,000	3,900
		350,000	3,900
		360,000	4,264
		370,000	4,264
		380,000	4,617
		390,000	4,617
		400,000	4,962
		410,000	4,962
		420,000	5,299
		430,000	5,299
		440,000	5,630
		450,000	5,630
		460,000	5,954
		470,000	5,954
		480,000	
		490,000	
		500,000	
		510,000	
		520,000	
		530,000	
		540,000	
		550,000	
		560,000	
		570,000	
		580,000	
		590,000	
		600,000	
		610,000	
		620,000	
		630,000	
		640,000	
		650,000	
		660,000	
		670,000	
		680,000	
		690,000	
		700,000	

x = Gross Leasable Area (GLA) in 1,000 sq. ft.
 K is 0.65 for Regional Shopping Centers with less than 500,000 sq. ft. of GLA, and is 0.63 for 500,000 or more sq. ft. of GLA.
 K is 0.85 for Commercial Offices with less than 100,000 sq. ft. of GLA, and is 0.81 for 100,000 or more sq. ft. of GLA.

TABLE 7

May 2003

TRIP GENERATION RATES
FOR FACILITIES FINANCING PURPOSES

LAND USE	VEHICLE TRIP RATE
AGRICULTURE (OPEN SPACE)	2 trips/acre
AIRPORT	
Commercial	100 trips/flight; 12 trips/acre
Hangar	6 trips/aircraft
CEMETERY	5 trips/acre
COMMERCIAL-RETAIL	
Auto Parts Sales	56 trips/1,000 sq. ft.
Auto Service & Gas Stations:	
Gasoline service station	20 trips/pump dispenser
Oil change and lubrication service	40 trips/1,000 sq. ft.
Truck repair facility with office	140 trips/site
Automotive Sales:	
Car dealer	22 trips/1,000 sq. ft.
Recreational vehicle dealer	200 trips/acre
Car Wash:	
Full service	450 trips/site
Coin-operated	108 trips/stall
Convenience Market Chain ⁽¹⁾	40 trips/1,000 sq. ft.
Drugstore	40 trips/1,000 sq. ft.
Furniture Store	5.4 trips/1,000 sq. ft.
Lumber/Home Improvement Store	27 trips/1000 sq. ft.
Restaurant:	
Quality	40 trips/1,000 sq. ft.
Fast Food (with or without drive-through)	40 trips/1,000 sq. ft.
Shopping Center:	
Neighborhood (30,000 sq. ft. or more GLA on 4 or more acres)	60 trips/1,000 sq. ft.
Regional (300,000 sq. ft. or more GLA) ⁽²⁾	0.8 [Ln(T) = 0.756 Ln(x) + 5.25] *
Supermarket	40 trips/acre
EDUCATION	
Day Care Center	80 trips/1,000 sq. ft.
Junior High/Middle School	12 trips/1,000 sq. ft.
Community College (2 years)	18 trips/1,000 sq. ft.
University Seminar Facility	4.0 trips/1,000 sq. ft.

* See Table 2

TABLE 7 (Continued)

May 2003

TRIP GENERATION RATES
FOR FACILITIES FINANCING PURPOSES

LAND USE	VEHICLE TRIP RATE
FINANCIAL INSTITUTION	
Automated Teller Machine (ATM) ⁽³⁾	260 trips/ATM (stand-alone)
Bank or Credit Union:	
Excluding drive-through	112.5 trips/1,000 sq. ft.
Drive-through only	187.5 trips/1,000 sq. ft.
HEALTH CARE	
Convalescent/Nursing	3 trips/bed
Residential Care Facility	2 trips/bed
HOUSE OF WORSHIP	
General	9 trips/1,000 sq. ft.
Without School or Day Care	5 trips/1,000 sq. ft.
INDUSTRIAL	
Asphalt Batch Plant	100 trips/usable acre
Industrial Park, Large *	8 trips/1,000 sq. ft.
Manufacturing/Assembly	4 trips/1,000 sq. ft.
Rental Storage	2 trips/1,000 sq. ft.
Scientific Research and Development	8 trips/1,000 sq. ft.
Warehousing	5 trips/1,000 sq. ft.
LIBRARY	
Less than 100,000 sq. ft.	20 trips/1,000 sq. ft.
100,000 sq. ft. or more	16 trips/1,000 sq. ft.
LODGING	
Hotel (w/convention facilities/restaurant)	10 trips/room
Resort Hotel	8 trips/room
MILITARY BASE	2.5 trips/employee (military or civilian)
OFFICE	
Commercial Office ⁽⁴⁾	$Ln(T) = 0.756 Ln(x) + 3.95$ **
Court Facility	40 trips/1,000 sq. ft.
Express Shipping Distribution Center	10 trips/1,000 sq. ft.
Government Office (Civic Center):	
100,000 sq. ft. or more	16 trips/1,000 sq. ft.
Medical Office:	
100,000 sq. ft. or more	16 trips/1,000 sq. ft.

* Some local serving commercial included
** See Table 3

TABLE 7 (Continued)

May 2003

TRIP GENERATION RATES
FOR FACILITIES FINANCING PURPOSES

LAND USE	VEHICLE TRIP RATE
OFFICE (continued)	
Post Office:	
100,000 sq. ft. or more	16 trips/1,000 sq. ft.
RECREATION	
Auditorium	0.6 trip/1,000 sq. ft.
Bungee Jumping Tower	115 trips/site
Marina	4 trips/berth
Park:	
Beach, Ocean or Bay	600 trips/1,000 sq. ft. of shoreline
Undeveloped	5 trips/acre
Roller Skating Rink	40 trips/1,000 sq. ft.
Sea World	80 trips/acre
Sport Facility:	
Outdoor	50 trips/acre
RESIDENTIAL	
Convent	2 trips/room
Mobile Home	5 trips/dwelling unit
Multiple Dwelling Unit:	
Over 20 dwelling units/ acre	6 trips/dwelling unit
Recreational Vehicle Park	3 trips/hook-up
Retirement/Senior Citizen Housing	4 trips/dwelling unit
Single Dwelling Unit:	
Urbanizing Area	10 trips/dwelling unit
SOCIAL SERVICES	
Homeless Shelter	2 trips/bed
Senior Citizen's Center	2 trips/parking space
TRANSPORTATION FACILITIES	
Bus Depot	25 trips/1,000 sq. ft.
Transit Station (rail)	300 trips/acre

Notes:

- (1) For each 750 sq. ft. (or any portion thereof greater than 500 sq. ft.) of convenience store floor area, a discount of 50% shall be applied to one automotive fuel dispensing position. All other dispensing positions shall be charged the normal rate.
- (2) Refer to note 6 (page 6) under Table 1.
- (3) If any ATM is new to an institution, the rate is also 260 trips/ATM.
- (4) Refer to note 6 (page 6) under Table 1.

APPEAL PROCESS

The trip generation rates in this manual may be appealed if the proposed project is unique and does not conform to the land uses in the City's *Trip Generation Manual*. A trip generation study of similar sites must be conducted by a registered traffic engineer. The study method must be approved in advance by the City before the study may be conducted.

Prior to conducting a trip generation study, the consultant must meet with the City's Transportation Development Section of the Development Services Department to discuss the appeal. The purpose of the meeting is to decide if it is appropriate to have a separate trip rate for the particular land use in question, and if so, how the trip generation study is to be conducted. The methodology must be approved by the Transportation Development Section in advance of the trip generation study.

A study of several sites is typically required for the trip generation study. Typically four study sites are desired. All study sites and procedures must be approved by the Transportation Development Section in advance. The studies will require a twenty-four-hour machine count at each driveway site for a minimum of two days. Additional days, or specific days of the week, may be required depending on the land use being studied.

Once the sites and the procedures have been approved, the data collection may begin. The completed field count data would then be submitted to the Transportation Development Section with a summary of the proposed trip generation rate for the studied land use. This data should be supplemented with an explanation of why the proposed trip generation rate should be used instead of the City's trip generation rate.

The Senior Traffic Engineer of the Transportation Development Section will review and comment on the trip generation study. If approved, the consultant may use the new trip generation rate for the traffic study of the project with unique character. The Transportation Development Section will inform the Facilities Financing Section and the Transportation Planning Division when a new rate is approved for the studied land use.

APPENDICES

- A. DEFINITIONS AND GENERAL TERMS**
- B. PHYSICAL LAND USE PARAMETERS**
- C. DEFINITION OF LAND USE CATEGORIES
FOR TRIP GENERATION PURPOSES**
- D. CITY'S LAND USE ZONES**

APPENDIX A

DEFINITIONS AND GENERAL TERMS

DEFINITIONS AND GENERAL TERMS

ADT (Average Daily Traffic)

Two-direction, 24-hour total count of vehicles crossing a line on an average weekday. Unusual seasonal variations must be specified, or else the typical annual conditions are assumed.

AWDT (Average Weekday Traffic)

Same as ADT.

CBD

Central Business District.

Centre City

The area bounded by Laurel Street to the north, Interstate 5 to the east, Commercial Street to the south, and the San Diego Bay to the west.

Cumulative Trips

New vehicle trips added to a community. Cumulative trips are driveway trips minus pass-by trips.

Diverted Trip

A trip that is deviated from a roadway within the vicinity of the generator to access a site. The roadway from which the trip is diverted could include streets or freeways that are adjacent to the generator, but without direct access to the generator.

Driveway Trips

The total number of trips that are generated by a site. The sum of cumulative trips plus the pass-by trips.

Pass-By Trip

A trip that is deviated from the roadway to a site for a stop-over to sites such as retail establishments, banks, restaurants, service stations, etc. A trip made to a site from traffic already "passing by" that site on an adjacent street that contains direct access to the generator. These are existing vehicle trips in a community.

Peak Hour

The one hour of the day that has the highest number of trip ends, for a site. The one hour of the day that has the highest traffic volume counts, for a roadway segment or an intersection.

Primary (or Unlinked) Trips

Trips that go directly between the primary purposes of home, work, and school. Also, a linked trip that goes from a primary purpose to a single destination and back again to the same primary point, is considered two primary unlinked trips.

Secondary (or Linked) Trips

The remaining trips, which have one or more stops along the way to a primary destination.

Trip-end

A one-direction vehicle movement.

Trip Generation Rate

The number of vehicular movements for a land use category within a 24-hour period. This is expressed as the number of trip-ends per unit of physical land use parameter.

Urbanized Area

As applied to single dwelling units, includes the areas designated "urbanized" on the latest edition of the City's General Plan and Progress Guide map.

Urbanizing Area

As applied to single dwelling units, includes all "Future Urbanizing" areas, all "Planned Urbanizing Communities," and some of the "Urbanized Communities."

APPENDIX B

PHYSICAL LAND USE PARAMETERS

PHYSICAL LAND USE PARAMETERS

Independent variables are physical and predictable land use parameters by which the sites (traffic generators) or their functions may be measured.

Acre

A unit of land area measurement equal to 43,560 square feet or 1/640th of a square mile. In relation to site area, all developable land area, including parking lots are included, but not unusable land area (such as an open space easement or canyon). Often designated "gross acre" or "gross acre (usable)."

Attendee

A person attending a sporting or other event.

Average Daily Flight

The number of takeoffs or landings of aircrafts at an airport on an average weekday.

Bed

Used to indicate the maximum number of patients at a hospital or convalescent facility.

Berth

A physical mooring place for a boat at a marina.

Civilian Employee

A non-military worker whose place of employment is a military base.

Dwelling Unit

A living facility that may be a single dwelling unit, an apartment, or a mobile home. Sometimes abbreviated as "DU." For example, a duplex would be counted as two DUs.

Employee

A person who works at a commercial or industrial facility.

Gross Floor Area

The total floor area (including areas that are not leased) of an establishment. The typical unit of measurement is 1,000 square feet of gross floor area, sometimes abbreviated as "1,000 GFA," and excludes parking floor area.

Gross Leasable Area

The total floor area designed for tenant occupancy upon which rent is collected. The typical unit of measurement is 1,000 square feet of gross leasable area, sometimes abbreviated as "1,000 GLA," and excludes parking floor area.

Military Personnel

A member of the armed forces assigned to work or train at a military base.

Room

One living-quarter at a hotel or motel. A suite of several rooms would be classified as one room.

Seat

A chair, stool, or bench (a bench could be multiple seats) provided for the use of a patron at a restaurant, or a viewer at a movie theater.

Shore

Shoreline land immediately adjacent to a lake or ocean. The typical unit of measurement is 1,000 feet of shoreline, sometimes abbreviated as "1,000 feet Shore."

Student

A person enrolled (full or part-time) at an educational facility.

Vehicle Fueling Space

The number of spaces that can accommodate vehicles to take fuel at a given time.

APPENDIX C

**DEFINITION OF LAND USE CATEGORIES
FOR TRIP GENERATION PURPOSES**

DEFINITION OF LAND USE CATEGORIES FOR TRIP GENERATION PURPOSES

AGRICULTURE/OPEN SPACE

A tract of land used for producing crops or raising livestock, and in varying degrees, the preparation of these products for human use. "Open Space" refers to a tract of land specifically designated as an open space zone and used to protect open space for natural resources preservation, park and recreation use, or scenic enjoyment.

AUTO-SERVING COMMERCIAL

GASOLINE SERVICE STATION

A gasoline service station is a freestanding commercial establishment designed primarily for the sale of gasoline to the motoring public. Maintenance and repair work may also be done, as well as the sale of auto-related accessories.

CAR DEALER

A car dealer is a freestanding structure normally with open or shed-like parking lot designed for the sale of new and used cars and trucks. Car dealers also provide maintenance service and the sale of automobile accessories.

CAR WASH (Full Service)

A car wash is a freestanding building, which houses equipment for washing vehicles. It also has an area for drying off vehicles after they are washed.

AIRPORT

GENERAL AVIATION

A general aviation airport is designed primarily for the use of small private and corporate aircraft, and not for regularly scheduled commercial passenger service. A general aviation airport is usually characterized by short runways, few or no terminal facilities, and many small planes.

COMMERCIAL - RETAIL

CONVENIENCE MARKET

A convenience market is usually a small, freestanding establishment selling food items, beverages and other sundry items. Sales are typically of small quantities. Convenience markets have largely supplanted the neighborhood corner store, particularly in suburban areas. Convenience markets with more than four vehicle-fueling spaces will be considered as gasoline stations with food mart.

FURNITURE STORE

A retail establishment displaying and selling residential furniture items, typically having a small staff in relation to total square feet.

HOME IMPROVEMENT STORE

A retail establishment selling home improvement and related supplies in one location.

LUMBER STORE

A retail establishment selling lumber, home improvement and related supplies in one location.

NURSERY

A nursery is a place where plants and flowers are grown for sale.

SHOPPING CENTER

A shopping center is a conglomerate of individual businesses designed for the retail sale of a large spectrum of products ranging from clothing to jewelry, art, etc. Shopping centers normally contain specialty shops, eating establishments, and department stores. Some services such as travel agencies, insurance offices, beauty salons, etc. may also be located in a shopping center. All stores normally have a common parking area.

NEIGHBORHOOD SHOPPING CENTER

A neighborhood shopping center typically has a gross leasable floor area of 30,000 square feet or more, located on at least four or more acres. The principal retail outlet may be a supermarket supported by a drugstore and/or some other smaller retail store(s). The trading radius is usually less than three miles and serves a population of roughly 5,000-10,000 people.

COMMUNITY SHOPPING CENTER

A community shopping center typically has a gross leasable floor area of 100,000 square feet or more, located on 10 or more acres. The leading retail outlets are usually a discount store (i.e., Wal-Mart, Kmart, T J Maxx, Ross, and Home Depot), and may also include a grocery store or drugstore. The trading radius can be three miles or more and serve a population area of about 25,000 people.

REGIONAL SHOPPING CENTER

A regional shopping center typically has a gross leasable floor area of 300,000 square feet or more. The center is usually under one management which has a regional service area and two or more major department stores, supported by a number of specialty retail stores.

SPECIALTY RETAIL CENTER/STRIP COMMERCIAL

A freestanding retail store is a single building with separate parking where merchandise is sold to the end user, usually in small quantities. Minor auxiliary services that are independently owned and operated from the major store can be a part of the retail facility. Freestanding retail stores may be of any size but usually are a function of the merchandise sold, and the locality. In general, as the gross floor area approaches 100,000 square feet, the stores lose their "freestanding" character and become part of a shopping center. The number of employees in freestanding retail stores is a function of the sales volume and land acreage and depends on the

store type, size, and attractiveness to the consumer. Supermarkets, convenience stores, discount stores, lumber stores and furniture stores are typically not included in this category (as they are treated individually for trip generation).

SUPERMARKET

A supermarket is a freestanding, self-service store, which sells food, beverages, and household items.

EDUCATION

UNIVERSITY

A university is a major educational facility that grants bachelor degrees with a four-year curriculum. Universities are normally located on a park-like campus consisting of many buildings. They may be state-supported or privately run.

COMMUNITY COLLEGE

A college that grants associate degrees in a two-year curriculum, and is usually state-supported.

HIGH SCHOOL

A high school is a secondary school with a three or four-year curriculum. A high school is usually located on a campus-like setting with associated sports facilities.

JUNIOR HIGH SCHOOL (MIDDLE SCHOOL)

Junior high schools are secondary schools designed to educate a group of children in grades, which are intermediate--between grade school and high school. Junior high schools are normally freestanding and include athletic fields.

ELEMENTARY SCHOOL (GRADE SCHOOL)

An elementary school is a school normally serving grades kindergarten through six. An elementary school is usually an isolated building with an associated playground.

DAY CARE CENTER

A day care center is a place where preschool children are cared for during the workday.

FINANCIAL INSTITUTIONS

BANK OR CREDIT UNION (EXCLUDING DRIVE-THROUGH LANES)

A bank or credit union is a freestanding structure for the custody, loan, exchange or issues of money or credit. Trips for drive-through facilities should be generated separately and added to the lobby totals.

BANK OR CREDIT UNION (DRIVE-THROUGH LANES ONLY)

A bank or credit union that provides its services only through drive-through lanes. Such facility should be clearly labeled a "drive-through bank" for trip generation purposes. Trips for drive-through tellers should be generated separately, even if adjoining a bank lobby.

HOSPITAL

HOSPITAL

A hospital is a freestanding institution where the sick or injured are given medical or surgical care. Emergency room medical treatment is usually provided.

CONVALESCENT HOSPITAL

Convalescent hospitals are freestanding institutions designed to provide medical care for patients with long-term illnesses. Normally such hospitals do not provide emergency room medical treatment.

HOUSE OF WORSHIP

A house of worship such as a church or synagogue may include a school, a day-care center, meeting rooms, a ministerial residence, and various other activities.

INDUSTRIAL

BUSINESS PARK

A grouping of industrial or office units, which may include local serving commercial facilities.

SMALL INDUSTRIAL FACILITY

A plant (or group of plants) of under 100,000 square feet, situated on a lot of less than eight gross acres. Small industrial facilities may be located in an industrial park or light industrial area. Small amount of local serving commercial is included.

LARGE INDUSTRIAL FACILITY

An individual plant of at least 100,000 square feet, usually situated on a lot of over eight gross acres. Large industrial facilities may be located throughout the community. Small amount of local serving commercial is included.

MANUFACTURING/ASSEMBLY SITES

Sites devoted to conversion of raw materials or semi-finished parts to large finished products, using high-tech machineries.

RENTAL SELF-STORAGE FACILITY

A warehouse establishment, which rents small storage vaults, often termed "mini storage."

SCIENTIFIC RESEARCH AND DEVELOPMENT

A scientific research and development facility is a single-tenant facility devoted to the discovery and development of new products (or the improvement of an existing product). The number of employees is usually low when compared to other industries. Typical zoning is SR with a minimum lot size of one acre.

TRUCK STOP

A large truck service establishment that sells diesel fuel, and may have repair facility, restaurant, and overnight accommodations.

WAREHOUSE

A warehouse is an industrial use designed solely for the storage and/or transfer of goods. Warehouses are normally large unpartitioned buildings. Multiple truck loading docks and rail access are common.

LIBRARY

A library is a freestanding structure in which books, manuscripts, musical scores, or other literary/artistic materials are kept for loan (but not for sale).

LODGING

HOTEL/MOTEL

This category is defined as a commercial land use establishment offering lodging to tourists, business people or highway travelers, and may also have facilities for formal meetings. Often restaurants and specialty shops are available on site to patrons and the general public.

RESORT HOTEL

Larger hotels with many amenities and recreational opportunities within the hotel site or walking distance.

MILITARY BASE

A military base is a national defense installation owned by the federal government where personnel of the United States armed forces, as well as civilians, are assigned. A military base is almost always completely isolated by fences with only a few access points that control traffic entering the facility.

OFFICE

COMMERCIAL OFFICE

A commercial office building houses one or more tenants. The affairs of commercial organizations are conducted in the building. In unusual circumstances, two buildings whose gross floor areas jointly totals well over 100,000 gross square feet may be considered large commercial office buildings, subject to meeting certain requirements. These include (but are not necessarily limited to) joint ownership and/or management of the two buildings, and the provision of needed services in one or both buildings (including a cafeteria, showers, bank or savings and loan, post office substation, or exercise facilities), which are available to tenants of both buildings.

CORPORATE HEADQUARTERS/SINGLE TENANT OFFICE

Headquarter or administrative office of a firm engaged in management and administration of the firm.

DEPARTMENT OF MOTOR VEHICLES (DMV)

A DMV office administers examinations and collects fees for driver's licenses and vehicular registration licenses.

GOVERNMENTAL OFFICE

A building that houses the offices and personnel of governmental agencies. Governmental offices may be grouped in a series of buildings within the central area, as a city or state complex, or may be in an isolated building such as a Federal building.

MEDICAL OFFICE

A building where the businesses and practices relative to the restoration or preservation of health are carried out. A medical office building is usually a centrally located complex of medical offices that serve a wide range of medical needs. Associated uses may include pharmacies and optical services.

POST OFFICE

Part of the U.S. Postal Service, a post office sells stamps, postal supplies, leases post office boxes, and serves as the central office for letter carriers who take mail and deliver it to residences and businesses.

RECREATION

BOWLING CENTER

A bowling center is a freestanding recreational facility that features bowling lanes. It may include amenities such as a bar, restaurant, and a retail bowling equipment store within the building.

GOLF COURSE

Golf courses are those areas of wilderness, fairways and greens devoted to the game of golf. Normally, golf courses provide for 18 holes; however, courses of other lengths are available.

MARINA

A marina is a commercial facility available to boating enthusiasts, which provides such services as boat storage and launching, gasoline, oil, fishing equipment, and bait.

MOVIE THEATER

A freestanding structure for showing motion pictures that can include one or more movie screens.

BEACH, OCEAN, OR BAY

These parks are recreation facilities provided for sunbathing and relaxation adjacent to an ocean or bay, and may include picnic facilities and children's play equipment.

PARK (UNDEVELOPED)

Undeveloped parks are those parcels of land dedicated to passive recreation purposes. Most have picnic tables, grass, sidewalks, and swings or slides for small children, but do not include tennis courts, ball fields, or other participant sports facilities.

PARK (DEVELOPED)

Developed parks are those parks that provide a variety of recreation facilities. Such parks provide swings, slides, etc., as well as facilities and fields for participant sports (baseball, softball, tennis, swimming, soccer, football, etc.).

RACQUETBALL/TENNIS/HEALTH CLUB

A health club is a specialized recreation facility featuring racquetball, tennis, exercising equipment or swimming, though seldom are all of those facilities offered in the same establishment.

ZOO AND SEA LIFE PARK

Zoo and sea life park are a combination of wilderness areas and freestanding facilities designed to house animals, which are alien to the environment in which the animal attraction is located. Most modern facilities also provide fenced areas to maintain animals suitable for children, between the ages of four and twelve, to physically touch and play with. Other animal attractions include aquariums, aviaries, and natural wildlife areas. Examples are Sea World and the San Diego Zoo.

SPORTS FACILITIES

A spectator sport facility is a recreational land use where people gather to watch a team sport or other attraction that takes place at that facility. Spectator sports are normally held in specially designed stadiums with large parking facilities. Traffic volumes before and after completion of events can cause severe local congestion. Examples are the San Diego Qualcomm Stadium, the Sports Arena, and the Del Mar Race Track.

RESIDENTIAL

CONGREGATE CARE FACILITY

A congregate care facility typically consists of one or more multi-unit buildings designed for elderly living.

ESTATE HOUSING

A single dwelling unit on an individual lot of 1 acre or more.

MOBILE HOME

Mobile home is usually consisting of trailers, which are installed on permanent foundations.

MULTIPLE DWELLING UNIT (UNDER 20 DWELLING UNITS/ACRE)

A multiple dwelling unit, which includes townhouse apartments, or isolated clusters of two to four apartments. All multiple dwelling units with less than 20 units per acre are included in this category.

MULTIPLE DWELLING UNIT (20 DWELLING UNITS OR MORE/ACRE)

A multiple dwelling unit/apartment is a dwelling unit located within the same physical structure, and has at least four other dwelling units on a common lot. These units, on the average, have a smaller floor area than single-family homes. They may have an individual exterior entry, as in "townhouses," or a common entry as in "flats." Residents usually have a smaller family size thereby reducing trips made per unit. This category only applies to high-density units more than 20 DUs/acre.

RETIREMENT/SENIOR CITIZEN HOUSING

A retirement community is a housing development occupied almost exclusively by retired people. Retirement communities may resemble single dwelling unit or multiple dwelling developments. Occupants are of retirement age and make very few work trips.

SINGLE DWELLING UNIT

A single dwelling unit is a detached home on an individual lot. A parcel with more than one home structurally attached is excluded from this category. Single dwelling homes are generally owned by the occupant, although they may be rented. Covered garages are frequent. Family size, age of occupants, and transit accessibility differ for urbanized and urbanizing areas, resulting in a different treatment for trip generation.

RESTAURANT

FAST FOOD

A fast-food restaurant is one where a high percentage of the meals are for the carry-out or take-home patrons. The restaurant may also have a seating area. The food is usually precooked, possibly wrapped and often sitting under heat lamps ready for quick service to the customer. Examples are Jack-in-the-Box, McDonald's, and Taco Bell.

QUALITY (LOW TURNOVER)

A quality restaurant is an eating establishment with low turnover rates of generally one hour or longer. All meals are served to customers who are seated at tables or booths. Examples are Mister A's, The Marine Room, and Black Angus.

SIT-DOWN (HIGH TURNOVER)

Sit-down restaurants usually serve meals at tables, although the customers may go through a line to pick up the meal. A turnover of less than one hour is typical. An entire meal is usually ordered, as opposed to only a beverage. Many small ethnic restaurants fit in this category. Examples are Love's Barbecue, Filippi's Pizza Grotto, and Denny's Restaurant.

APPENDIX D

**CITY'S LAND USE ZONES
FOR COMPLETE LISTINGS OF LAND USE REGULATIONS
PLEASE REFER TO LAND DEVELOPMENT CODE**

CITY'S LAND USE ZONES

The following is a brief outline of the uses and regulations within the various zones in the City of San Diego, listed in the general order of least intensive to most intensive. Overlay Zones are listed following the base zones.

Notes:

- Italicized words are defined in Chapter 11, Article 3, Division 1 of the Land Development Code.
- FAR, referenced in various sections below, is an abbreviation for "floor area ratio". Chapter 11, Article 3, Division 2 of the Land Development Code details how to calculate FAR.
- Parking regulations are determined by use and are located within Chapter 14, Article 2, Division 5 of the Land Development Code.

OPEN SPACE ZONES

The purpose of the Open Space Zones is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of environmentally sensitive lands. Included within these zones are the OP (Open Space--Park); OC (Open Space--Conservation); OR (Open Space--Residential, and; the OF (Open Space--Flood plain) Zones. It is intended that these zones be applied to lands where the primary uses are parks or open space or to private land where development must be limited to implement open space policies of adopted land use plans or applicable federal and state regulations and to protect the public health, safety, and welfare. See Chapter 13, Article 1, Division 2 of the Land Development Code for specific land use and development regulations.

AGRICULTURAL ZONES

The purpose of the Agricultural Zones is to provide for areas that are rural in character or areas where agricultural uses are currently desirable. The Agricultural Zones are intended to accommodate a wide range of agriculture and agriculture-related uses as well as single dwelling units. Included within the agricultural zones are the: AG (Agricultural--General) Zones which permit all types of agricultural uses and some minor agricultural sales on a long-term basis with a minimum of 5- to 10-acre lots; and the AR (Agricultural--Residential) Zones which accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density on 1 to 5-acre lots. See Chapter 13, Article 1, Division 3 of the Land Development Code for specific land use and development regulations.

RESIDENTIAL ZONES

The purpose of the residential zones is to provide for areas of residential development at various specified densities throughout the city. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all residents of San Diego. It is also intended that the residential zones reflect desired development patterns in existing neighborhoods while accommodating the need for future growth. See Chapter 13, Article 1, Division 4 of the Land Development Code for specific land use and development regulations.

RE (RESIDENTIAL--ESTATE) ZONES

The purpose of the RE zones is to provide for single dwelling units on large lots with some accessory agricultural uses. It is intended that this zone be applied to areas that are rural in character, where the retention of low density residential development is desired.

Zone	Minimum Lot Area	Maximum FAR
RE-1-1	10 Acres	0.10
RE-1-2	5 Acres	0.20
RE-1-3	1 Acre	0.35

RS (RESIDENTIAL--SINGLE UNIT) ZONES

The purpose of the RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

The RS zones are differentiated based on the minimum lot size and whether the premises is located in an urbanized community or a planned or future urbanizing community, as identified on the Progress Guide and General Plan Phased Development Areas Map (page 35 of the Progress Guide and General Plan).

Urbanized Communities

Zone	Minimum Lot Area	Maximum FAR
RS-1-1	40,000 square-feet	0.45
RS-1-2	20,000 square-feet	varies ⁽¹⁾
RS-1-3	15,000 square-feet	varies ⁽¹⁾
RS-1-4	10,000 square-feet	varies ⁽¹⁾
RS-1-5	8,000 square-feet	varies ⁽¹⁾
RS-1-6	6,000 square-feet	varies ⁽¹⁾
RS-1-7	5,000 square-feet	varies ⁽¹⁾

(1) See Section 131.0446(a) of the Land Development Code for more information.

Planned or Future Urbanizing Communities

Zone	Minimum Lot Area	Maximum FAR
RS-1-8	40,000 square-feet	0.45
RS-1-9	20,000 square-feet	0.60
RS-1-10	15,000 square-feet	0.60
RS-1-11	10,000 square-feet	0.60
RS-1-12	8,000 square-feet	0.60
RS-1-13	6,000 square-feet	0.60
RS-1-14	5,000 square-feet	0.60

RX (RESIDENTIAL--SMALL LOT) ZONES

The purpose of the RX zones is to provide for both attached and detached single dwelling units on smaller lots than are required in the RS zones. It is intended that these zones provide an alternative to multiple dwelling unit developments where single dwelling unit developments could be developed at similar densities. The RX zone provides for a wide variety of residential development patterns. The RX zones are differentiated based on the minimum lot size.

Zone	Minimum Lot Area	Maximum FAR
RX-1-1	4,000 square-feet	0.70
RX-1-2	3,000 square-feet	0.80

(RESIDENTIAL--TOWNHOUSE) ZONES

The purpose of the RT zones is to provide for attached, single-dwelling unit residential development on small lots with alley access. It is intended that these zones provide for more urbanized, single-unit living at densities that are historically more typical of multiple-unit zones. The RT zones provide transition opportunities between single-unit neighborhoods and higher density multiple-unit neighborhoods and in some instances may replace multiple-unit zones at similar densities. The RT zones are intended to be applied on subdivided blocks with alleys that are within or close to highly urbanized areas, transit areas, and redevelopment areas. The RT zones are differentiated based on the minimum lot size.

Zone	Minimum Lot Area	Maximum FAR
RT-1-1	3,500 square-feet	0.85 (1) / 1.20 (2)
RT-1-2	3,000 square-feet	0.95 (1) / 1.30 (2)
RT-1-3	2,500 square-feet	1.00 (1) / 1.40 (2)
RT-1-4	2,200 square-feet	1.10 (1) / 1.50 (2)

(1) One and two story buildings.

(2) Three story buildings.

RM (RESIDENTIAL--MULTIPLE UNIT) ZONES

The purpose of the RM zones is to provide for multiple dwelling unit development at varying densities. The RM zones individually accommodate developments with similar densities and characteristics. Each of the RM zones is intended to establish development criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses.

The following zones permit lower density multiple dwelling units with some characteristics of single dwelling units:

Zone	Minimum Lot Area	Maximum FAR
RM-1-1	6,000 square-feet	0.75
RM-1-2	6,000 square-feet	0.90 ⁽¹⁾
RM-1-3	6,000 square-feet	1.05 ⁽¹⁾

(1) See Section 131.0446(e) of the Land Development Code for specific regulations.

The following zones permit medium density multiple dwelling units:

Zone	Minimum Lot Area	Maximum FAR
RM-2-4	6,000 square-feet	1.20 ⁽¹⁾⁽²⁾
RM-2-5	6,000 square-feet	1.35 ⁽¹⁾
RM-2-6	6,000 square-feet	1.50 ⁽¹⁾

(1) See Section 131.0446(e) of the Land Development Code for specific regulations.

(2) Within the Peninsula and Ocean Beach community plan area, the maximum floor area ration is 0.70.

The following zones permit medium density multiple dwelling units with limited commercial uses:

Zone	Minimum Lot Area	Maximum FAR
RM-3-7	7,000 square-feet	1.80 ⁽¹⁾
RM-3-8	7,000 square-feet	1.25 ⁽¹⁾
RM-3-9	7,000 square-feet	2.70 ⁽¹⁾

(1) See Section 131.0446(f) of the Land Development Code for specific regulations.

The following zones permit urbanized, high density multiple dwelling units with limited commercial uses:

Zone	Minimum Lot Area	Maximum FAR
RM-4-10	7,000 square-feet	3.60 ⁽¹⁾
RM-4-11	7,000 square-feet	7.20 ⁽¹⁾

(1) See Section 131.0446(f) of the Land Development Code for specific regulations.

The RM-5-12 permits visitor accommodations or medium density multiple dwelling units:

Zone	Minimum Lot Area	Maximum FAR
RM-5-12	10,000 square-feet	1.80 ⁽¹⁾⁽²⁾

- (1) See Section 131.0446(f) of the Land Development Code for specific regulations.
- (2) See Section 131.0446(g) of the Land Development Code for specific regulations.

COMMERCIAL ZONES

The purpose of the commercial zones is to provide for the employment, shopping, services, recreation, and lodging needs of the residents of and visitors to the City. The intent of the commercial zones is to provide distinct regulations for size, intensity, and design to reflect the variety of the desired development patterns within San Diego's communities. See Chapter 13, Article 1, Division 5 of the Land Development Code for specific land use and development regulations.

CN (COMMERCIAL--NEIGHBORHOOD) ZONES

The purpose of the CN zones is to provide residential areas with access to a limited number of convenient retail and personal service uses. The CN zones are intended to provide areas for smaller scale, lower intensity developments that are consistent with the character of the surrounding residential areas. The zones in this category may include residential development. Property within the CN zones will be primarily located along local and selected collector streets. The CN zones are differentiated based on the permitted lot size and pedestrian orientation as follows: the CN-1-1 allows development of a limited size with a pedestrian orientation; the CN-1-2 allows development with an auto orientation, and; the CN-1-3 allows development with a pedestrian orientation.

CR (COMMERCIAL--REGIONAL) ZONES

The purpose of the CR zones is to provide areas for a broad mix of business/professional office, commercial service, retail, wholesale, and limited manufacturing uses. The CR zones are intended to accommodate large-scale, high intensity developments. Property within these zones will be primarily located along major streets, primary arterials, and major public transportation lines.

The CR zones are designed for auto-oriented development and are differentiated based on the uses allowed as follows: the CR-1-1 allows a mix of regional serving commercial uses and residential uses, with an auto orientation, and; the CR-2-1 allows regional serving commercial and limited industrial uses with an auto orientation but no residential use.

CO (COMMERCIAL--OFFICE) ZONES

The purpose of the CO zones is to provide areas for employment uses with limited, complementary retail uses and medium to high density residential development. The CO zones are intended to apply in larger activity centers or in specialized areas where a full range of commercial activities is not desirable. The CO zones are differentiated based on the uses allowed as follows: the CO-1-1 allows a mix of office and residential uses with a neighborhood scale and orientation, and; the CO-1-2 allows a mix of office and residential uses that serve as an employment center.

CV (COMMERCIAL--VISITOR) ZONES

The purpose of the CV zones is to provide areas for establishments catering to the lodging, dining, and recreational needs of both tourists and the local population. The CV zones are intended for areas located near employment centers and areas with recreational resources or other visitor attractions. The CV zones are differentiated based on development size and orientation as follows: the CV-1-1 allows a mix of large-scale, visitor-serving uses and residential uses, and; the CV-1-2 allows a mix of visitor-serving uses and residential uses with a pedestrian orientation.

CP (COMMUNITY--PARKING) ZONE

The purpose of the CP zone is to provide off-street parking areas for passenger automobiles. The CP zone is intended to be applied in conjunction with established commercial areas to provide needed or required off-street parking.

CC (COMMERCIAL--COMMUNITY) ZONES

The purpose of the CC zones is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Some of the CC zones may include residential development. Property within the CC zones will be primarily located along collector streets, major streets, and public transportation lines.

INDUSTRIAL ZONES

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and economy and to encourage employment growth. The industrial zones are intended to provide flexibility in the design of new and redeveloped industrial projects while assuring high quality development and to protect land for industrial uses and limit nonindustrial uses. Included within these zones are the: IP (Industrial--Park) Zones that permit research and development uses with some limited manufacturing as well as a mix of light industrial and office uses; IL (Industrial---Light) Zones

that allow light industrial uses, a mix of light industrial and office uses with limited commercial uses; IH (Industrial–Heavy) Zones manufacturing uses, and; the IS (Industrial--Small Lot) Zone that provides for small-scale industrial activities within urbanized areas. See Chapter 13, Article 1, Division 6 of the Land Development Code for specific land use and development regulations.

PLANNED DISTRICT ORDINANCES (PDOs)

A number of communities throughout the City are regulated through Planned Districts, which contain unique regulations pertaining to uses and development. Communities that are regulated by PDOs include: Old Town San Diego, La Jolla Shores, Gas Lamp Quarter (5th Avenue south of Broadway), Mission Beach, Carmel Valley, Golden Hill, Barrio Logan, Mt. Hope, Otay Mesa, La Jolla, West Lewis, Cass Street, Mid-City Communities (East San Diego/City Heights/Normal Heights/North Park), Southeastern San Diego, Centre City, Marina, Mission Valley and San Ysidro. These regulations are in Chapter 10 of the City of San Diego's Municipal Code.

OVERLAY ZONES

The purpose of overlay zones is to provide supplemental regulations that have been tailored to specific geographic areas of the City. Overlay zones are applied in conjunction with a base zone and modify or add to the regulations of the base zone to address specific issues such as development adjacent to airports, special height or parking requirements, or supplemental processing requirements. The regulations are included in Chapter 13, Division 2 through 14.

AIRPORT APPROACH OVERLAY ZONE

Applied as supplemental regulations in the vicinity of San Diego International Airport, Lindbergh Filed to ensure: that applicable regulations of the Federal Aviation Agency and the California Department of Transportation are implemented; that the San Diego Unified Port District is provided the opportunity to participate in the process, and; that vertical buffers are provided.

AIRPORT ENVIRONS OVERLAY ZONE

Applied as supplemental regulations for property surrounding Brown Field, Montgomery Field, and Naval Air Station Miramar to ensure that land uses are compatible with the operation of airports by implementing the Comprehensive Land Use Plans for each airport and to inform property owners of the noise impacts and safety hazards associated with their property's proximity to airport operations.

COASTAL OVERLAY ZONE

The purpose of the Coastal Overlay Zone is to protect and enhance the quality of public access and coastal resources.

COASTAL HEIGHT LIMIT OVERLAY ZONE

Applied as supplemental regulations to provide a height limit for specific coastal areas as enacted by the voters of the City of San Diego.

SENSITIVE COASTAL OVERLAY ZONE

The purpose of the Sensitive Coastal Overlay Zone is to help protect and enhance the quality of sensitive coastal bluffs, coastal beaches, and wetlands.

MOBILEHOME PARK OVERLAY ZONE

The purpose of the Mobilehome Park Overlay Zone is to preserve existing mobilehome park sites, consistent with the City's goal of accommodating alternative housing types, and to provide supplemental regulations for the discontinuance of mobilehome parks and the relocation of the mobilehome park tenants.

PARKING IMPACT OVERLAY ZONE

The purpose of the Parking Impact Overlay Zone is to provide supplemental parking regulations for specified coastal, beach, and campus areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly.

RESIDENTIAL TANDEM PARKING OVERLAY ZONE

The purpose of the Residential Tandem Parking Overlay Zone is to identify the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking.

TRANSIT AREA OVERLAY ZONE

The purpose of the Transit Area Overlay Zone is to provide supplemental parking regulations for areas receiving a high level of transit service. The intent of this overlay zone is to identify areas with reduced parking demand and to lower off-street parking requirements accordingly.

URBAN VILLAGE OVERLAY ZONE

The purpose of the Urban Village Overlay Zone is to provide regulations that will allow for greater variety of uses, flexibility in site planning and development regulations, and intensity of land use than is generally permitted in other Citywide zones. The intent of these regulations is to create a mix of land uses in a compact pattern that will reduce dependency on the automobile, improve air quality, and promote high quality, interactive neighborhoods. Urban villages are characterized by interconnected streets, building entries along the street, and architectural features and outdoor activities that encourage pedestrian activity and transit accessibility. The regulations of this division are intended to be used in conjunction with the Transit-Oriented Development Design Guidelines of the Land Development Manual and the applicable land use plan.

MISSION TRAILS DESIGN DISTRICT OVERLAY ZONE

The purpose of the Mission Trails Design District is to provide supplemental development regulations for property surrounding Mission Trails Regional Park. The intent of these regulations is to ensure that development along the edges of Mission Trails Regional Park enhances the park's natural qualities and promotes the aesthetic and functional quality of park/urbanization relationships, while recognizing the right to reasonable development within the Design District.



Supplemental Planning Commission Report

Meeting Date: January 13, 2011

Subject: 9465 Wilshire Boulevard
Equinox Fitness Club

SUMMARY

The City received written communication from Todd Elliot of Truman & Elliot LLP dated January 13, 2011. Mr. Elliot raises issues similar to those outlined in previous letters to the Commission (which have been responded to by staff); however, Mr. Elliot's most recent letter provides documentation of the subject building as being potentially historic.

The purpose of this memo is to provide clarification on the building's status, as well as the Commission's purview with regard to the project.

ANALYSIS

Historic Designation

During a 2006 update to the City's historic resource lists the subject property (9465 Wilshire Boulevard) was identified as a potentially historic structure. The property was assigned a Class 3CD designation during the City's survey. More specifically, a Class 3CD designation means that the subject building "Appears eligible for California Register as a contributor to a California Register eligible district through a survey evaluation." This designation means that the subject building is not a standalone historic resource by itself, and does not represent the necessary historic qualities to be considered a resource. At most, the building is a contributor to a potential district. The minor exterior changes contemplated as a part of the project will not cause a substantial adverse change in the significance of the building, and all anticipated changes will be fully reversible. Finally, as a condition of approval and part of the project's Architectural Review process, any exterior changes will be reviewed by a qualified historian to ensure that said changes do not result in a substantial adverse change to the building. As a result, the project remains eligible for a Categorical Exemption, and will not result in a significant adverse impact.

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Los Angeles, California 90017
Tel: (213) 629-5300
Fax: (213) 629-1212
www.trumanelliott.com

TRUMAN & ELLIOTT LLP

January 13, 2011

VIA ELECTRONIC MAIL AND HAND DELIVERY

Honorable Chairperson Bosse and
Members of the Beverly Hills Planning Commission
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

RECEIVED
CITY OF BEVERLY HILLS
2011 JAN 13 P 1:23
CITY CLERK'S OFFICE

Re: Proposed Equinox Exercise Club: 9465 Wilshire Boulevard, Beverly Hills, California 90212

Dear Honorable Chairperson Bosse and Honorable Members of the Planning Commission:

On behalf of our clients, Ron and Sharon Gart and Neighbors Organized to Protect the Environment in Beverly Hills ("N.O.P.E. Beverly Hills"), we write to oppose the proposed Equinox Exercise Club at the building located at 9465 Wilshire Boulevard, Beverly Hills, California ("Proposed Project"). After reviewing the Staff Report, Categorical Exemption Report and additional information provided by the applicant last Friday, our clients continue to oppose the Proposed Project. The Planning Commission cannot make the findings of fact required to approve an exercise club in the Beverly Hills Business Triangle and the designated "pedestrian-oriented area" of the City. Approval of the Proposed Project also would violate the California Environmental Quality Act ("CEQA"). We respectfully request the Planning Commission deny the Proposed Project.

I. THE PROPOSED PROJECT DOES NOT COMPLY WITH THE CITY'S ZONING CODE FOR APPROVAL OF THIS USE.

Exercise facilities generally are not permitted on the ground floor of buildings in the Beverly Hills Business Triangle. (BHMC, §10-3-1617.) To approve a conditional use permit to allow an exercise club within the City's Business Triangle, the Proposed Project must comply with strict criteria. The Proposed Project fails to satisfy a number of these criteria.

Pursuant to Municipal Code section 10-3-1618.B, the Proposed Project could be approved only if (1) the use of a parking facility proposed as a shared parking facility is primarily a day use, (2) the proposed Exercise Club is primarily an early morning and/or nighttime use, and (3) the gym has different peak hours of operation than uses in the shared parking facility.

Honorable Chair Bosse and
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January 13, 2011
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The Proposed Project intends to use the parking facility in the adjacent recently-constructed building at 265 Beverly Drive ("William Morris Building"), which will be occupied by Metro Goldwyn Mayer (MGM) Studios. (See Attachment 1, Press Release dated December 28, 2010.) Based on our research, MGM's offices will be open until at least 6 p.m.

Parking data prepared by the Applicant shows the proposed Equinox is not primarily an early morning or nighttime use. Peak hours of operation for the Equinox gyms studied are 8 to 10 a.m. and 5 to 7 p.m. Accordingly, the peak hours of the gym are the same as the hours when tenants of the Bank of America Building and the William Morris Building are using the driveways at the buildings to enter and leave the Proposed Project site. Therefore, the Proposed Project would fail to meet the requirements set forth in Beverly Hills Municipal Code section 10-3-1618.B, and cannot be approved.

A survey conducted on January 11-12, 2011 of office uses in the Bank of America Building indicates the Proposed Project would result in severe congestion within the parking lot of the buildings during peak hours of operation of the exercise club from 5 p.m. to 7 p.m. and would cause cars entering and exiting the buildings during this time to stack up and block traffic on the street. Most businesses at the buildings close their offices at 6 p.m. or later. (See Attachment 2, Survey of Businesses at 9465 Wilshire/MGM Operating Hours). Accordingly, most of the building patrons would still be parked or in the process of leaving as the exercise club patrons would be entering the Building and looking for parking. Therefore, Staff's statement that "the parking demand study demonstrates the peak hour demand for the entire building (5:00 pm – 6:00 pm) will yield a surplus of 65 parking spaces" is untrue and refuted by substantial evidence. Accordingly, the Commission cannot make affirmative findings of fact to approve a shared parking use.

II. THE PLANNING COMMISSION CANNOT MAKE THE FINDINGS OF FACT REQUIRED TO APPROVE THE PROPOSED PROJECT.

To approve a conditional use permit for the Proposed Project, the Planning Commission must conclude the Proposed Project satisfies certain findings of fact pursuant to Beverly Hills Municipal Code sections 10-3-3800 and 10-3-1655.B. Despite the revisions to the Staff Report for the Proposed Project, no significant changes were made which would affect the findings of fact. Staff provides no evidence to support the findings of fact required to approve the Equinox Exercise Club.

The Planning Commission must first determine "the proposed location of any such use will not be detrimental to adjacent property or to the public welfare." (BHMC, § 10-3-3800.) This finding cannot be made. The Bank of America Building is located in the middle of the Business District at one of the busiest and most accident-prone intersections in the City. Over thirty accidents per year occur at the intersection of Wilshire Boulevard and Beverly Drive. Adding an additional 1,130 daily trips to this congested and accident-prone intersection would only degrade the safety of the area and would result in significantly more accidents and injuries.

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Staff, in its proposed finding, does not address this important public safety issue.

Second, the Planning Commission must find the “proposed restricted use is compatible with and will not result in any substantial adverse impacts to surrounding uses.” (BHMC, § 10-3-1655.B.1.) As indicated above, an exercise club use is not intended to be located at the Proposed Project site. The Proposed Project would result in a number of adverse environmental impacts and negatively impact the pedestrian-oriented nature of the Business Triangle.

The placement of a private exercise facility in the heart of the Business Triangle at one of the most accident-prone intersections in the City would be incompatible with the pedestrian oriented uses in the surrounding area and would result in a significant adverse affect on public safety in the area. The Business Triangle is recognized internationally for its collection of fine retail stores and superior restaurants. The core of the City’s retail identity and activity is the Business Triangle. The lack of conformity of the Proposed Project with the Zoning Code and General Plan would adversely affect surrounding uses and the neighborhood by decreasing pedestrian use of the area, and creating a gap of pedestrian-friendly businesses along Wilshire Boulevard between world-famous Rodeo Drive and Beverly Drive.

Third, the Planning Commission must determine the proposed use “will not result in an overconcentration of non-pedestrian-oriented uses in the block in which the proposed restricted use will be located.” (BHMC, § 10-3-1655.B.2.) With approval of the Proposed Project, the entire block along Wilshire Boulevard would contain non-pedestrian-oriented uses. Most of Beverly Drive, but for the small café, would be non-pedestrian-oriented. A small café/retail shop proposed by the Applicant would not overcome the significant loss of pedestrian-oriented uses. The leasing of the new building under construction to the north has not been completed, and, accordingly, the conclusion that retail/pedestrian-oriented uses would exist cannot be made. Staff’s assertion the Proposed Project would increase pedestrian-oriented uses is inappropriate and misleading. The current ground floor vacancies and building layout provide the opportunity for 150 feet of pedestrian-oriented frontage along Wilshire Boulevard and Beverly Drive while the Proposed Project would not provide the City the benefits of a pedestrian-oriented use.

Fourth, the Planning Commission must determine “granting the request for a conditional use permit will not adversely impact the public health, safety or general welfare and will leave ample space available for future retail growth in designated pedestrian oriented areas.” (BHMC, § 10-3-1655.B.3.) The Proposed Project would result in numerous environmental impacts and would cut-off key pedestrian thoroughfares from their intended use.

Finally, the Planning Commission must conclude “the configuration of building in which the proposed space is located is not suited to pedestrian-oriented retail uses and does not contribute to the pedestrian experience.” (BHMC, § 10-3-1655.B.4.) The Bank of America Building is located on one of the busiest corners in the City, half a block from the historic Beverly Wilshire Hotel and steps from Rodeo Drive and pedestrian-oriented uses up and down Beverly Drive. The property serves as a pedestrian-friendly linkage between Rodeo and Beverly

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Drive. The loss of ground floor frontage to pedestrian-oriented uses would likely be a permanent loss to the City. The building's architecture, with its curved façade, actually calls to the pedestrian, creating a courtyard along Wilshire Boulevard and a patio-like space at the corner of Wilshire Boulevard and Beverly Drive. The ground floor space is actually very inviting to the pedestrian.

III. THE CITY HAS FAILED TO CONDUCT REVIEW OF THE PROPOSED PROJECT UNDER CEQA.

CEQA requires a lead agency to analyze the potential adverse environmental impacts that may be caused by a proposed project. The City staff, upon further review, has expanded its determination and now concludes the Proposed Project is exempt from CEQA under Class 1, Class 2 and Class 32 categorical exemptions. Staff provided a 250-page "Categorical Exemption Report" to promote its position. The use of a categorical exemption for the Proposed Project is improper and, unusual circumstances surrounding the Proposed Project preclude the use of a categorical exemption for the Proposed Project.

A. Categorical Exemptions may not be used for the Proposed Project.

1. Class 32 Categorical Exemption, CEQA Guidelines section 15332

CEQA allows a categorical exemption for urban infill projects in limited circumstances. This exemption may not be used, however, when unusual circumstances exist as they do at this particular site. (CEQA Guidelines §15300.2(c).) The Bank of America Building is located in the middle of the Business District at one of the busiest and most accident-prone intersections in the County. We provided this information to City Staff in a letter dated December 20, 2010, indicating a traffic accident occurs at the intersection of Beverly Drive and Wilshire Boulevard at least every 60 days, which is five times the rate of the worst intersections in Los Angeles. The Categorical Exemption Report fails to even mention this unusual circumstance or the impact an additional 1,130 trips would have on public safety at this intersection.

A Class 32 categorical exemption may not be used when there is the potential for adverse change to a historic resource. The 9465 Wilshire Boulevard Building identified as an historic resource because it appeared on a survey conducted by the City of Beverly Hills in 2006 and was identified on a DPR 523 Form (See Attachment 3, State of California Primary Record Form DPR 523A) as a contributor to a potential California Register district (Criterion 3) of Post World War II modern office buildings. CEQA section 15064.5(a)(2) defines as significant any resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historic resource survey meeting the requirements section of 5024.1(g) of the Public Resources Code shall be presumed to be historically or culturally significant. Here, the form identifies the building built in 1960 as "Historic".

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2. Class 1 Categorical Exemption, CEQA Guidelines Section 15301

Staff in its supplemental report to the Commission dated January 13, 2011 asserts a Class 1 categorical exemption should apply because, even though the Proposed Project would involve construction to the first three floors of the building, it would not result in total reconstruction of the floors and predominately would consist of new partitions/non structural walls, finishes, millwork, electrical and plumbing. However, the CEQA Guidelines specify a key consideration in determining whether this exemption applies is whether the project involves "negligible" or no expansion of an existing use. Here, the use changes from a bank to a health club and from a use that does not require a conditional use permit to a use that does. Accordingly, a Class 1 categorical exemption is not a proper exemption for the Proposed Project.

3. Class 2 Categorical Exemption, CEQA Guidelines Section 15302

Staff asserts a Class 2 categorical exemption for reconstruction of an existing building applies. This exemption covers reconstruction when a new structure is located on the same site and will have substantially the same purposes and capacity as the replaced structure. Here, an exercise club would replace offices and a bank. Thus, this exemption is inapplicable. Further, the increased demand for parking for the Proposed Project indicates greater capacity is necessary for the Proposed Project, making this exemption unusable.

B. Deficiencies in the Categorical Exemption Report.

1. Traffic

While Staff developed a traffic report for the Proposed Project, Staff studied only a limited number of intersections and overlooked at least two key intersections. The stop-controlled intersection located at Rexford Drive and Dayton Way must be studied to determine if vehicles approaching from the east would impact this intersection. Additionally, one or both of the stop-controlled intersections at either Roxbury/Charleville or Bedford/Charleville must be studied as vehicles traveling from the south needing to access Wilshire Boulevard east of Linden Drive will use these stop-controlled intersections. Without further study of these intersections, the traffic report is deficient.

2. Noise

The Categorical Exemption Report appears not to have studied the potentially significant effects on ambient noise from operation of the Proposed Project.

IV. CONCLUSION.

The City cannot make the required findings for the conditional use permit and cannot use a categorical exemption for the Proposed Project. Our review of the procedural defects is not

Honorable Chair Bosse and
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intended to be exhaustive given the limited time to comment (only 6 days). Nevertheless, the Commission simply cannot make the necessary findings to show that the office tenants will have left the building at 5:00 p.m. as suggested by staff. The proposed use would violate the provisions of Municipal Code section 10-3-1618.B because based upon substantial evidence it does not meet the requirements for a shared parking use. Additionally, because Categorical Exemptions do not apply, the Planning Commission must deny the proposed project. We respectfully request the Planning Commission deny the Proposed Project.

Respectfully submitted,



Todd Elliott
of TRUMAN & ELLIOTT LLP

Attachments (3): MGM News Release
Survey of BOA/MGM Office Users Operating Times
Jones & Stokes 2006 Survey (DPR 523) Form



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Oscar buzz,
breaking news



Globes 2011
The countdown
begins



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REPORTER

MGM Moving Headquarters to Beverly Hills

8:32 PM 12/28/2010 by Daniel Miller

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Comments



Chris Allegretti/Getty Images

The studio, which just emerged from bankruptcy, plans to vacate its namesake building in Century City in favor of office space originally intended to be occupied by WME.

Less than a week after emerging from a lengthy bankruptcy, MGM has signed a lease for new headquarters office space in Beverly Hills. *The Hollywood Reporter* has learned.

OUR EDITOR RECOMMENDS

EXCLUSIVE: MGM Reducing Office Space
MGM Restructuring Plan Takes Effect, \$500 Million in Financing in Place



The Lion signed a lease Sunday for the entirety of the six-story, 144,000-square-foot Beverly Drive office building that was originally slated to be occupied by WME, according to a source with knowledge of the situation.

The studio will vacate its current headquarters in Century City at its namesake building -- the MGM Tower. The company leases about 200,000 square feet at the 35-story building and had been trying to sublease the offices to other parties, but that plan never came to fruition. MGM will now pay a "one-time" fee to landlord JMB Realty Corp. in order to break its lease and leave the 10250 Constellation Blvd. building, the source said.

Terms of MGM's lease with George Comfort & Sons Inc., the landlord of its new headquarters building at 235-269 N. Beverly Drive, are not known, though the Class A property is perhaps the highest-profile vacant building in Los Angeles County and would be expensive to fully lease.

It is also unclear when MGM will move into its new headquarters or whether the smaller size of the new offices is related to the company's layoffs earlier this month. About 50 employees were let go; the layoffs were part of MGM's reorganization plan.

MGM declined to comment.

The new Beverly Drive building, which was completed earlier this year, has had a brief but tumultuous history. Originally, it was to be occupied by the William Morris Agency, but the firm's 2009 merger with Endeavor threw a kink into those plans. WME backed out of an

agreement to occupy the new building, and arbitration between WME and George Comfort remains unresolved, according to the source. WME has been headquartered nearby at 9601 Wilshire Blvd. since April 2009.

This fall, it was rumored that rival agency UTA had been looking into occupying the Beverly Drive building if WME did not move into it. Indeed, the source said UTA had nearly completed its negotiations to lease about 80,000 square feet of the building from George Comfort before MGM stepped in and quickly came to terms with the landlord.

WME and UTA did not immediately respond to requests for comment.

No one was speaking on the record Tuesday, but sources were surprised that MGM would sign a lease for such a high-profile building just days after exiting bankruptcy Dec. 20. The bankruptcy plan wiped out the Lion's debt and installed Spyglass Entertainment chiefs Gary Barber and Roger Birnbaum as the company's co-chief executives. MGM plans to release up to eight films a year, starting in 2012.

Speculation about MGM's move first surfaced on the [Beverly Hills Courier's](#) website on Monday.

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MEMORANDUM

To: Todd Elliott, Esq.
From: Ema Haro, Office Manager
Date: January 11, 2011
Re: 9465 Wilshire Boulevard, Beverly Hills, CA Hours of Operation and
MGM Hours of Operation

Per your request, I called and researched online hours of operations for tenants at 9465 Wilshire Boulevard, Beverly Hills, California; I also telephoned MGM located at 10250 Constellation Boulevard in Century City, California. Here are the 9465 Wilshire Boulevard results of my inquiries:

	<u>Tenant:</u>	<u>Days:</u>	<u>Hours:</u>
1.	Bank of America	Mon – Fri:	9:00 a.m. – 6:00 p.m.
2.	Jean-Jacques Elbaz	Mon – Fri:	8:00 a.m. – 5:00 p.m.
3.	Original Artists	Mon – Fri:	9:00 a.m. – 7:00 p.m.
4.	Stuart Ketchum	Mon – Fri:	9:30 a.m. – 5:30 p.m.
5.	Family Office		Did not want to give Information
6.	Rich Not Gaudy/ The Pitt Group	Mon – Fri:	9:00 a.m. – 7:00 p.m.
7.	Donners' Company	Mon – Fri:	9:00 a.m. – 5:00 p.m.
8.	Baron & Budd, P.C (Sub-tenant Gerald V. Kassabian)	Mon – Fri:	8:00 a.m. – 5:30 p.m.
9.	Entertainment One	Mon – Fri:	8:30 a.m. – 7:00 p.m.
10.	The Gersh Agency	Mon – Fri:	8:30 a.m. – 7:00 p.m.
11.	Imagine Entertainment	Mon – Fri:	8:30 a.m. – 7:00 p.m.
12.	First International Diamond	Mon – Fri:	10:00 a.m. – 4:00 p.m.
13.	Special Artist Agency	Mon – Fri:	9:00 a.m. – 7:00 p.m.
14.	Phoenix Books	Mon – Fri:	8:30 a.m. – 5:30 p.m.
15.	DHX Media, Ltd.	Mon – Fri:	9:00 a.m. – 6:00 p.m.
16.	Archer Capital Management	Mon – Fri:	5:30 a.m. – 7:00 p.m.

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MEMORANDUM

17.	Principato-Young Management	Mon – Fri:	8:00 a.m. – 7:30 p.m.
18.	Kahn Asset Management Abrams Factor Partners	Mon – Fri:	9:00 a.m. – 4:00 p.m.
19.	Montecito Picture Company	Mon – Fri:	No Specific Hours
20.	Arroe Capital Management	Mon – Fri:	9:00 a.m. – 6:00 p.m.

Totals: 20 (2 did not give information)
Mean Closing Time: 6:52 p.m.

Building:

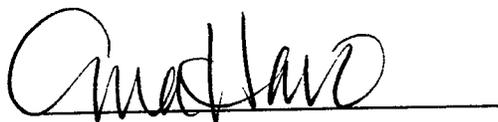
10250 Constellation Boulevard
Century City

Days:

Hours:

Mon – Fri: 9:00 a.m. – 6:00 p.m.

I, Ema Haro, a California Notary Public declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Primary # _____

HR # _____

Trinomial _____

NRHP Status Code 3CD

PRIMARY RECORD

Other Listings _____

Review Code _____ Reviewer _____ Date _____

Page 1 of 1

* Resource Name or #: 9461-9465 Wilshire Blvd.

P1. Other Identifier: Wilshire Beverly Center

* P2. Location: Not for Publication Unrestricted a. County Los Angeles

b. USGS 7.5' Quad _____ Date _____ T _____; R _____; _____ 1/4 of _____ 1/4 of Sec _____; _____ B.M.

c. Address 9461-9465 Wilshire Blvd. City Beverly Hills Zip _____

d. UTM: (Give more than one for large and/or linear feature) Zone _____, _____ mE/ _____ mN

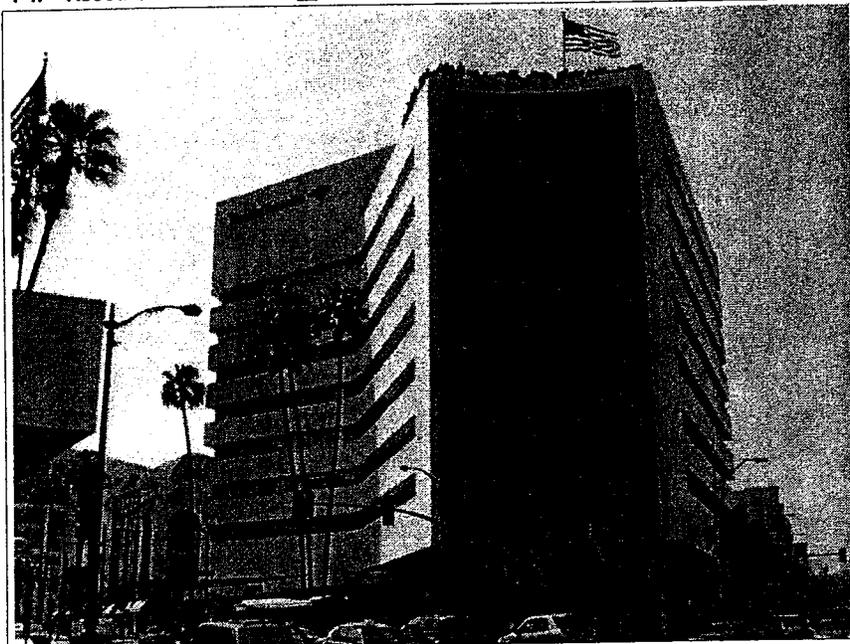
e. Other Locational Data: (e.g. parcel #, legal description, directions to resource, elevation, additional UTMs, etc. as appro

* P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
Contributor to a potential California Register district of (Criterion 3) Post World War II modern office buildings. Architect:
Victor Gruen Associates.

Architect: Victor Gruen Assoc.

* P3b. Resource Attributes: (List attributes and codes) _____

* P4. Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b. Description of Photo: (View, date, etc.)
May 2006

* P6. Date Constructed/Age and Sources:
 Prehistoric Historic Both
1960 (Estimated)

* P7. Owner and Address:

* P8. Recorded by: (Name, affiliation, address)
John English & Portia Lee
Jones & Stokes
811 W 7th ST, Suite 800
Los Angeles, CA 90017

* P9. Date Recorded: 6/9/2006

* P10. Survey Type: (Describe)

* P11. Report Citation: (Cite survey report/other sources or "none")

* Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record Artifact Record
 Photograph Record Other: (List) _____