



AGENDA REPORT

Meeting Date: August 7, 2012

Item Number: D-5

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS.

Attachments:

1. Ordinance
2. Planning Commission Resolutions
3. June 28, 2012 Planning Commission Staff Report
4. Beverly Hills Municipal Code Section 10-3-1618

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS" be introduced and read by title only.

INTRODUCTION

The City Council is asked to consider an ordinance amending regulations pertaining to parking regulations for exercise clubs. Current code provisions allow exercise clubs located inside the Business Triangle to request, through the Conditional Use Permit process, the joint use of parking facilities for the purpose of satisfying Municipal Code parking requirements. The proposed amendment would allow exercise clubs located outside the Business Triangle to request the joint use of parking facilities, through the Conditional Use Permit process, in the same manner as is currently allowed for exercise clubs located inside the Business Triangle.

The proposed ordinance was initiated in connection with entitlements requested by LA Fitness to establish a new LA Fitness exercise club within the existing commercial building located at 9100 Wilshire Boulevard. The request reviewed by the Planning Commission consisted of a Conditional Use Permit to allow the joint use of parking facilities for the purpose of satisfying the applicable parking requirements for the proposed new LA Fitness exercise club. The applicant concurrently filed a request for the subject Zone Text Amendment in order to accommodate the parking requirements for the exercise club. A complete project description and analysis is included in the attached Planning Commission staff report, which is provided for reference as Attachment 3.

At its June 28, 2012 meeting, the Planning Commission discussed the proposed Zone Text Amendment and associated Conditional Use Permit, and unanimously adopted a resolution recommending adoption of the Zone Text Amendment, as well as a resolution conditionally approving the joint use of parking facilities. However, the joint use of parking facilities is contingent upon approval of the Zone Text Amendment by the City Council.

ZONE TEXT AMENDMENT

The Zone Text Amendment recommended by the Planning Commission would modify Code Section 10-3-1618 B. of the Municipal Code, which establishes parking restrictions for exercise clubs. At the request of Sports Club LA, and in order to allow for more diversity and flexibility in establishing exercise clubs, the City Council approved an ordinance in 2002 to allow the joint use of parking facilities for exercise clubs located inside the Business Triangle. The joint use of parking facilities is sometimes needed due to the higher ratio of parking spaces needed for exercise clubs (1 space per 100 square feet for exercise clubs, versus 1 space per 350 square feet for general office and retail uses), and exercise clubs capable of demonstrating that they operate at different peak hours from office uses and do not result in a parking impact are able to utilize this code provision. However, exercise clubs located outside the Business Triangle are not currently eligible to make such a request. The proposed amendment seeks to remove the requirement that an exercise club be located inside the Business Triangle in order to request a Conditional Use Permit for the joint use of parking facilities. If approved, the amendment would allow the Planning Commission to consider a Conditional Use Permit for exercise clubs to utilize joint parking facilities within any of the City's commercial zones, provided that all other code provisions are satisfied, including meeting the following findings for the joint use of parking facilities:

1. The exercise club is primarily a morning and/or nighttime use, the office use is primarily a daytime use, and the exercise club has different peak hours of operation from the daytime use;
2. The parking facilities are located on site in an existing building;
3. The parking facilities have a minimum of five hundred (500) parking spaces¹; and

¹ Of the commercial buildings located outside the Business Triangle, 3 buildings meet the requirement of having 500 spaces or more (8383 Wilshire Boulevard, 8484 Wilshire Boulevard, and 9100 Wilshire Boulevard).

4. A parking utilization study prepared by a certified traffic engineer establishes, to the satisfaction of the planning commission, that the parking facilities required by this chapter exceed the demand for parking spaces that will be generated by the proposed use and the other uses in the subject building.

In reviewing the Zone Text Amendment, the Planning Commission took into consideration the benefit of providing added flexibility with regard to parking requirements for exercise clubs, as well as the fact that any such request for the joint use of parking facilities must be reviewed pursuant to the Conditional Use Permit process, and that the building where the exercise club is proposed must have at least 500 parking spaces that provide an adequate parking supply to accommodate the joint use of the facilities. Because the joint use of parking facilities is restricted by the Conditional Use Permit process, the Planning Commission determined that the proposed amendment would not serve as a carte blanche approval for exercise clubs, but would instead provide for an entitlement process with broader applicability in the City's commercial zones, and the ability to provide a more even distribution of exercise clubs within the city.

The specific language and required findings set forth in the recommended Amendment are provided in the attached ordinance (Attachment 1).

ANALYSIS

The proposed Zone Text Amendment is intended to add flexibility to the Code for exercise clubs located Outside the Business Triangle, so that such uses can be more evenly distributed throughout the City in order to provide quality services to residents and businesses within the City. Exercise clubs are currently a permitted use in commercial areas but must provide independent parking at a rate of 1 space per 100 square feet of floor area. This parking ratio often precludes exercise clubs from being established within existing commercial buildings since it is generally not possible to add parking spaces to an existing building for the purpose of satisfying the exercise club parking requirements.

Exercise clubs located inside the Business Triangle are afforded the option of requesting a Conditional Use Permit for the joint use of parking facilities, which can provide the flexibility for an exercise club to be established within an existing commercial building. The proposed amendment would allow exercise clubs located outside the Business Triangle to request the same consideration for joint parking facilities as can currently be requested by exercise clubs located inside the Business Triangle, and would not result in any changes to allowed uses or densities within the City's commercial zones. Any application for a Conditional Use Permit would be reviewed on a case-by-case basis and findings would need to be made by the reviewing authority based on the merits of each application. Because the amendment allows for added flexibility regarding parking for exercise clubs, and maintains discretionary review of any such request for joint use of parking facilities, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

ENVIRONMENTAL DETERMINATION

The Amendment has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section

15305, minor alterations in land use limitations, the Amendment qualifies for a Class 5 Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 5 exemption is applicable because the changes in land use limitations are minor, and would not result in any changes in allowed uses or density.

FISCAL IMPACT

No fiscal impact to the City is anticipated from a Council decision in this matter.

PUBLIC NOTICE

A public hearing notice was mailed on July 27, 2012 to all property owners and residential occupants within a 300-foot radius of the subject property. Additionally, notice was published in the Beverly Hills Courier and the Beverly Hills Weekly, two newspapers of local circulation.

RECOMMENDED ACTION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS" be introduced and read by title only.

Susan Healy Keene, AICP
Director of Community Development


Approved By _____

ATTACHMENT 1

ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL
CODE REGARDING PARKING RESTRICTIONS FOR
EXERCISE CLUBS

WHEREAS, on June 28, 2012 the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the parking restrictions for exercise clubs as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on August 7, 2012, the City Council conducted a duly noticed public hearing to consider proposed amendments to the parking restrictions for exercise clubs and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and that the ordinance amendment is exempt from CEQA pursuant to Section 15305 of the Guidelines for minor alterations in land use limitations. The Class 5 exemption is applicable because the ordinance would not result in any changes in land use or density, and applies only in areas of the City with slopes of less than

twenty percent. Further, any approval for a Conditional Use Permit for the joint use of parking facilities is subject to discretionary review and analysis on a case-by-case basis by the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS
DOES ORDAIN AS FOLLOWS:

Section 1. Subsection B. of Section 10-3-1618 (EXERCISE CLUBS AND PRIVATE TRAINING CENTERS; PARKING RESTRICTIONS) of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“B. Notwithstanding the provisions of section 10-3-2730 of this chapter, the planning commission may issue a conditional use permit to allow up to fifty percent (50%) of the parking facilities of a use that is primarily daytime use to be used to satisfy the parking facilities required by this article for an exercise club or private training center considered to be primarily an early morning and/or nighttime use, provided the latter use has different peak hours of operation than the daytime use, and provided further that all of the following criteria are met:

1. The parking facilities are located on site in an existing building; and
 2. The parking facilities have a minimum of five hundred (500) parking spaces;
- and
3. A parking utilization study prepared by a certified traffic engineer establishes, to the satisfaction of the planning commission, that the parking facilities required by this chapter

exceed the demand for parking spaces that will be generated by the proposed use and the other uses in the subject building.

Section 2. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.”

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

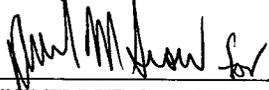
Adopted:
Effective:

WILLIAM W. BRIEN, MD
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2

PLANNING COMMISSION RESOLUTIONS

RESOLUTION NO. 1645

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS
RECOMMENDING ADOPTION OF AN ORDINANCE
OF THE CITY OF BEVERLY HILLS AMENDING
PARKING RESTRICTIONS FOR EXERCISE CLUBS
LOCATED OUTSIDE THE BUSINESS TRIANGLE.

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

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 28, 2012, at which times it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public health, safety, and general welfare, and that such Amendment is consistent with the general objectives, principles, and standards of the General Plan;

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

Section 1. The Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is applicable because the ordinance would not result in any changes in land use or density. Further, any approval for a Conditional Use Permit for the joint use of parking facilities is subject to discretionary review and analysis on a case-by-case basis by the Planning Commission.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to serve exercise clubs located Outside the Business Triangle. Exercise clubs located outside the Business Triangle are currently a permitted use, but must provide independent parking at a rate of 1 space per 100 square feet of floor area. This parking ratio often precludes exercise clubs from being established within existing commercial buildings since it is generally not possible to add parking spaces to an existing building for the purpose of satisfying the exercise club parking requirements.

Exercise clubs located inside the Business Triangle are afforded the option of requesting a Conditional Use Permit for the joint use of parking facilities, which can provide the flexibility for an exercise club to be established within an existing commercial building. The proposed amendment would allow exercise clubs located outside the Business Triangle to request the same consideration for joint parking facilities as can currently be requested by exercise clubs located inside the Business Triangle, and would not result in any changes to allowed uses or densities within the City's commercial zones. Any application for a Conditional Use Permit would be reviewed on a case-by-case basis and findings would need to be made by the reviewing authority based on the merits of each application. Because the amendment allows

for added flexibility regarding parking for exercise clubs, and maintains discretionary review of any such request for joint use of parking facilities, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

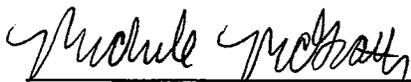
Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

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

Adopted: June 28, 2012

Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:


Secretary

Approved as to form:


David M. Snow
Assistant City Attorney

Approved as to content:


Michele McGrath
Acting City Planner

RESOLUTION NO. 1646

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT FOR THE JOINT USE OF PARKING FACILITIES IN CONJUNCTION WITH THE ESTABLISHMENT OF AN APPROXIMATELY 15,000 SQUARE FOOT EXERCISE CLUB TO BE LOCATED WITHIN PORTIONS OF THE GROUND FLOOR AND MEZZANINE OF THE PROPERTY LOCATED AT 9100 WILSHIRE BOULEVARD (LA FITNESS).

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

Section 1. Murray Fischer, Applicant, on behalf of LA Fitness, (collectively the “Applicant”) has submitted an application to allow the joint use of parking facilities in conjunction with the establishment of an approximately 15,000 square exercise club to be located within portions of the ground floor and mezzanine of an existing commercial building located outside the Business Triangle on the property locate at 9100 Wilshire Boulevard (the “Project”). An exercise club is a permitted use within the City’s commercial zones; however, the use of joint parking facilities requires the issuance of a Conditional Use Permit (CUP) by the Planning Commission.

Section 2. The project site is located at the southwest corner of Wilshire Boulevard and Doheny Drive, just east of the Business Triangle. The existing neighborhood character within the vicinity of the project consists of a variety of commercial developments, which are predominantly occupied by retail and general office uses. The subject property

contains two 10-story buildings, and parking is provided within the building, as well as from a multi-level parking structure across the alley to the south.

The project consists of the operation of an approximately 15,000 square foot exercise club within a portion of the first floor and mezzanine of the existing commercial building at the subject property. The existing commercial building has a total gross floor area of approximately 305,000 square feet, which results in the exercise club occupying approximately 5% of the building's total floor area. In conjunction with the request for a CUP for the joint use of parking facilities, the Applicant has requested a Zone Text Amendment to allow exercise clubs located outside the Business Triangle to provide parking through the joint use of parking facilities. The request for a Zone Text Amendment is separately addressed by Planning Commission Resolution No.1645.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and a Class 1 Categorical Exemption has been issued in accordance with the requirements of Sections 15301 of the Guidelines for the Project. The Class 1 exemption is applicable because the Project results in operational changes and minor interior tenant improvements to an existing commercial building, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was published in two newspapers of local circulation on June 15, 2012 and June 20, 2012, and on June 18, 2012 a

mailed notice was sent to all property owners and residential tenants within a 300-foot radius of the property. On June 28, 2012 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a CUP for joint use of parking facilities, the Planning Commission was required to make the following finding:

1. The use of joint parking facilities will not be detrimental to adjacent property or to the public welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. A detailed traffic report and parking demand analysis was prepared by the applicant's traffic consultant and peer reviewed by the City's Transportation Engineer. Based on empirical parking data and the City's code standards, the existing and future parking demand at the subject property will not result in a shortfall of parking spaces during any period of the day. Peak weekday parking demand for the project is anticipated to occur between 5:00 PM and 7:00 PM, whereas the peak parking demand for the office uses within the subject property is expected to occur at 11:00 AM. The overall peak demand for the building, inclusive of the project, is expected to occur at 11:00 AM, with a peak demand of 957 spaces. The overall peak demand of 957 spaces at 11:00 AM results in a surplus of 21 parking spaces that would remain available on-site. Therefore, the use of joint parking facilities will not

result in a parking shortfall, and will therefore not be detrimental to adjacent property or the public welfare.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Conditional Use Permit, subject to the following conditions:

1. The conditions of approval set forth in this resolution are specifically tailored to address the operation of an exercise club that substantially conforms to the project presented to and approved by the Planning Commission at its meeting of June 28, 2012. To ensure that a subsequent exercise facility operated at the subject site does not cause adverse impacts to other building tenants or adjacent land uses, any transfer of ownership, management, or control of the proposed facility shall be reviewed by the Director of Community Development to determine whether the proposed operations of the new facility substantially conform to the project approved by the Planning Commission. If the Director determines that the proposed operations do not substantially conform to the approved project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the approval of joint parking facilities or to impose additional conditions as necessary to ensure that the operation of a subsequent exercise facility at the subject site is compatible with adjacent land uses.

2. Prior to the issuance of building permits for any exterior work, all exterior modifications to the building, as well as signage and window displays, shall be submitted to and approved by the Architectural Commission.

3. The Applicant shall provide two (2) hours of free validated parking to all exercise club members and guests of members.

4. The Applicant shall provide free on-site parking at all times for employees and any other consultants or agents retained by the applicant in connection with the operation of the Project.

5. Leasing of monthly parking spaces at the subject property shall not exceed 40 spaces. Any leases for monthly parking in excess of 40 spaces shall be terminated prior to the exercise club opening for business.

6. If parking supplies are not sufficient based on impacts in the area, the Applicant shall take steps to address the issue to the satisfaction of the Community Development Director, which may include reductions in the number of monthly leased parking spaces. If the Director is not satisfied, then the issue may be referred to the Planning Commission pursuant to Condition No. 5 of this Resolution.

7. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the

proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

8. This approval shall not become effective unless and until the proposed Zone Text Amendment regarding the use of joint parking facilities for exercise clubs located outside the Business Triangle has been adopted by the City Council and has taken effect.

9. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

10. RECORDATION. The resolution approving the CUP for joint use of parking facilities shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void and of no further effect**. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver

from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

11. EXPIRATION. Conditional Use Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

12. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

13. This approval is for those plans submitted to the Planning Commission on June 28, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

14. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

15. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

16. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

17. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

18. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

19. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

20. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

21. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

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

23. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the

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

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

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

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

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

28. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

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

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

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

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

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

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: June 28, 2012

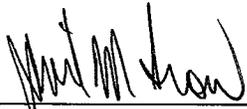


Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:


Secretary

Approved as to form:


David M. Snow
Assistant City Attorney

Approved as to content:


Michele McGrath
Acting City Planner 

ATTACHMENT 3

JUNE 28, 2012 PLANNING COMMISSION STAFF REPORT



Planning Commission Report

Meeting Date: June 28, 2012

Subject: **9100 Wilshire Boulevard**
LA Fitness

Request for a Zone Text Amendment to Beverly Hills Municipal Code Section 10-3-1618 regarding parking restrictions for exercise clubs, and a request for a Conditional Use Permit to allow joint use of parking facilities in order to satisfy parking requirements in conjunction with the establishment of an approximately 15,000 square foot exercise club to be located on portions of the first floor and mezzanine of the building located at 9100 Wilshire Boulevard.

PROJECT APPLICANT: LA Fitness

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project;
2. Adopt the attached resolution conditionally approving the requested Conditional Use Permit for joint use of parking facilities; and
3. Adopt the attached resolution recommending that the City Council adopt the proposed Zone Text Amendment.

REPORT SUMMARY

The proposed project involves the establishment of an approximately 15,000 square foot exercise club within the building located at 9100 Wilshire Boulevard. The proposed exercise club would occupy a portion of the building's ground floor and mezzanine area. The project requires a Zone Text Amendment to expand the applicability of the City's shared parking standards to properties outside of the Business Triangle and approval of a Conditional Use Permit to allow joint use of the on-site parking facilities to satisfy parking requirements. This report analyzes the request for a Zone Text Amendment with regard to allowing the use of shared parking citywide pursuant to a Conditional Use Permit. This report further analyzes the parking demand that would be generated by the proposed project, and concludes that approval of a Conditional Use Permit for the joint use of parking facilities would not be detrimental to the surrounding neighborhood, nor would such an approval result in a shortage of available parking.

Attachment(s):

- A. Staff Recommended Findings and Conditions of Approval
- B. Public Notice
- C. Draft CUP Resolution
- D. Draft Zone Text Amendment Resolution
- E. Draft Ordinance
- F. Traffic and Parking Study
- G. Architectural Plans

Report Author and Contact Information:

Ryan Gohlich
(310) 285-1194
rgohlich@beverlyhills.org

BACKGROUND

File Date	5/9/2012
Application Complete	5/17/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	7/17/2012 without extension request from applicant

Applicant(s)	LA Fitness
Owner(s)	Douglas Emmet
Representative(s)	Murray Fischer

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9100 Wilshire Boulevard
Legal Description	Lots 807 through 818 of Tract 6380
Zoning District	C-3
General Plan	General Commercial - Low Density
Existing Land Use(s)	General offices and medical offices
Lot Dimensions & Area	Rectangular – 0.93 acres
Year Built	1970
Historic Resource	The property is not listed on the City's inventory as being potentially historic.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	C-3 General Commercial
South (across alley)	C-3 General Commercial and R-4 Multi-Family Residential
East	C-3 General Commercial
West	C-3 General Commercial

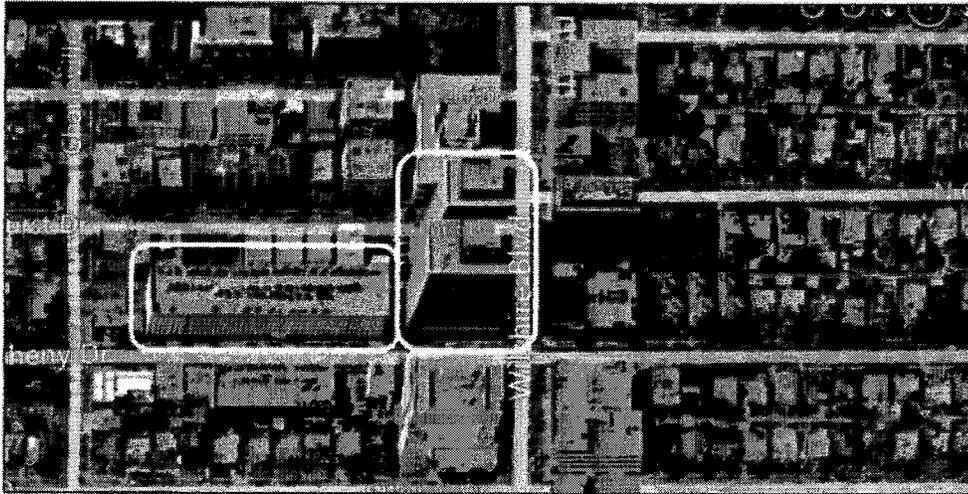
Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard to the north, and Doheny Drive to the east
Adjacent Alleys	Alley located south of the subject property
Parkways & Sidewalks	Wilshire Boulevard sidewalk/parkway - 15' from face of curb to property line Doheny Drive sidewalk/parkway - 10' from face of curb to property line
Parking Restrictions	No parking anytime on Wilshire and Doheny adjacent to 9100 Wilshire
Nearest Intersection	Wilshire Boulevard and Doheny Drive
Circulation Element	Wilshire Boulevard serves as an arterial street and Doheny Drive as a collector street
Estimated Daily Trips	Wilshire Boulevard carries approximately 44,400 daily trips, and Doheny Drive carries approximately 18,150 daily trips.

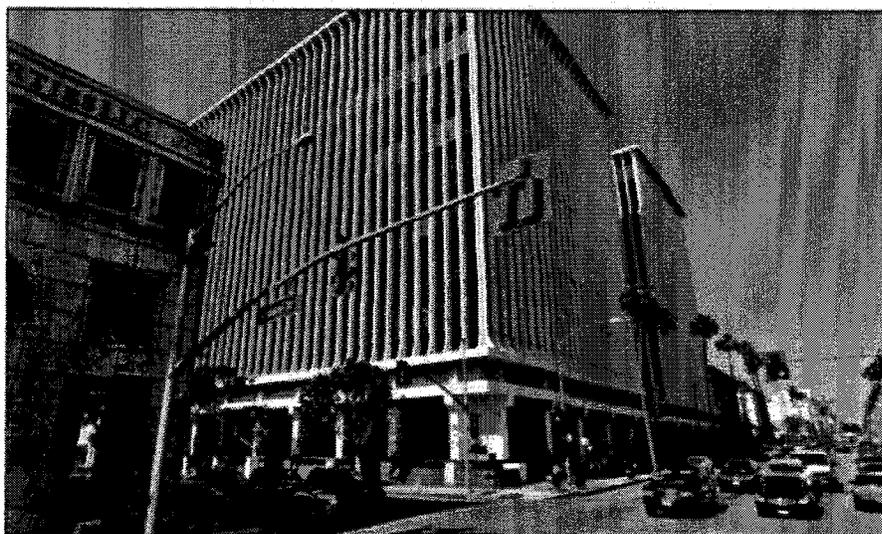
Neighborhood Character

The project site is located at the southwest corner of Wilshire Boulevard and Doheny Drive, several blocks east of the Business Triangle. The existing neighborhood character within the vicinity of the project consists of a variety of commercial developments, which are predominantly occupied by retail and general office uses. The subject property contains two 10-story buildings, and parking is provided within the building, as well as from a multi-level parking structure across the alley.

At 10 stories in height and occupying approximately 1 acre of land, the subject property containing two office towers tends to be larger than surrounding development; however, there are instances of other large-scale developments within a short distance of the subject property along Wilshire Boulevard. The proposed project would affect only interior operations of the building, and would not result in changes to the existing neighborhood character.



Project Site Looking West



Project Site Viewed From Wilshire/Doheny Intersection

PROJECT DESCRIPTION

The proposed project consists of the operation of an approximately 15,000 square foot exercise club within a portion of the first floor and mezzanine of the existing commercial building at the subject property. The existing commercial building has a total gross floor area of approximately 305,000 square feet, so the exercise club would occupy approximately 5% of the building's total floor area. The exercise club would have an entrance on Wilshire Boulevard, but would primarily be accessible from the building's central lobby area.

The subject property was constructed in 1970 with a maximum height of 10 stories. Parking for the subject property is provided within the building, and within a parking structure located across the alley, which was built to serve the subject property. In total, 978 parking spaces are provided on-site.

Requested Permits

The applicant is seeking approval of a Zone Text Amendment and a Conditional Use Permit (CUP) for shared facilities to allow the project to satisfy the more stringent parking requirements associated with the establishment of an exercise club when compared to the parking requirements for a general office use. Per the requirements of BPMC §10-3-2730, parking must be provided at a rate of 1 space for every 100 square feet of floor area for an exercise club as compared with a rate of one parking space for every 350 square feet of floor area for a general office use. The Planning Commission may authorize the joint use of parking facilities for exercise clubs subject to the following standards:

"The planning commission may issue a conditional use permit to allow up to fifty percent (50%) of the parking facilities of a use that is primarily daytime use to be used to satisfy the parking facilities required by this article for an exercise club or private training center considered to be primarily an early morning and/or nighttime use, provided the latter use has different peak hours of operation than the daytime use, and provided further that all of the following criteria are met:

- 1. The parking facilities are located on site in an existing building in the business triangle, as defined in section 10-3-3301 of this chapter; and*
- 2. The parking facilities have a minimum of five hundred (500) parking spaces; and*
- 3. A parking utilization study prepared by a certified traffic engineer establishes, to the satisfaction of the planning commission, that the parking facilities required by this chapter exceed the demand for parking spaces that will be generated by the proposed use and the other uses in the subject building."*

The proposed Zone Text amendment would revise criterion 1 above to delete the reference to "business triangle" thereby making the CUP for shared parking available citywide, including to the subject project, as long as criteria 2 and 3 are also met. Accordingly, the proposed project has been presented as a use that is primarily a morning and nighttime use, and the applicant seeks approval to have joint use of the on-site parking facilities in order to satisfy the parking requirements set forth in the Municipal Code. If the Zone Text amendment is approved, it would allow for the proposed LA Fitness to be established at 9100 Wilshire Boulevard pursuant to approval of a CUP for shared parking.

ZONING CODE¹ COMPLIANCE

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

Use

The proposed exercise club is a permitted use within the subject property, which is commercially zoned (C-3) and located outside the Business Triangle.

Parking

A total of 978 parking spaces are provided onsite for the existing commercial building which is a rate greater than 1 space per 350 square feet of floor area due to the presence of approximately 27,000 square feet of medical offices; however, even with a surplus of parking spaces the building does not have a sufficient number of parking spaces to independently meet the parking requirements for the exercise club (1 space per 100 square feet). As outlined above, and subject to approval of the proposed Zone Text Amendment, up to 50% of the parking spaces required to be provided for the daytime (office) uses may be applied to an exercise club use that primarily operates during morning and nighttime hours. Therefore, conservatively 400 parking spaces are available for use as joint parking, which far exceeds the code requirement of approximately 156 spaces for the exercise club. As a result, the project would satisfy all applicable parking requirements if a shared parking arrangement is approved. Furthermore, a parking utilization study has been prepared by a licensed traffic engineer documenting the sufficient availability of parking spaces.

Agency Review²

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

- TRANSPORTATION DIVISION

The Transportation Division has reviewed the traffic and parking analysis submitted by the applicant, and is in agreement with the methodology and findings of the report. The proposed project will not result in a significant impact with regard to trip generation, nor will the joint use of parking facilities result in any shortfall of parking spaces, even at times of peak parking demand. The applicant's traffic and parking analysis is provided as Attachment F, and provides additional details regarding the assumptions and conclusions.

GENERAL PLAN³ POLICIES

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

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

² Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- Policy LU 15.1 Economic Vitality and Business Revenue. Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.
- Policy LU 16.3 Equitable Distribution of Uses and Amenities. Strive to ensure that services and neighborhood amenities are distributed equitably throughout the city.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines⁴, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines for minor interior improvements and operational changes at the subject property, and Section 15305 (Class 5) of the Guidelines for minor alterations in land use limitations because the ordinance would not result in any changes in land use or density. The interior improvements, operational changes, and minor changes in land use limitations do not result in any significant environmental impacts, including traffic and parking, and are therefore exempt from further review under the provisions of CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	6/22/2012	6 Days
Newspaper Notice	10 Days	6/18/2012	6/15/2012	13 Days
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	6/18/2012	6/18/2012	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	6/22/2012	6 Days

Public Comment

The City has not received any public comments regarding the project as of the writing of this report.

ANALYSIS⁵

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment A and may be used to guide the Planning Commission's deliberation of the subject project.

The findings for a Zone Text Amendment relate to the amendment's impact on the public interest and general welfare. The required findings for the use of joint parking facilities relate to the availability of on-site parking during peak- and off-peak hours, and the time periods during the day that the uses

⁴ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

⁵ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

within the subject property operate. In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Zone Text Amendment. Current code standards allow an exercise club to request the use of joint parking facilities only if it is located within the Business Triangle. The subject property is located outside the Business Triangle, and therefore requests an amendment that would eliminate the requirement that an exercise club with joint parking facilities be located within the Business Triangle. Exercise clubs are already a permitted use in commercial areas outside the Business Triangle, but must provide independent parking at a rate of 1 space per 100 square feet of floor area. Therefore, the proposed amendment would not modify the allowed uses or densities outside the Business Triangle, but would offer improved flexibility for exercise clubs attempting to obtain compliance with the City's parking requirements. Any such request for the use of joint parking facilities would continue to be a discretionary action, and would therefore be subject to review and analysis by the Planning Commission. Therefore, the proposed amendment is not anticipated to result in any adverse impacts. Furthermore, it would be appropriate to provide this flexibility in the Code because exercise clubs can be a compatible and beneficial use in vacant ground floor areas of existing commercial buildings, providing an amenity for the building and nearby residents and creating a friendlier street presence mornings and evenings.

Conditional Use Permit

Traffic. Although a project's impact on traffic circulation is not specifically identified as a finding for approval of joint parking facilities, staff directed the applicant to prepare a traffic study to ensure that no impacts would result. The study is provided as Attachment F and concludes that the additional vehicle trips generated by the project would not result in a significant impact to any of the study intersections or street segments. The exercise club would replace an existing bank, and in order to provide a conservative assessment of the project's trip generation, trip credits for the bank were calculated using the empirical bank trip generation data gathered during the Commission's review of the Equinox exercise club project. Based on this analysis, the project would result in an estimated net increase of 317 vehicle trips per day, which is not a level that would trigger a significant impact. The traffic study has been peer reviewed by the City's Transportation Engineer, and the City's engineer supports the methodology and conclusions outlined in the study. Therefore, it is concluded the project will not result in any traffic-related impacts.

Parking. A detailed parking demand analysis was prepared by the applicant's traffic consultant in order to assess existing, future, and peak demand at the subject property. The parking demand analysis considered the code requirement of 10 spaces per 1,000 square feet as a worst case baseline scenario for the exercise club, despite the fact that empirical parking data suggests that actual parking demand would be closer to 6 spaces per 1,000 square feet. The information and analysis provided in the parking demand study shows that the project will not result in a shortfall of parking spaces during any period of the day. The hour of peak parking demand for the project is anticipated to occur between 5:00 PM and 7:00 PM based on data from similar LA Fitness locations, whereas the peak parking demand for the office uses is expected to occur between 11:00 AM and 4:00 PM based on empirical parking counts. The overall peak demand for the building, inclusive of the project, is expected to occur at 11:00 AM, with a peak demand of 957 spaces. Even with an overall peak demand of 957 spaces, a surplus of 21 parking spaces

is expected to remain available. Additionally, it should be noted that of the 957 spaces being utilized, 70 of the spaces are occupied by month-to-month leased spaces that can be terminated if the Commission determines that such action is necessary to ensure that the project will not result in a parking shortfall. Therefore, the use of joint parking facilities is not anticipated to result in a parking shortfall.

In addition to finding that the project will not result in a parking shortfall, the Planning Commission must determine that the project is primarily a morning and nighttime use. Based on the empirical usage data logged by the applicant's other fitness facilities, greater than 50% of the weekday activity at the exercise club will occur prior to 8:00 AM and after 5:00 PM. Because more than 50% of the total daily activity occurs during morning and nighttime hours, the project can be considered to be primarily a morning and nighttime use. Additionally, the empirical parking counts show that the office uses in the building are primarily used during daytime hours, with peak usage occurring between 11:00 AM and 4:00 PM. Therefore, the project satisfies the code requirements for establishing joint parking facilities.

Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment A):

- *"The conditions of approval set forth in this resolution are specifically tailored to address the operation of an exercise club that substantially conforms to the project presented to and approved by the Planning Commission at its meeting of June 28, 2012. To ensure that a subsequent exercise facility operated at the subject site does not cause adverse impacts to other building tenants or adjacent land uses, any transfer of ownership, management, or control of the proposed facility shall be reviewed by the Director of Community Development to determine whether the proposed operations of the new facility substantially conform to the project approved by the Planning Commission. If the Director determines that the proposed operations do not substantially conform to the approved project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the approval of joint parking facilities or to impose additional conditions as necessary to ensure that the operation of a subsequent exercise facility at the subject site is compatible with adjacent land uses."* (Special Condition 1)

The purpose of the above condition is to ensure consistency with any project approvals granted by the Planning Commission. In the event that any operations are determined to be inconsistent with any approvals granted, modification or revocation of the approvals will be possible.

- *"Prior to the issuance of building permits for any exterior work, all exterior modifications to the building, as well as signage and window displays, shall be submitted to and approved by the Architectural Commission."* (Special Condition 2)

The purpose of the above condition is to ensure that an appropriate architectural design is executed with the goal of enhancing the built environment and pedestrian experience.

- *“The Applicant shall provide two (2) hours of free validated parking to all exercise club members and guests of members.” (Special Condition 3)*

The purpose of the above condition is to ensure that users of the exercise club are using the on-site parking facilities, rather than using off-site facilities and potentially impacting other parking operations within the city.

- *“The Applicant shall provide free on-site parking at all times for employees and any other consultants or agents retained by the applicant in connection with the operation of the Project.” (Special Condition 4)*

The purpose of the above condition is to ensure that employees or consultants park on-site, and do not cause spillover into any residential areas or impact existing parking operations within the vicinity of the project.

- *“The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.” (Special Condition 5)*

The purpose of the above condition is to ensure that the project does not result in any unanticipated impacts related to traffic or parking. Should issues arise, this condition gives the Director and Commission the latitude to re-review the project relative to traffic and parking impacts.

- *“This approval shall not become effective unless and until the proposed Zone Text Amendment regarding the use of joint parking facilities for exercise clubs located outside the Business Triangle has been adopted by the City Council and has taken effect.”*

The purpose of the above condition is to clarify that any approvals granted by the Planning Commission are dependent on the City Council’s review of the proposed Zone Text Amendment.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolutions conditionally approving the requested Conditional Use Permit and recommending that the City Council approve the requested Zone Text Amendment.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



Michele McGrath, Principal Planner

ATTACHMENT A
Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

Zone Text Amendment

1. *The Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.*

The proposed Zone Text Amendment is intended to add flexibility to the Code for exercise clubs located Outside the Business Triangle. Exercise clubs are currently a permitted use in commercial areas but must provide independent parking at a rate of 1 space per 100 square feet of floor area. This parking ratio often precludes exercise clubs from being established within existing commercial buildings since it is generally not possible to add parking spaces to an existing building for the purpose of satisfying the exercise club parking requirements.

Exercise clubs located inside the Business Triangle are afforded the option of requesting a Conditional Use Permit for the joint use of parking facilities, which can provide the flexibility for an exercise club to be established within an existing commercial building. The proposed amendment would allow exercise clubs located outside the Business Triangle to request the same consideration for joint parking facilities as can currently be requested by exercise clubs located inside the Business Triangle, and would not result in any changes to allowed uses or densities within the City's commercial zones. Any application for a Conditional Use Permit would be reviewed on a case-by-case basis and findings would need to be made by the reviewing authority based on the merits of each application. Because the amendment allows for added flexibility regarding parking for exercise clubs, and maintains discretionary review of any such request for joint use of parking facilities, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Conditional Use Permit

1. *The use of joint parking facilities will not be detrimental to adjacent property or to the public welfare.*

A detailed traffic report and parking demand analysis was prepared by the applicant's traffic consultant and peer reviewed by the City's Transportation Engineer. Based on empirical parking data and the City's code standards, the existing and future parking demand at the subject property will not result in a shortfall of parking spaces during any period of the day. Peak weekday parking demand for the project is anticipated to occur between 5:00 PM and 7:00 PM, whereas the peak parking demand for the office uses within the subject property is expected to occur at 11:00 AM. The overall peak demand for the building, inclusive of the project, is expected to occur at 11:00 AM, with a peak demand of 957 spaces. The overall peak demand of 957 spaces at 11:00 AM results in a surplus of 21 parking spaces that would remain available on-site. Therefore, the use of joint parking facilities will not result in a parking shortfall, and will therefore not be detrimental to adjacent property or the public welfare.

DRAFT CONDITIONS

Project Specific Conditions

1. The conditions of approval set forth in this resolution are specifically tailored to address the operation of an exercise club that substantially conforms to the project presented to and approved by the Planning Commission at its meeting of June 28, 2012. To ensure that a subsequent exercise facility operated at the subject site does not cause adverse impacts to other building tenants or adjacent land uses, any transfer of ownership, management, or control of the proposed facility shall be reviewed by the Director of Community Development to determine whether the proposed operations of the new facility substantially conform to the project approved by the Planning Commission. If the Director determines that the proposed operations do not substantially conform to the approved project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the approval of joint parking facilities or to impose additional conditions as necessary to ensure that the operation of a subsequent exercise facility at the subject site is compatible with adjacent land uses.
2. Prior to the issuance of building permits for any exterior work, all exterior modifications to the building, as well as signage and window displays, shall be submitted to and approved by the Architectural Commission.
3. The Applicant shall provide two (2) hours of free validated parking to all exercise club members and guests of members.
4. The Applicant shall provide free on-site parking at all times for employees and any other consultants or agents retained by the applicant in connection with the operation of the Project.
5. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.
6. This approval shall not become effective unless and until the proposed Zone Text Amendment regarding the use of joint parking facilities for exercise clubs located outside the Business Triangle has been adopted by the City Council and has taken effect.

Standard Conditions

Please see attached resolution (Attachment C)

ATTACHMENT B

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: June 28, 2012
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, June 28, 2012, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for a Zone Text Amendment to Section 10-3-1618 of the Beverly Hills Municipal Code regarding parking restrictions for exercise clubs and private training centers. If approved, the Zone Text Amendment would allow for the use of shared parking facilities to satisfy parking requirements for exercise clubs and private training centers located in the commercial areas of the city. Current code requirements restrict shared parking eligibility to those exercise clubs and private training centers located in the Business Triangle area of the city, whereas the amendment would allow shared parking throughout the city's commercial zones if approved through the issuance of a Conditional Use Permit; and

A request for a Conditional Use Permit to allow the use of shared parking facilities to establish an approximately 15,000 Square foot exercise club (LA Fitness). This request is being made pursuant to the proposed Zone Text Amendment described above, and would be contingent on the approval of the Zone Text Amendment. The subject property is located at 9100 Wilshire Boulevard, and the exercise club is proposed to be established within a portion of the ground floor and mezzanine areas of the existing building.

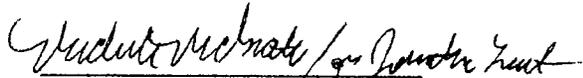
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 5 Categorical Exemption (Section 15305 of the CEQA Guidelines) for minor alterations in land use limitations because the ordinance would not result in any changes in land use or density. The project also qualifies for a Class 1 Categorical Exemption (Section 15301 of the CEQA Guidelines) for interior and exterior alterations to an existing commercial building. The project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

If you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Ryan Gohlich, Associate Planner in the Planning Division at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:


Jonathan Lait, AICP, City Planner

Mailed June 14, 2012

ATTACHMENT C
DRAFT CUP RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT FOR THE JOINT USE OF PARKING FACILITIES IN CONJUNCTION WITH THE ESTABLISHMENT OF AN APPROXIMATELY 15,000 SQUARE FOOT EXERCISE CLUB TO BE LOCATED WITHIN PORTIONS OF THE GROUND FLOOR AND MEZZANINE OF THE PROPERTY LOCATED AT 9100 WILSHIRE BOULEVARD (LA FITNESS).

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

Section 1. Murray Fischer, Applicant, on behalf of LA Fitness, (collectively the "Applicant") has submitted an application to allow the joint use of parking facilities in conjunction with the establishment of an approximately 15,000 square exercise club to be located within portions of the ground floor and mezzanine of an existing commercial building located outside the Business Triangle on the property locate at 9100 Wilshire Boulevard (the "Project"). An exercise club is a permitted use within the City's commercial zones; however, the use of joint parking facilities requires the issuance of a Conditional Use Permit (CUP) by the Planning Commission.

Section 2. The project site is located at the southwest corner of Wilshire Boulevard and Doheny Drive, just east of the Business Triangle. The existing neighborhood character within the vicinity of the project consists of a variety of commercial developments, which are predominantly occupied by retail and general office uses. The subject property

contains two 10-story buildings, and parking is provided within the building, as well as from a multi-level parking structure across the alley to the south.

The project consists of the operation of an approximately 15,000 square foot exercise club within a portion of the first floor and mezzanine of the existing commercial building at the subject property. The existing commercial building has a total gross floor area of approximately 305,000 square feet, which results in the exercise club occupying approximately 5% of the building's total floor area. In conjunction with the request for a CUP for the joint use of parking facilities, the Applicant has requested a Zone Text Amendment to allow exercise clubs located outside the Business Triangle to provide parking through the joint use of parking facilities. The request for a Zone Text Amendment is separately addressed by Planning Commission Resolution No. _____.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 1 Categorical Exemption has been issued in accordance with the requirements of Sections 15301 of the Guidelines for the Project. The Class 1 exemption is applicable because the Project results in operational changes and minor interior tenant improvements to an existing commercial building, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was published in two newspapers of local circulation on June 15, 2012 and June 20, 2012, and on June 18, 2012 a mailed notice was sent to all property owners and residential tenants within a 300-foot radius of the property. On June 28, 2012 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a CUP for joint use of parking facilities, the Planning Commission was required to make the following finding:

1. The use of joint parking facilities will not be detrimental to adjacent property or to the public welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. A detailed traffic report and parking demand analysis was prepared by the applicant's traffic consultant and peer reviewed by the City's Transportation Engineer. Based on empirical parking data and the City's code standards, the existing and future parking demand at the subject property will not result in a shortfall of parking spaces during any period of the day. Peak weekday parking demand for the project is anticipated to occur between 5:00 PM and 7:00 PM, whereas the peak parking demand for the office uses within the subject property is expected to occur at 11:00 AM. The overall peak demand for the building, inclusive of the project, is expected to occur at 11:00 AM, with a peak demand of 957 spaces. The overall peak demand of 957 spaces at 11:00 AM results in a surplus of 21 parking spaces that

would remain available on-site. Therefore, the use of joint parking facilities will not result in a parking shortfall, and will therefore not be detrimental to adjacent property or the public welfare.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Conditional Use Permit, subject to the following conditions:

1. The conditions of approval set forth in this resolution are specifically tailored to address the operation of an exercise club that substantially conforms to the project presented to and approved by the Planning Commission at its meeting of June 28, 2012. To ensure that a subsequent exercise facility operated at the subject site does not cause adverse impacts to other building tenants or adjacent land uses, any transfer of ownership, management, or control of the proposed facility shall be reviewed by the Director of Community Development to determine whether the proposed operations of the new facility substantially conform to the project approved by the Planning Commission. If the Director determines that the proposed operations do not substantially conform to the approved project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the approval of joint parking facilities or to impose additional conditions as necessary to ensure that the operation of a subsequent exercise facility at the subject site is compatible with adjacent land uses.

2. Prior to the issuance of building permits for any exterior work, all exterior modifications to the building, as well as signage and window displays, shall be submitted to and approved by the Architectural Commission.

3. The Applicant shall provide two (2) hours of free validated parking to all exercise club members and guests of members.

4. The Applicant shall provide free on-site parking at all times for employees and any other consultants or agents retained by the applicant in connection with the operation of the Project.

5. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

6. This approval shall not become effective unless and until the proposed Zone Text Amendment regarding the use of joint parking facilities for

exercise clubs located outside the Business Triangle has been adopted by the City Council and has taken effect.

7. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

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

9. EXPIRATION. Conditional Use Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

10. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

11. This approval is for those plans submitted to the Planning Commission on June 28, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

12. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

13. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

14. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

15. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

16. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

17. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

18. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

19. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

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

21. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the

City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

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

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

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

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

26. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

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

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

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

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

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

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Michele McGrath
Acting City Planner

ATTACHMENT D
DRAFT ZONE TEXT AMENDMENT RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS
RECOMMENDING ADOPTION OF AN ORDINANCE
OF THE CITY OF BEVERLY HILLS AMENDING
PARKING RESTRICTIONS FOR EXERCISE CLUBS
LOCATED OUTSIDE THE BUSINESS TRIANGLE.

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

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 28, 2012, at which times it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public health, safety, and general welfare, and that such Amendment is consistent with the general objectives, principles, and standards of the General Plan;

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

Section 1. The Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is applicable because the ordinance would not result in any changes in land use or density. Further, any approval for a Conditional Use Permit for the joint use of parking facilities is subject to discretionary review and analysis on a case-by-case basis by the Planning Commission.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to serve exercise clubs located Outside the Business Triangle. Exercise clubs located outside the Business Triangle are currently a permitted use, but must provide independent parking at a rate of 1 space per 100 square feet of floor area. This parking ratio often precludes exercise clubs from being established within existing commercial buildings since it is generally not possible to add parking spaces to an existing building for the purpose of satisfying the exercise club parking requirements.

Exercise clubs located inside the Business Triangle are afforded the option of requesting a Conditional Use Permit for the joint use of parking facilities, which can provide the flexibility for an exercise club to be established within an existing commercial building. The proposed amendment would allow exercise clubs located outside the Business Triangle to request the same consideration for joint parking facilities as can currently be requested by exercise clubs located inside the Business Triangle, and would not result in any changes to allowed uses or densities within the City's commercial zones. Any application for a Conditional Use Permit would be reviewed on a case-by-case basis and findings would need to be made by the reviewing authority based on the merits of each application. Because the amendment allows

for added flexibility regarding parking for exercise clubs, and maintains discretionary review of any such request for joint use of parking facilities, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

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

Adopted:

Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Michele McGrath
Acting City Planner

ATTACHMENT E
DRAFT ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL
CODE REGARDING PARKING RESTRICTIONS FOR
EXERCISE CLUBS.

WHEREAS, on June 28, 2012 the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the parking restrictions for exercise clubs as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on _____, 2012, the City Council conducted a duly noticed public hearing to consider proposed amendments to the parking restrictions for exercise clubs and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5

exemption is applicable because the ordinance would not result in any changes in land use or density. Further, any approval for a Conditional Use Permit for the joint use of parking facilities is subject to discretionary review and analysis on a case-by-case basis by the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS
DOES ORDAIN AS FOLLOWS:

Section 1. Subsection B. of Section 10-3-1618 (EXERCISE CLUBS AND PRIVATE TRAINING CENTERS; PARKING RESTRICTIONS) of Article 16 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“B. Notwithstanding the provisions of section 10-3-2730 of this chapter, the planning commission may issue a conditional use permit to allow up to fifty percent (50%) of the parking facilities of a use that is primarily daytime use to be used to satisfy the parking facilities required by this article for an exercise club or private training center considered to be primarily an early morning and/or nighttime use, provided the latter use has different peak hours of operation than the daytime use, and provided further that all of the following criteria are met:

1. The parking facilities are located on site in an existing building ~~in the business triangle, as defined in section 10-3-3301 of this chapter;~~ and

2. The parking facilities have a minimum of five hundred (500) parking spaces;
and

3. A parking utilization study prepared by a certified traffic engineer establishes, to the satisfaction of the planning commission, that the parking facilities required by this chapter

exceed the demand for parking spaces that will be generated by the proposed use and the other uses in the subject building.

Section 2. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.”

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

WILLIE BRIEN
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager

SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT F
TRAFFIC AND PARKING STUDY



May 17, 2012

Mr. Ryan Gohlich
Associate Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills CA 90212

RE: Revised Traffic Assessment, LA Fitness Club, 9100 Wilshire Boulevard, Beverly Hills

Dear Mr. Gohlich,

Attached is our revised traffic assessment, dated May 17, 2012, for the proposed LA Fitness Club project in Doheny Plaza, 9100 Wilshire Boulevard, in the City of Beverly Hills. Please contact me if you have any questions.

Sincerely,

Roy Nakamura, TR 445
Senior Transportation Engineer

C20615
attachment
cc: Greg Gill
Murray Fischer

300 Corporate Pointe
Suite 470
Culver City, CA. 90230
310 473 6508 (main)
310 444 9771 (fax)

www.crainandassociates.com

**LA FITNESS CLUB
DOHENY PLAZA, 9100 WILSHIRE BOULEVARD, BEVERLY HILLS
TRAFFIC ASSESSMENT**

This traffic assessment has been prepared for the LA Fitness Club project (the "Project") proposed in Doheny Plaza, 9100 Wilshire Boulevard, in the City of Beverly Hills. Doheny Plaza, an office complex, is located on the south side of Wilshire Boulevard between Doheny Drive on the east and Oakhurst Drive on the west. The Project, which will contain 15,573 square feet, will occupy the space of the previous tenant, California National Bank. The floor area for the bank was 15,660 square feet. The Project is smaller by 87 square feet due to stairway modifications and the deletion of a minor amount of electrical, elevator and equipment area.

Project Site Trip Generation

The Project is expected to exhibit generally the same trip generation characteristics as the health/fitness clubs studied in the current Institute of Transportation Engineers (ITE) Trip Generation handbook. As recommended by City staff, the health/fitness club trip generation rates from that handbook were used to estimate the trips generated by the Project. For the estimation of trips generated by the previous use, the bank, City staff recommended application of the empirical trip generation rates determined for the bank use in the Equinox traffic study, dated January 6, 2011. Staff considered those empirical rates to be more appropriate than ITE's current rates for banks. The applicable trip generation rates are provided below.

Per ITE Trip Generation Manual

Health/Fitness Club Daily: 32.93 trips per 1,000 sf
AM Peak Hour: 1.38 trips per 1,000 sf (45% inbound;
55% outbound)
PM Peak Hour: 3.53 trips per 1,000 sf (57% inbound;
43% outbound)

Per Equinox Traffic Study

Bank Daily: 12.49 trips per 1,000 sf
AM Peak Hour: 0.00 trips per 1,000 sf
PM Peak Hour: 0.79 trips per 1,000 sf (50% inbound;
50% outbound)

Applying the above trip generation rates, the trip generations of the Project and the previous use were calculated. As shown in Table 1, the Project-only trip generation would be 513 trips per day, including 21 AM and 55 PM peak-hour trips. The calculated trip generation for the previous

use is 196 trips per day, with zero AM peak-hour trips and 12 PM peak-hour trips. Compared to the previous use, the increase in Project trip generation would be an estimated 317 daily trips, 21 AM peak-hour trips and 43 PM peak-hour trips.

Table 1
Project Site Trip Generation & Comparison

<u>Use & Size</u>	<u>Daily</u>	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
		<u>I/B</u>	<u>O/B</u>	<u>I/B</u>	<u>O/B</u>
<u>Project (A)</u>					
Health/Fitness Club 15,573 sf	513	9	12	31	24
<u>Previous Use (B)</u>					
Bank 15,660 sf	<u>196</u>	<u>0</u>	<u>0</u>	<u>6</u>	<u>6</u>
<i>Project Incremental Increase (A - B)</i>	317	9	12	25	18
		[21]		[43]	

Project Traffic Impact

Intersection Analysis

For purposes of a conservative analysis, the Project-only trips were analyzed to determine whether they might result in a significant traffic impact. This analysis focused on the signalized intersection of Wilshire Boulevard/Doheny Drive, which abuts the Project site. This intersection will be traversed the most by Project traffic and is the most critical to Project access.

As shown in attached Figure 1, it is estimated that a total of approximately 75 percent of Project traffic would be assigned to Wilshire Boulevard east and west of Doheny Drive, and Doheny Drive north of Wilshire Boulevard to access the Project site. The remaining 25 percent of Project traffic is estimated to use Doheny Drive south of the site, which accesses streets farther south and east-west cross streets.

The trip assignment percentages in Figure 1 were applied to the Project-only AM and PM peak-hour trips in Table 1, resulting in the inbound and outbound traffic volumes for the intersection of Wilshire Boulevard/Doheny Drive, and for Doheny Drive south of the Project site. These traffic volumes are depicted in attached Figure 2.

The intersection volumes in Figure 2 were analyzed using the City's Intersection Capacity Utilization (ICU) methodology to determine the numerical impacts of the Project-only trips at the intersection of Wilshire Boulevard/Doheny Drive. The existing traffic lane configuration for this intersection, shown in attached Figure 3, was used in the ICU analysis. Based on the critical volumes at this intersection, it was determined the magnitude of these impacts would be 0.006 and 0.014 during the respective AM and PM peak hours. The ICU worksheets for these calculations are attached.

According to the City's significant intersection impact criteria, a project's impact is considered to be significant if it is 0.030 or greater and the resulting Level of Service (LOS) is A, B, C or D, or if it is 0.020 or greater and the resulting LOS is E or F. As noted above, the largest impact attributable to Project-only trips at the intersection of Wilshire Boulevard/Doheny Drive would be 0.014. This impact, which reflects a "worst case" procedure, would be less than significant under the most stringent criteria, regardless of the resulting LOS. In fact, the magnitude of this impact could be less if existing or other traffic volumes were included in the ICU analysis.

Street Segment Analysis

Doheny Drive is a collector street in the City of Beverly Hills. As collector streets are intended to carry heavier traffic volumes than local streets, they generally are not analyzed relative to residential street impacts. Nevertheless, for purposes of this traffic assessment, a residential street segment impact analysis was performed for Doheny Drive south of the project site and north of Wilshire Boulevard.

Based on the Project-only daily trip generation in Table 1 and the trip assignments percentages in Figure 1, it is estimated that the Project would add 385 trips per day to Doheny Drive between Wilshire Boulevard and the paralleling east-west alley to the south, and 128 trips per day between the alley and Charleville Boulevard. An estimated 103 Project trips per day would be added to Doheny Drive north of Wilshire Boulevard. These Project daily traffic volumes were compared to the City's residential street segment impact criteria summarized in Table 2.

Under the City's residential street impact methodology, the overall average daily traffic volume (ADT) is the combination of the existing ADT and the daily traffic volumes of a project on a street segment. The ADT impact percentage is calculated by dividing the project daily traffic volume by the overall ADT on the segment.

Table 2
Average Daily Traffic Volume (ADT) Impact Thresholds
Residential Street Segments

<u>ADT</u>	<u>Significant Impact Threshold</u>
≤ 2,000	≥ 16% of ADT
2,001 to 4,000	≥ 12% of ADT
4,001 to 6,750	≥ 8% of ADT
≥ 6,751	≥ 6.25% of ADT

Daily traffic volumes for Doheny Drive were obtained or estimated from traffic counts conducted by the City in February 2012, as shown below.

<u>Doheny Drive</u>	<u>Northbound</u>	<u>Southbound</u>	<u>Total</u>
Bet. Wilshire & Charleville Blvds.	8,130	7,910 est.*	16,040
North of Wilshire Blvd.	9,200	8,950	18,150

* No southbound traffic count was conducted on this segment; therefore, southbound daily volume estimated on basis of "southbound-to-northbound" ratio of north of Wilshire Boulevard daily volumes.

Using the above daily volumes, a residential street impact analysis was performed for Doheny Drive. The results are presented in Table 3.

Table 3
Residential Street Impact Analysis

	<u>Existing Daily Vol.</u>	<u>Project Daily Vol.</u>	<u>Total Daily Vol.</u>	<u>Increase Due To Project (%)</u>
Doheny Dr. bet. Wilshire Blvd. & Alley	16,040	385	16,425	2.3%
Doheny Dr. bet. Alley & Charleville Blvd.	16,040	128	16,168	0.8%
Doheny Dr. north of Wilshire Blvd	18,150	103	18,253	0.6%

As is evident, the Project's percentage increases in daily volumes on Doheny Drive would be substantially below the applicable significant impact threshold of 6.25 percent in Table 2.

Summary

Conservative procedures and assumptions were used in this traffic assessment for the Project. The traffic impacts were analyzed using Project-only trips. No credit for any of the trips attributable to the previous tenant was included. Based on the preceding conservative analysis, the Project would not be expected to result in a significant traffic impact to intersections or street segments.

ATTACHMENTS

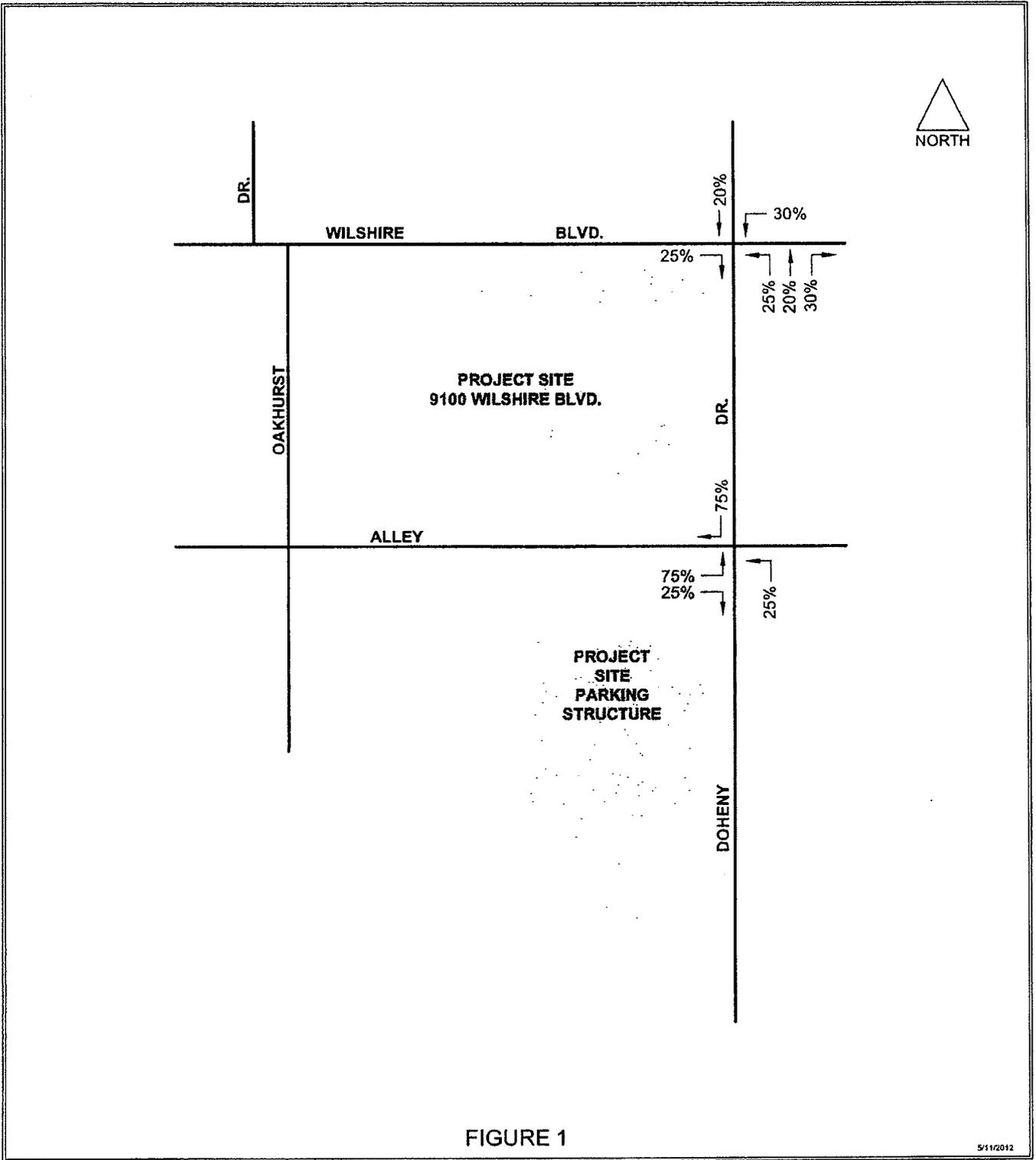


FIGURE 1

5/11/2012

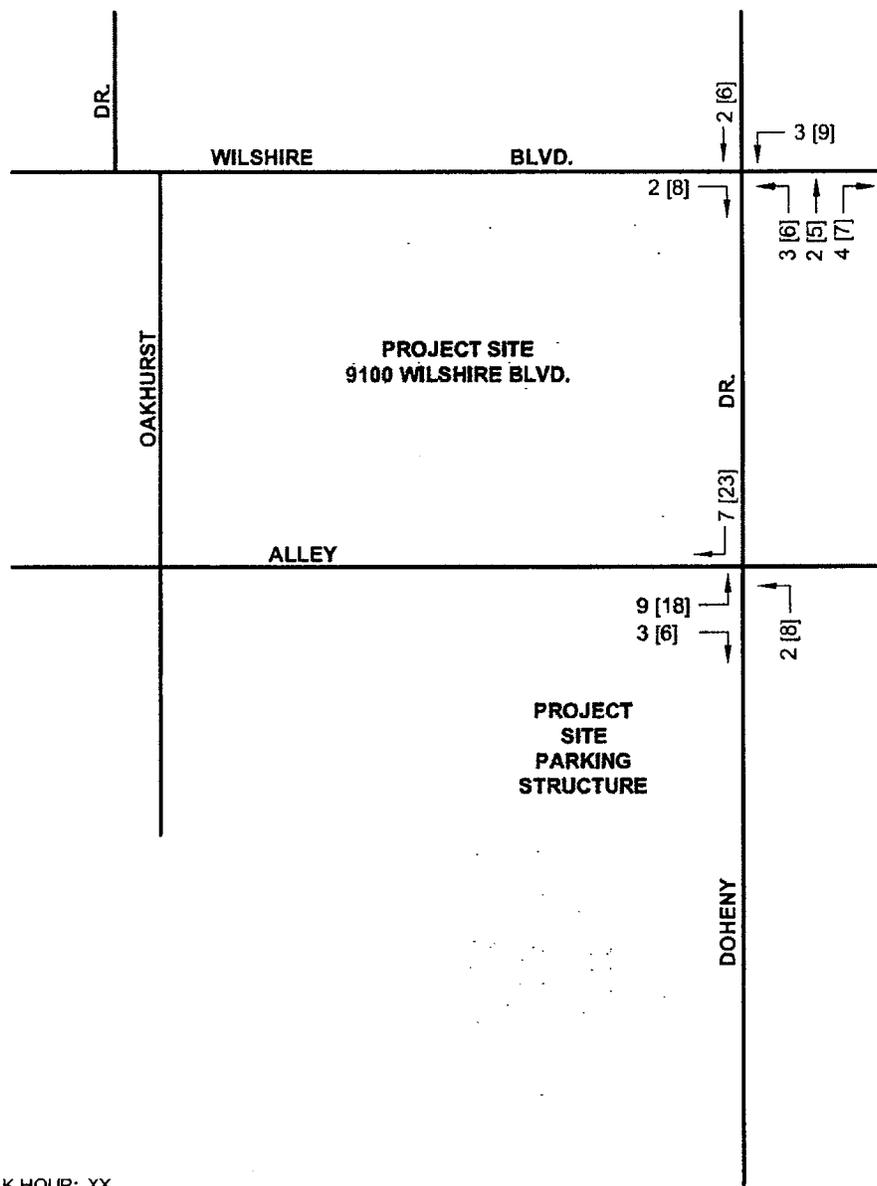
FN LA FITNESS BEV HILLS TRIP DIST

PROJECT TRIP ASSIGNMENT PERCENTAGES



Transportation Planning
Traffic Engineering

300 Corporate Pointe, Suite 470
Culver City, California 90230
PH (310) 473 6508 F (310) 444 9771
www.crainandassociates.com



AM PEAK HOUR: XX
PM PEAK HOUR: [XX]

FIGURE 2

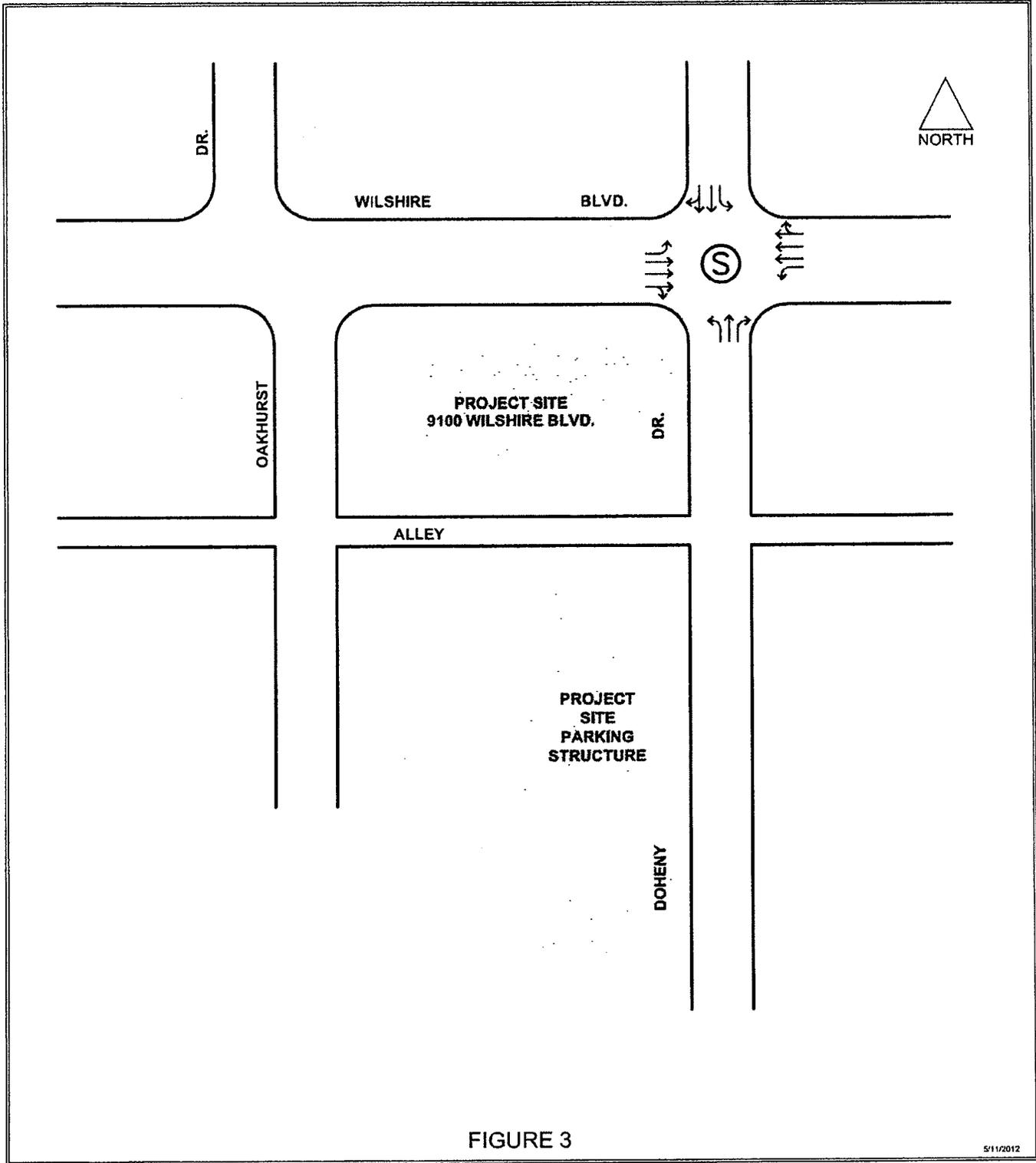
5/17/2012

FN: LA FITNESS BEV HILLS/PEAK-HOUR VOL

PROJECT PEAK-HOUR TRAFFIC VOLUMES



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Traffic Engineering
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FN LA FITNESS BEV HILSLANE CONFIG

WILSHIRE BOULEVARD & DOHENY DRIVE
LANE CONFIGURATION



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Traffic Engineering

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CRAIN & ASSOCIATES
 ICU CALCULATIONS
 LA FITNESS, BEVERLY HILLS

Intersection No. 1
 Date: 5/17/2012

Wiltshire Blvd. / Doheny Ave.
 Initials: HS

Case: Project-Only Volumes

MOVEMENT	NO. OF LANES	CAPACITY	AM PEAK HOUR			PM PEAK HOUR		
			BASE VOLUMES	V/C	CRITICAL PAIR	BASE VOLUMES	V/C	CRITICAL PAIR
NB LEFT	1	1,600	3	0.002	0.003	8	0.004	0.006
NB THRU	1	1,600	2	0.001		5	0.003	
NB RIGHT	1	1,600	4	0.003		7	0.004	
SB LEFT	1	1,600	0	0.000	0.002	0	0.000	0.008
SB THRU	2	3,200	2	0.001		6	0.002	
SB RIGHT	0	0	0	0.000		0	0.000	
EB LEFT	1	1,600	0	0.000	0.002	0	0.000	0.014
EB THRU	3	4,800	0	0.000		0	0.002	
EB RIGHT	0	0	2	0.000		8	0.000	
WB LEFT	1	1,600	3	0.002	0.005	9	0.008	0.014
WB THRU	3	4,800	0	0.000		0	0.000	
WB RIGHT	0	0	0	0.000		0	0.000	
			NORTH/SOUTH CRITICAL SUM		0.003	NORTH/SOUTH CRITICAL SUM		0.006
			EAST/WEST CRITICAL SUM		0.002	EAST/WEST CRITICAL SUM		0.008
			INTERSECTION ICU VALUE		0.005	INTERSECTION ICU VALUE		0.014



May 17, 2012

Mr. Greg Gill
Senior Vice President of Development
LA Fitness International, LLC
2600 Michelson Drive, Suite 300
Irvine, CA 92612

RE: Revised Shared Parking Analysis, LA Fitness Club, 9100 Wilshire Boulevard, Beverly Hills

Dear Mr. Gill,

Attached is our revised shared parking analysis, dated May 17, 2012, for the proposed LA Fitness Club project in Doheny Plaza, 9100 Wilshire Boulevard, in the City of Beverly Hills. This analysis was prepared with conservative assumptions and determined that the existing parking supply would be sufficient to accommodate the parking needs of the project and other users without parking deficiency.

Please contact me if you have any questions.

Sincerely,

Roy Nakamura, TR 445
Senior Transportation Engineer

C20582
attachment

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**LA FITNESS CLUB
DOHENY PLAZA, 9100 WILSHIRE BOULEVARD, BEVERLY HILLS
SHARED PARKING ANALYSIS**

An LA Fitness Club of 15,573 square feet (the "Project") is proposed in Doheny Plaza, 9100 Wilshire Boulevard, in the City of Beverly Hills. Doheny Plaza is an office complex comprised of two adjoining office buildings between Doheny Drive and Oakhurst Drive. Doheny Plaza has a total parking supply of 978 striped spaces, which is provided in a subterranean garage with 79 spaces (monthly and valet-attended) and an adjacent structure with 899 spaces. The parking facilities are managed by Ampco System Parking.

The Beverly Hills Municipal Code parking requirement for the Project is 156 spaces, based on a ratio of 1 space per 100 square feet. The parking supply is unable to satisfy this parking requirement on a "stand alone" basis. Pursuant to Section 10-3-2730.F.1 of the Municipal Code, and in conjunction with a proposed Zone Change Text Amendment, this shared parking analysis has been prepared for the Project, consistent with it being a primarily "off hours" use.

Background & Existing Parking Occupancy Survey

Ampco System Parking recently conducted a parking occupancy survey for Doheny Plaza. This survey consisted of hand counts conducted hourly, from 6:00 AM through 8:00 PM, on five weekdays, March 21, 22, 23, 26 and 27, 2012. These days were representative of typical parking demand and utilization. At the time of the survey, Doheny Plaza had there was a vacancy of 21,015 square feet of leasable space (general office use only), in addition to the space not yet occupied by the Project

It should be noted that the survey counted all parked vehicles on all levels. In so doing, the survey inherently accounted for the parking occupancy attributable to all floor area in use at the time, as well as any covenanted and temporary month-to-month parking.

The survey count sheets for the five weekdays, along with the five-day average, are attached as Exhibits 1 - 7. These sheets show the number of parking spaces occupied each hour by the existing users. Compared to the parking supply of 978 spaces, there was no parking shortfall for any hour on any survey day or for the five-day average.

As indicated by the survey count sheets, most of the occupants of Doheny Plaza typically do not start their work day before 9:00 AM. A considerable number of them also depart the premises before 5:00 PM, due to meetings, appointments, personal business and for others reasons. This parking usage pattern complements the primarily "off hours" operation of the Project.

Shared Parking Analysis

Based on current experience with similar LA Fitness clubs in the area, it is anticipated that the Project would have a peak parking demand rate substantially less than the Municipal Code parking ratio of 1 space per 100 square feet for health/fitness clubs. It is also anticipated that the Project parking demand would fluctuate throughout the day, with the majority of the demand generated before 9:00 AM and after 5:00 PM. Nevertheless, for purposes of a conservative shared parking analysis, the Code parking ratio of 1 space per 100 square feet was assumed for the Project, resulting in 156 spaces. As an additional conservative step, this amount of Code parking was further assumed as constant for each hour from 6:00 AM through 8:00 PM.

As previously mentioned, there was a vacancy of 21,015 square feet of leasable area in Doheny Plaza, all of which is designated for general office use (none for medical office use). To conservatively account for the parking demand of this not yet leased office space, the Code parking ratio of 1 space per 350 square feet for office uses was applied, resulting in 60 spaces. Although office parking demand also fluctuates throughout the day, the 60 spaces were also conservatively assumed as constant for each hour.

Using the average hourly parking occupancies determined from the recent survey and adding the constant Code parking requirements for the Project and the vacant office space, an overall, conservative estimate of parking usage was determined. The hourly parking usage attributable to all floor area in Doheny Plaza being in use, as well as any covenanted and temporary month-to-month parking usage, is represented and accounted for in Exhibit 6. As shown, there would still be surplus parking remaining from the 978-space parking supply. Furthermore, as shown in Exhibit 7, if the temporary month-to-month parking were terminated, there would be even more surplus parking remaining.

Other Health/Fitness Club Peak Parking Demand Rates

According to the current Institute of Transportation Engineers and Urban Land Institute manuals, the peak parking demand rates for health/fitness clubs are 5.27 spaces per 1,000 square feet and 7.00 spaces per 1,000 square feet, respectively. For the Equinox Club project previously proposed at 9465 Wilshire Boulevard, an empirical peak parking demand rate of 5.97 spaces per 1,000 square feet (including staff/employee demand) had been determined for that use. If these rates were assumed in place of the Code ratio of 1 space per 100 square feet for the Project, the amount of surplus parking in the above analysis would be even greater.

Summary

Based on typical conditions, the existing parking supply of 978 spaces for Doheny Plaza would satisfy the combined parking demands attributable to all existing and likely users, including the proposed LA Fitness Club, with no resulting deficiency at any time.

EXHIBITS 1 - 7
PARKING OCCUPANCY SURVEY COUNTS & ANALYSIS
DOHENY PLAZA

EXHIBIT 1
9100 Wilshire Boulevard
Parking Occupancy Count

Wednesday, March 21, 2012

	Valet	Structure	MTM*	Total	Total Striped Stalls	Remaining Available Stalls
6a	0	34	34	68	978	910
7a	2	55	34	91	978	887
8a	12	158	36	206	978	772
9a	24	304	51	379	978	599
10a	18	608	68	694	978	284
11a	26	660	68	754	978	224
12p	28	670	66	764	978	214
1p	34	607	76	717	978	261
2p	32	601	56	689	978	289
3p	25	622	62	709	978	269
4p	32	689	72	793	978	185
5p	21	561	54	636	978	342
6p	7	335	65	407	978	571
7p	3	201	61	265	978	713
8p	0	95	61	156	978	822

*MTM Month-To-Month temporary parking

EXHIBIT 2
9100 Wilshire Boulevard
Parking Occupancy Count

Thursday, March 22, 2012

	Valet	Structure	MTM*	Total	Total Striped Stalls	Remaining Available Stalls
6a	0	33	61	94	978	884
7a	2	58	62	122	978	856
8a	10	157	68	235	978	743
9a	13	290	68	371	978	607
10a	22	570	70	662	978	316
11a	32	621	60	713	978	265
12p	26	656	52	734	978	244
1p	36	612	59	707	978	271
2p	31	627	67	725	978	253
3p	30	583	54	667	978	311
4p	31	579	59	669	978	309
5p	15	526	56	597	978	381
6p	17	309	56	382	978	596
7p	2	160	58	220	978	758
8p	0	85	60	145	978	833

*MTM Month-To-Month temporary parking

EXHIBIT 3
9100 Wilshire Boulevard
Parking Occupancy Count

Friday, March 23, 2012

	Valet	Structure	MTM*	Total	Total Striped Stalls	Remaining Available Stalls
6a	1	22	58	81	978	897
7a	1	63	59	123	978	855
8a	5	162	58	225	978	753
9a	8	303	61	372	978	606
10a	16	551	57	624	978	354
11a	26	615	60	701	978	277
12p	30	594	65	689	978	289
1p	27	572	61	660	978	318
2p	31	570	62	663	978	315
3p	33	583	52	668	978	310
4p	30	596	61	687	978	291
5p	21	478	61	560	978	418
6p	22	391	60	473	978	505
7p	5	137	65	207	978	771
8p	0	33	65	98	978	880

*MTM Month-To-Month temporary parking

EXHIBIT 4
9100 Wilshire Boulevard
Parking Occupancy Count

Monday, March 26, 2012

	Valet	Structure	MTM*	Total	Total Striped Stalls	Remaining Available Stalls
6a	0	56	59	115	978	863
7a	2	82	74	158	978	820
8a	12	191	76	279	978	699
9a	16	460	78	554	978	424
10a	23	621	80	724	978	254
11a	35	652	89	776	978	202
12p	35	649	87	771	978	207
1p	29	643	90	762	978	216
2p	32	652	81	765	978	213
3p	33	692	78	803	978	175
4p	39	646	75	760	978	218
5p	17	571	72	660	978	318
6p	9	352	69	430	978	548
7p	8	139	70	217	978	761
8p	3	77	71	151	978	827

*MTM Month-To-Month temporary parking

EXHIBIT 5
9100 Wilshire Boulevard
Parking Occupancy Count

Tuesday, March 27, 2012

	Valet	Structure	MTM*	Total	Total Striped Stalls	Remaining Available Stalls
6a	0	31	76	107	978	871
7a	0	80	76	156	978	822
8a	17	177	75	269	978	709
9a	12	446	78	536	978	442
10a	23	615	77	715	978	263
11a	30	660	70	760	978	218
12p	29	646	69	744	978	234
1p	28	675	66	769	978	209
2p	30	700	68	798	978	180
3p	39	702	65	806	978	172
4p	31	679	62	772	978	206
5p	18	429	62	509	978	469
6p	6	352	64	422	978	556
7p	1	169	63	233	978	745
8p	0	61	63	124	978	854

*MTM Month-To-Month temporary parking

EXHIBIT 6
9100 Wilshire Boulevard
Current Parking Occupancy Count
(Including MTM Parking)

Summary

	3/21	3/22	3/23	3/26	3/27	5-Day Total	Hourly Average	Vacant Space* (21,015 sf) Per Code	LAF Space** (15,573 sf) Per Code	Adjusted Total***	Total Striped Stalls Available	Remaining Stalls
6a	68	94	81	115	107	465	93	60	156	309	978	669
7a	91	122	123	158	156	650	130	60	156	346	978	632
8a	206	235	225	279	269	1214	243	60	156	459	978	519
9a	379	371	372	554	536	2212	442	60	156	658	978	320
10a	694	662	624	724	715	3419	684	60	156	900	978	78
11a	754	713	701	776	760	3704	741	60	156	957	978	21
12p	764	734	689	771	744	3702	740	60	156	956	978	22
1p	717	707	660	762	769	3615	723	60	156	939	978	39
2p	689	725	663	765	798	3640	728	60	156	944	978	34
3p	709	667	668	803	806	3653	731	60	156	947	978	31
4p	793	669	687	760	772	3681	738	60	156	952	978	26
5p	636	597	560	680	509	2962	592	60	156	808	978	170
6p	407	382	473	430	422	2114	423	60	156	639	978	339
7p	265	220	207	217	233	1142	228	60	156	444	978	534
8p	156	145	98	151	124	674	135	60	156	351	978	627

MTM Parking: Month-to-Month parking which can be terminated upon 30 days notice

*Vacant Space Code Parking: 21,015 sf, all office space, for lease x 1 sp/350 sf = 60 sp

**LAF Space Code Parking: 15,573 sf x 1 sp/100 sf = 156 sp

***Adjusted Total = Hourly Average + Vacant Space Per Code + LAF Space Per Code

EXHIBIT 7
9100 Wilshire Boulevard
Current Parking Occupancy Count
(Excluding MTM Parking)

Summary

	3/21	3/22	3/23	3/26	3/27	5-Day Total	Hourly Average	Vacant Space* (21,015 sf) Per Code	LAF Space** (15,573 sf) Per Code	Adjusted Total***	Total Striped Stalls Available	Remaining Stalls
6a	34	33	23	56	31	177	35	60	156	251	978	727
7a	57	80	64	84	80	345	89	60	156	285	978	693
8a	170	167	167	103	194	801	160	60	156	376	978	602
9a	328	303	311	476	458	1876	375	60	156	591	978	387
10a	636	592	567	644	638	3077	815	60	156	831	978	147
11a	686	653	641	687	690	3357	671	60	156	887	978	91
12p	698	682	624	684	675	3363	673	60	156	889	978	89
1p	641	648	599	672	703	3283	653	60	156	869	978	109
2p	633	658	601	684	730	3306	661	60	156	877	978	101
3p	647	613	616	725	741	3342	668	60	156	884	978	94
4p	721	610	626	685	710	3352	670	60	156	886	978	92
5p	582	541	499	588	447	2657	531	60	156	747	978	231
6p	342	326	413	381	358	1800	360	60	156	576	978	402
7p	204	162	142	147	170	825	165	60	156	381	978	597
8p	95	85	33	80	61	354	71	60	156	287	978	691

*Vacant Space Code Parking: 21,015 sf, all office space, for lease x 1 sp/350 sf = 60 sp

**LAF Space Code Parking: 15,573 sf x 1 sp/100 sf = 156 sp

***Adjusted Total = Hourly Average + Vacant Space Per Code + LAF Space Per Code

ATTACHMENT 4

BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-1618

10-3-1618: EXERCISE CLUBS AND PRIVATE TRAINING CENTERS; PARKING RESTRICTIONS:

- A. All exercise clubs and private training centers shall provide parking to their patrons at a fee no greater than that charged at the nearest public parking lot owned by the city of Beverly Hills.

- B. Notwithstanding the provisions of section 10-3-2730 of this chapter, the planning commission may issue a conditional use permit to allow up to fifty percent (50%) of the parking facilities of a use that is primarily daytime use to be used to satisfy the parking facilities required by this article for an exercise club or private training center considered to be primarily an early morning and/or nighttime use, provided the latter use has different peak hours of operation than the daytime use, and provided further that all of the following criteria are met:
 - 1. The parking facilities are located on site in an existing building in the business triangle, as defined in section 10-3-3301 of this chapter; and
 - 2. The parking facilities have a minimum of five hundred (500) parking spaces; and
 - 3. A parking utilization study prepared by a certified traffic engineer establishes, to the satisfaction of the planning commission, that the parking facilities required by this chapter exceed the demand for parking spaces that will be generated by the proposed use and the other uses in the subject building. (Ord. 94-O-205, eff. 8-6-1994; amd. Ord. 02-O-2415, eff. 12-19-2002)