



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: December 5, 2013
To: Honorable Mayor & City Council
From: Jonathan Lait, AICP, Assistant Director of Community Development
Subject: Request of Mayor Mirisch to Discuss the Infiniti Project Located at 9031 Olympic Boulevard
Attachments: 1. Southeast Beverly Hills Residents Council Letter, dated October 9, 2013
2. City Response to October 9 letter
3. City Council Study Session Report, Dated April 11, 2013 with Attachments

BACKGROUND

On October 3, 2013, residents near the subject auto repair facility approached the City Council requesting it stay the processing of the Infiniti project. The Infiniti project includes three properties on Olympic Boulevard and one property at 8825 Wilshire Boulevard. The Planning Commission reviewed and approved a conditional use permit for the property located at 9031 Olympic Boulevard on March 28, 2013. Development at this location is now being reviewed for an administrative building permit. The other sites did not require discretionary review and building permits have already been issued for work on those remaining properties.

On April 11, 2013, at the request of Mayor Mirisch, the City Council considered a request to call for review the Planning Commission's decision (Attachment 3). This request was not supported by a majority of the City Council.

On October 3, 2013, Mayor Mirisch requested the project be re-agendized for a City Council discussion to allow the residents and Councilmembers an opportunity to discuss the project and more specifically, the concerns expressed by area residents. Residents have reported concerns with the traffic study, the project, and the transparency of the review process. There have also been statements alleging serious improprieties which are documented in a letter prepared by a group of residents calling themselves the Southeast Beverly Hills Residents Council (Attachment 1).

On November 8, 2013, the city staff responded to the concerns expressed in the letter, which is attached to this report as Attachment 2.

FISCAL IMPACT

There is no significant budget or fiscal impacts associated with the preparation or recommendation in this report.

RECOMMENDATION

That the City Council discuss and provide direction as appropriate.



Susan Healy Keene
Director of Community Development

ATTACHMENT 1:

Southeast Beverly Hills Residents Council Letter, dated October 12, 2013

SOUTHEAST BEVERLY HILLS RESIDENTS COUNCIL

October 9, 2013

The Honorable John Mirisch
Mayor, Beverly Hills

The Honorable Lili Bosse
Vice Mayor, Beverly Hills

The Honorable William W. Brien, M.D.
Councilmember

The Honorable Julian A. Gold, M.D.
Councilmember

The Honorable Nancy H. Krasne
Councilmember

RE: Conditional Use Permit/Infiniti Project

Dear Mr. Mayor and Councilmembers:

Thank you for considering the requests of the residents of Southeast Beverly Hills (the "Residents") at the most recent City Council hearing of October 3, 2013. While there is much more work to be done, the Residents are encouraged by the City Council's agreement to schedule a study session regarding the Conditional Use Permit ("CUP") for the proposed Infiniti dealership project (the "Project").

Pursuant to Deputy City Manager Aluzri's request, attached please find the traffic study by National Data & Surveying Services and some additional analysis. The attached traffic study, while instructive, is only one part of a required comprehensive study and only one of the alarming issues that have come to light throughout the course of the Project. As the Residents made clear last week, there are serious improprieties with the process by which the CUP was considered and granted, and problems and concerns with the Project itself.

The prejudicial and less than transparent nature of the process leading to the approval of the CUP include (i) lack of notice to the Residents, (ii) disregard for the opinions of the city's own planning staff and traffic engineer, (iii) failure to provide Residents an opportunity to make comment as requested by Planning Commission Chair Corman in an email, (iv) failure to consider Resident requests to postpone the Planning Commission hearing until after the Jewish Passover, (v) Infiniti's anti-Semitic comment in an email forwarded to the City that the Residents are using the "religion card," without any response or protest from the City, (vi) special accommodations for Infiniti and (vii) inappropriate comments by Infiniti, including that the City must accept Infiniti demands because it is hungry for revenue. These are just some of the many improprieties that require immediate attention and are well-documented.

Prepared by MDS&A
VOLUME

Day: Tuesday
 Date: 9/10/2013

Wetherly Dr between Gregory Way & Olympic Blvd

City: Beverly Hills
 Project #: CA13_5454_003

DAILY TOTALS												Total					
NB				SB				EB				WB				996	
457				539				0				0				996	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL	Total					
00:00	2	2			4	12:00	6	7			13	13					
00:15	1	1			2	12:15	8	9			17	17					
00:30	0	0			0	12:30	9	14			23	23					
00:45	0	5	1	4	9	12:45	7	30	11	11	41	71					
01:00	0	0	0	0	0	13:00	5	6	6	6	11	11					
01:15	0	0	0	0	0	13:15	6	5	5	5	11	11					
01:30	0	0	0	0	0	13:30	7	7	15	15	22	22					
01:45	0	0	0	0	0	13:45	9	27	11	11	37	37					
02:00	0	0	1	1	2	14:00	9	4	12	12	21	21					
02:15	0	0	0	0	0	14:15	4	4	14	14	16	16					
02:30	0	0	0	0	0	14:30	5	5	14	14	19	19					
02:45	0	0	0	1	1	14:45	14	32	16	16	54	54					
03:00	0	0	2	2	4	15:00	6	7	14	14	20	20					
03:15	1	1	0	0	2	15:15	7	7	9	9	16	16					
03:30	0	0	0	0	0	15:30	8	7	7	7	15	15					
03:45	0	1	0	0	1	15:45	13	34	12	12	42	42					
04:00	1	0	0	0	1	16:00	9	19	8	8	25	25					
04:15	1	1	0	0	2	16:15	11	13	13	13	24	24					
04:30	1	1	0	0	2	16:30	9	9	11	11	20	20					
04:45	0	3	1	2	6	16:45	13	42	8	8	39	39					
05:00	1	1	1	1	4	17:00	14	17	10	10	31	31					
05:15	2	2	1	1	6	17:15	14	14	10	10	24	24					
05:30	1	1	0	0	2	17:30	11	7	7	7	18	18					
05:45	3	7	1	3	14	17:45	6	45	10	10	44	44					
06:00	1	1	1	1	4	18:00	5	7	7	7	14	14					
06:15	1	0	0	0	1	18:15	13	9	9	9	13	13					
06:30	4	4	4	4	16	18:30	12	12	12	12	24	24					
06:45	1	7	3	8	19	18:45	8	38	6	6	34	34					
07:00	5	2	2	2	11	19:00	4	6	6	6	14	14					
07:15	4	6	6	6	22	19:15	4	4	11	11	15	15					
07:30	5	7	7	7	26	19:30	7	7	4	4	11	11					
07:45	7	21	9	24	45	19:45	7	26	4	4	25	25					
08:00	7	7	7	7	28	20:00	5	4	4	4	11	11					
08:15	4	8	8	8	28	20:15	6	5	5	5	9	9					
08:30	6	6	6	6	24	20:30	7	7	4	4	11	11					
08:45	7	24	8	29	53	20:45	2	20	5	5	18	18					
09:00	4	8	8	8	28	21:00	3	2	2	2	5	5					
09:15	5	9	9	9	32	21:15	4	4	4	4	8	8					
09:30	6	6	6	6	24	21:30	1	1	1	1	2	2					
09:45	6	21	9	35	56	21:45	3	11	4	4	11	11					
10:00	5	5	5	5	20	22:00	2	3	3	3	6	6					
10:15	13	8	8	8	27	22:15	2	2	4	4	6	6					
10:30	5	5	5	5	20	22:30	2	2	2	2	4	4					
10:45	7	30	14	42	72	22:45	0	6	2	2	11	11					
11:00	9	7	8	8	32	23:00	2	2	2	2	4	4					
11:15	7	7	11	11	26	23:15	1	1	1	1	2	2					
11:30	4	4	8	8	14	23:30	0	0	1	1	1	1					
11:45	4	24	2	29	53	23:45	0	3	0	0	4	4					
TOTALS	143	179			322	TOTALS	314	360			674	674					
SPLIT %	44.4%	55.6%			32.3%	SPLIT %	46.6%	53.4%			57.7%	57.7%					
DAILY TOTALS												Total					
NB				SB				EB				WB				996	
457				539				0				0				996	

AM Peak Hour	10:15	10:30	PM Peak Hour	16:45	17:15
AM Peak Volume	34	49	PM Peak Volume	52	36
Pk Hr Factor	0.854	0.800	Pk Hr Factor	0.929	0.875
7 - 9 Volume	45	53	4 - 6 Volume	87	83
7 - 9 Peak Hour	07:45	07:30	4 - 6 Peak Hour	16:45	16:15
7 - 9 Pk Volume	24	31	4 - 6 Pk Volume	52	49
Pk Hr Factor	0.857	0.861	Pk Hr Factor	0.929	0.721
					0.774
					0.774

Day: Wednesday
 Date: 9/11/2013

Wetherly Dr between Gregory Way & Olympic Blvd

City: Beverly Hills
 Project #: CA13_5454_003

DAILY TOTALS												Total		
NB				SB				EB				WB		Total
490				572				0				0		1,062
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL	Total		
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00:30	1	0	0	0	1	12:30	16	9	9	0	34	35		
00:45	0	3	0	0	3	12:45	3	40	6	6	55	58		
01:00	0	0	0	0	0	13:00	7	7	9	9	32	35		
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01:30	0	0	0	0	0	13:30	8	13	13	0	34	37		
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02:15	0	0	0	0	0	14:15	12	13	13	9	47	52		
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02:45	0	0	0	0	0	14:45	12	40	12	12	76	88		
03:00	0	0	0	0	0	15:00	7	7	7	7	34	41		
03:15	0	0	0	0	0	15:15	9	7	7	7	40	47		
03:30	0	0	0	0	0	15:30	12	8	8	8	52	60		
03:45	0	0	0	0	0	15:45	10	38	16	38	66	76		
04:00	0	0	0	0	0	16:00	10	10	9	9	49	58		
04:15	1	2	2	2	7	16:15	14	7	7	7	51	58		
04:30	0	1	1	1	3	16:30	12	9	9	0	40	43		
04:45	0	1	2	5	8	16:45	7	43	8	8	65	73		
05:00	2	0	0	0	2	17:00	15	8	8	8	58	66		
05:15	1	1	1	0	3	17:15	13	8	8	11	50	59		
05:30	1	1	0	0	2	17:30	10	11	11	11	51	62		
05:45	2	5	1	1	9	17:45	8	46	11	38	103	112		
06:00	1	2	2	2	7	18:00	4	11	11	0	34	41		
06:15	1	0	0	0	1	18:15	7	20	20	0	57	64		
06:30	5	0	0	0	5	18:30	10	11	11	0	62	73		
06:45	3	10	4	6	23	18:45	11	32	10	52	105	128		
07:00	3	3	5	3	14	19:00	2	19	19	0	40	49		
07:15	3	3	5	8	19	19:15	3	8	8	8	47	56		
07:30	7	3	3	7	20	19:30	6	13	13	13	59	72		
07:45	9	22	7	18	56	19:45	5	16	11	51	83	109		
08:00	3	8	8	11	30	20:00	5	7	7	0	49	59		
08:15	9	9	3	11	32	20:15	5	4	4	4	50	61		
08:30	4	4	7	7	22	20:30	8	3	3	3	57	68		
08:45	4	20	9	27	50	20:45	3	21	2	16	42	55		
09:00	14	14	7	7	42	21:00	6	2	2	2	52	64		
09:15	8	8	9	9	34	21:15	3	7	7	7	58	72		
09:30	5	5	4	9	23	21:30	3	5	5	5	63	78		
09:45	9	36	18	38	91	21:45	3	15	3	17	108	133		
10:00	8	8	8	16	40	22:00	1	1	1	0	42	51		
10:15	8	8	14	22	52	22:15	1	1	1	1	55	66		
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11:00	5	5	13	19	32	23:00	5	2	2	2	61	74		
11:15	5	5	19	8	37	23:15	0	2	2	2	62	76		
11:30	10	10	8	18	46	23:30	4	4	1	1	10	13		
11:45	9	29	5	45	88	23:45	2	11	1	6	20	29		
TOTALS	154	199	45	14	312	TOTALS	336	373	6	6	721	1,062		
SPLI %	43.6%	56.4%			33.2%	SPLI %	47.4%	52.6%			66.8%			

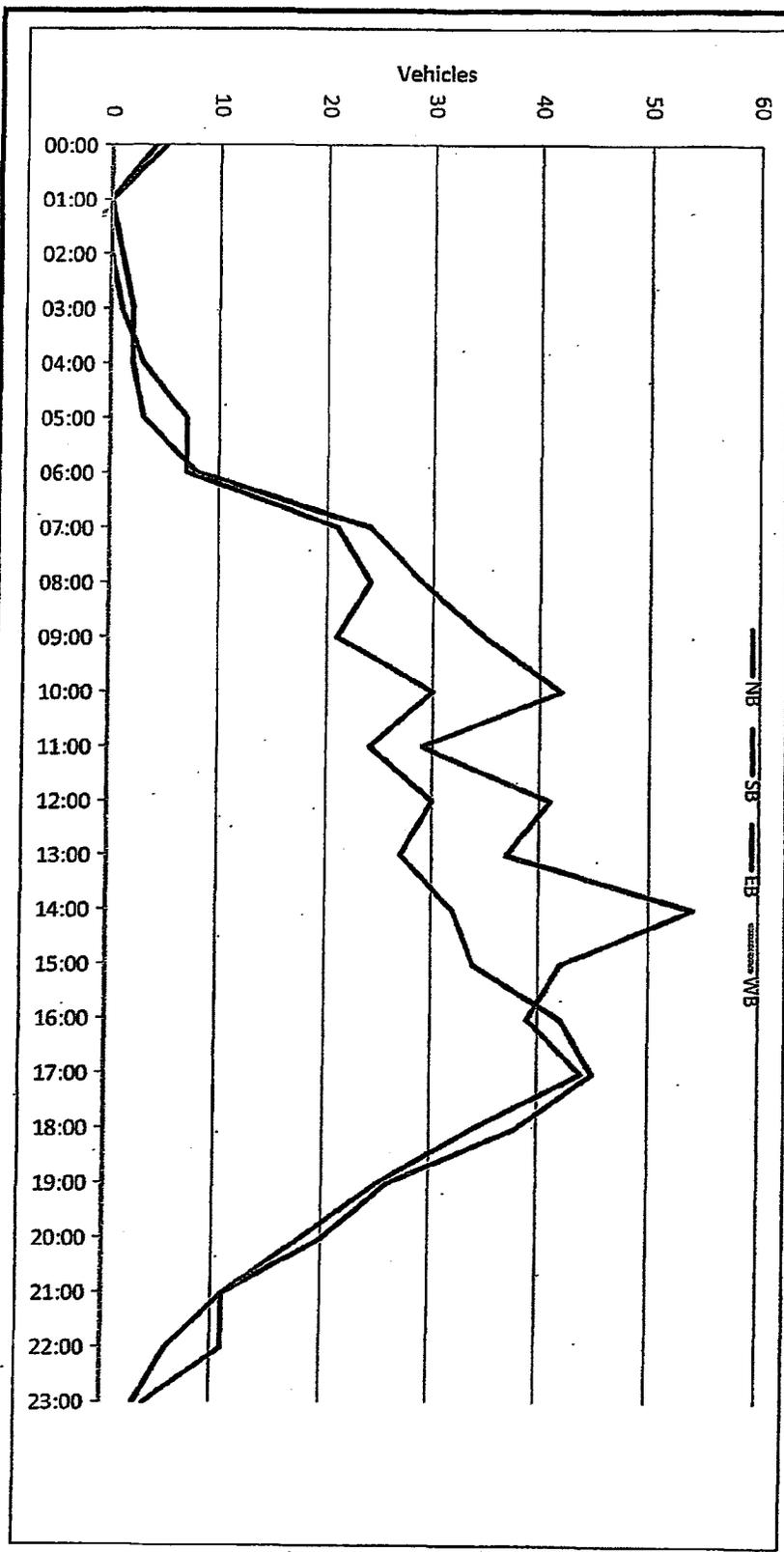
DAILY TOTALS				Total	
AM Peak Hour		PM Peak Hour		Total	
AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
11:45	10:30	09:45	16:15	18:15	18:15
46	67	51	48	90	90
PK Hr Volume	PK Hr Volume	PK Hr Volume	PK Hr Volume	PK Hr Volume	PK Hr Volume
0.719	0.838	0.843	0.800	0.750	0.833
7 - 9 Peak Hour					
42	45	87	89	71	160
07:30	08:00	07:45	16:15	17:00	17:00
28	27	50	48	38	84
PK Hr Volume	PK Hr Volume	PK Hr Volume	PK Hr Volume	PK Hr Volume	PK Hr Volume
0.778	0.750	0.781	0.800	0.864	0.913

Project #: CA13_5454_003

Location: Wetherly Dr between Gregory Way &

City: Beverly Hills
Date: 9/10/2013

Prepared by: NDS/ATD



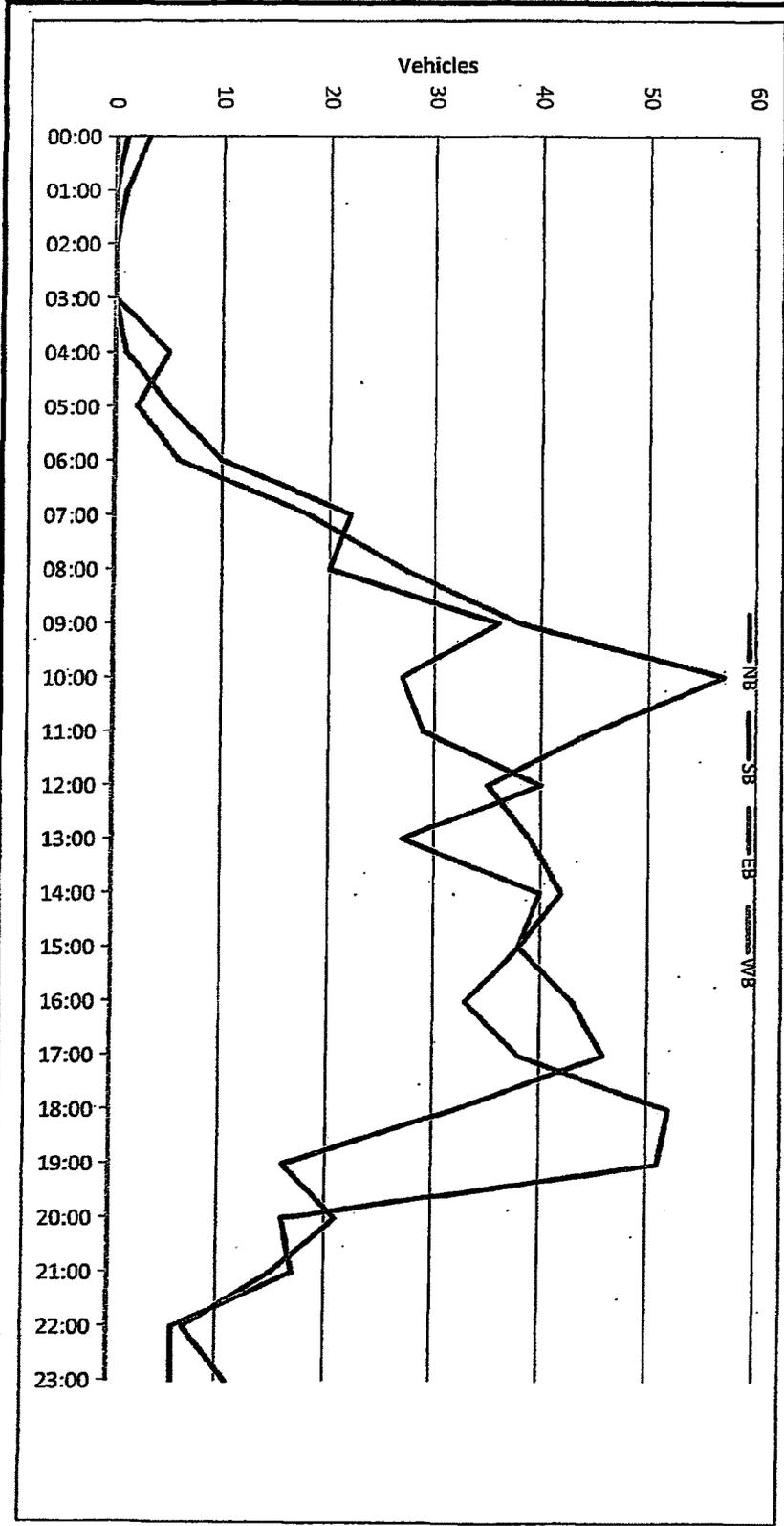
Project #: CA13 5454 003

City: Beverly Hills

Location: Wetherly Dr between Gregory Way &

Date: 9/11/2013

Prepared by: NDS/ATD



Day: Tuesday
 Date: 9/10/2013

Wetherly Dr between Wishire Blvd & Charleville Blvd

City: Beverly Hills
 Project #: CA13 5454 001

DAILY TOTALS												Total	
				NB	SB			EB	WB			Total	
				418	740			0	0			1,158	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL		
00:00	2	4			6	12:00	4	13			17		
00:15	0	2			2	12:15	3	11			14		
00:30	0	0			0	12:30	7	14			21		
00:45	0	6			6	12:45	10	13			23		
01:00	0	1			1	13:00	9	15			24		
01:15	0	1			1	13:15	4	17			21		
01:30	0	0			0	13:30	4	14			18		
01:45	0	2			2	13:45	7	17			24		
02:00	0	0			0	14:00	12	9			21		
02:15	0	0			0	14:15	8	12			20		
02:30	2	0			2	14:30	6	12			18		
02:45	0	0			0	14:45	35	22			57		
03:00	0	0			0	15:00	12	14			26		
03:15	0	0			0	15:15	20	10			30		
03:30	0	0			0	15:30	8	9			17		
03:45	1	1			2	15:45	11	51			62		
04:00	1	0			1	16:00	7	18			25		
04:15	0	1			1	16:15	8	22			30		
04:30	0	1			1	16:30	9	15			24		
04:45	1	1			2	16:45	6	13			19		
05:00	2	0			2	17:00	8	24			32		
05:15	0	2			2	17:15	8	17			25		
05:30	0	1			1	17:30	7	16			23		
05:45	2	4			6	17:45	7	30			37		
06:00	1	3			4	18:00	7	14			21		
06:15	0	2			2	18:15	7	19			26		
06:30	1	0			1	18:30	10	13			23		
06:45	3	7			10	18:45	6	6			12		
07:00	3	4			7	19:00	5	8			13		
07:15	1	2			3	19:15	7	8			15		
07:30	4	9			13	19:30	5	11			16		
07:45	8	17			25	19:45	4	22			26		
08:00	6	9			15	20:00	4	14			18		
08:15	8	15			23	20:15	1	3			4		
08:30	10	13			23	20:30	2	6			8		
08:45	6	49			55	20:45	3	5			8		
09:00	5	2			7	21:00	2	5			7		
09:15	10	16			26	21:15	1	6			7		
09:30	8	12			20	21:30	1	1			2		
09:45	12	46			58	21:45	1	6			7		
10:00	5	19			24	22:00	3	1			4		
10:15	4	14			18	22:15	0	5			5		
10:30	10	19			29	22:30	0	3			3		
10:45	7	55			62	22:45	3	0			3		
11:00	7	15			22	23:00	1	1			2		
11:15	6	11			17	23:15	0	2			2		
11:30	8	7			15	23:30	1	2			3		
11:45	5	53			58	23:45	2	1			3		
TOTALS	47	241			288	TOTALS	77	499			576		
SPLIT %	37.9%	62.1%				SPLIT %	35.2%	64.8%			65%		

DAILY TOTALS												Total	
				NB	SB			EB	WB			Total	
				418	740			0	0			1,158	
AM Peak Hour	09:00	09:15	09:30	09:45	09:00	09:15	09:30	09:45	09:00	09:15	09:30	09:45	
AM Pk Volume	35	38	36	35	93	93	51	74	51	74	51	108	
Pk Hr Factor	0.729	0.763	0.738	0.894	0.894	0.638	0.638	0.771	0.638	0.771	0.638	0.900	
7-9 Volume	45	56	56	45	112	112	60	132	60	132	60	192	
7-9 Peak Hour	07:45	08:00	08:00	07:45	32	32	16:15	16:15	31	31	16:15	16:15	
7-9 Pk Volume	32	49	49	32	79	79	31	74	31	74	31	105	
Pk Hr Factor	0.800	0.817	0.817	0.839	0.839	0.861	0.771	0.771	0.861	0.771	0.820	0.820	

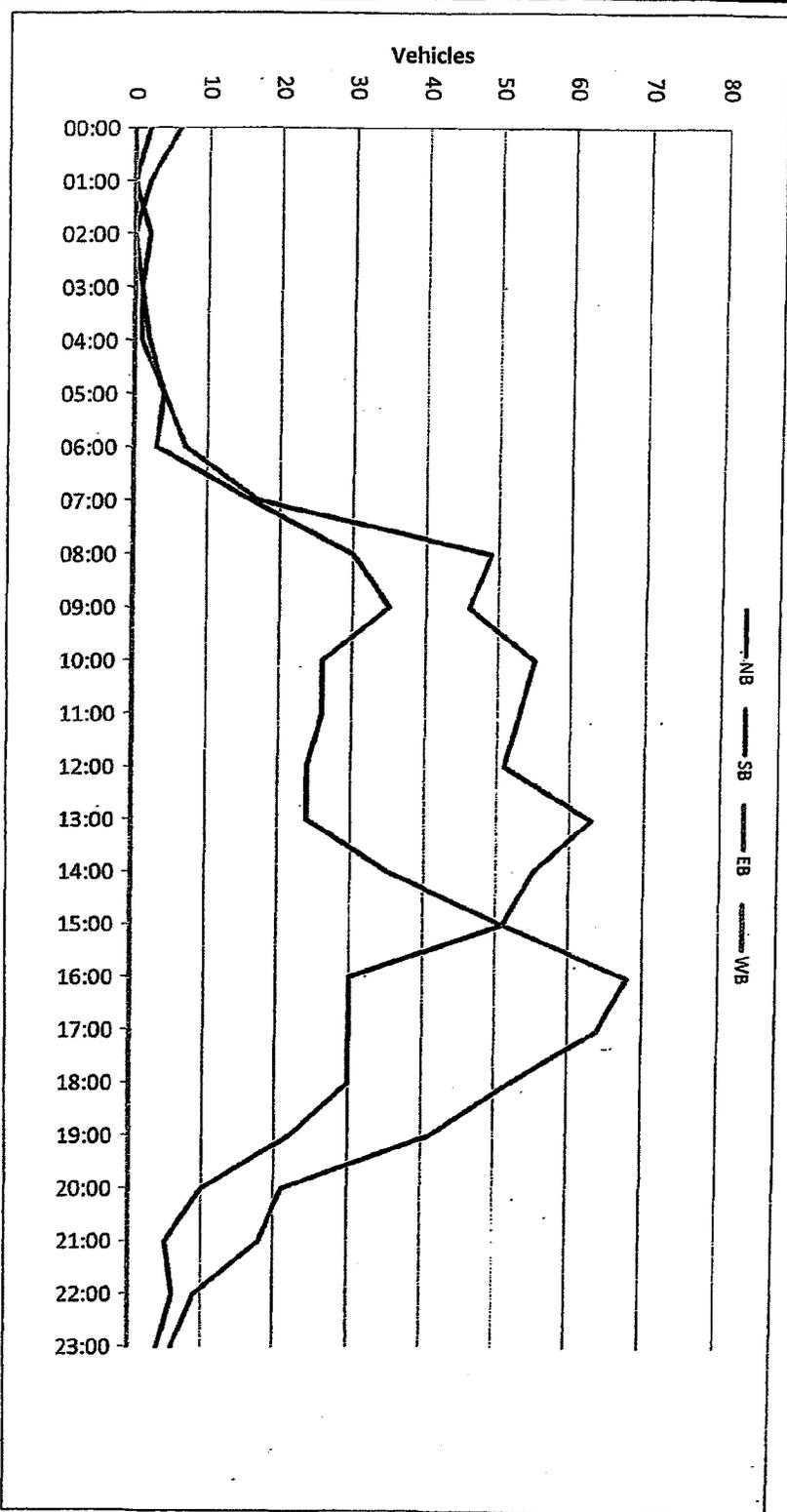
Project #: CA13_5454_001

Prepared by NDS/ATD

City: Beverly Hills

Location: Wetherly Dr between Wilshire Blvd &

Date: 9/10/2013



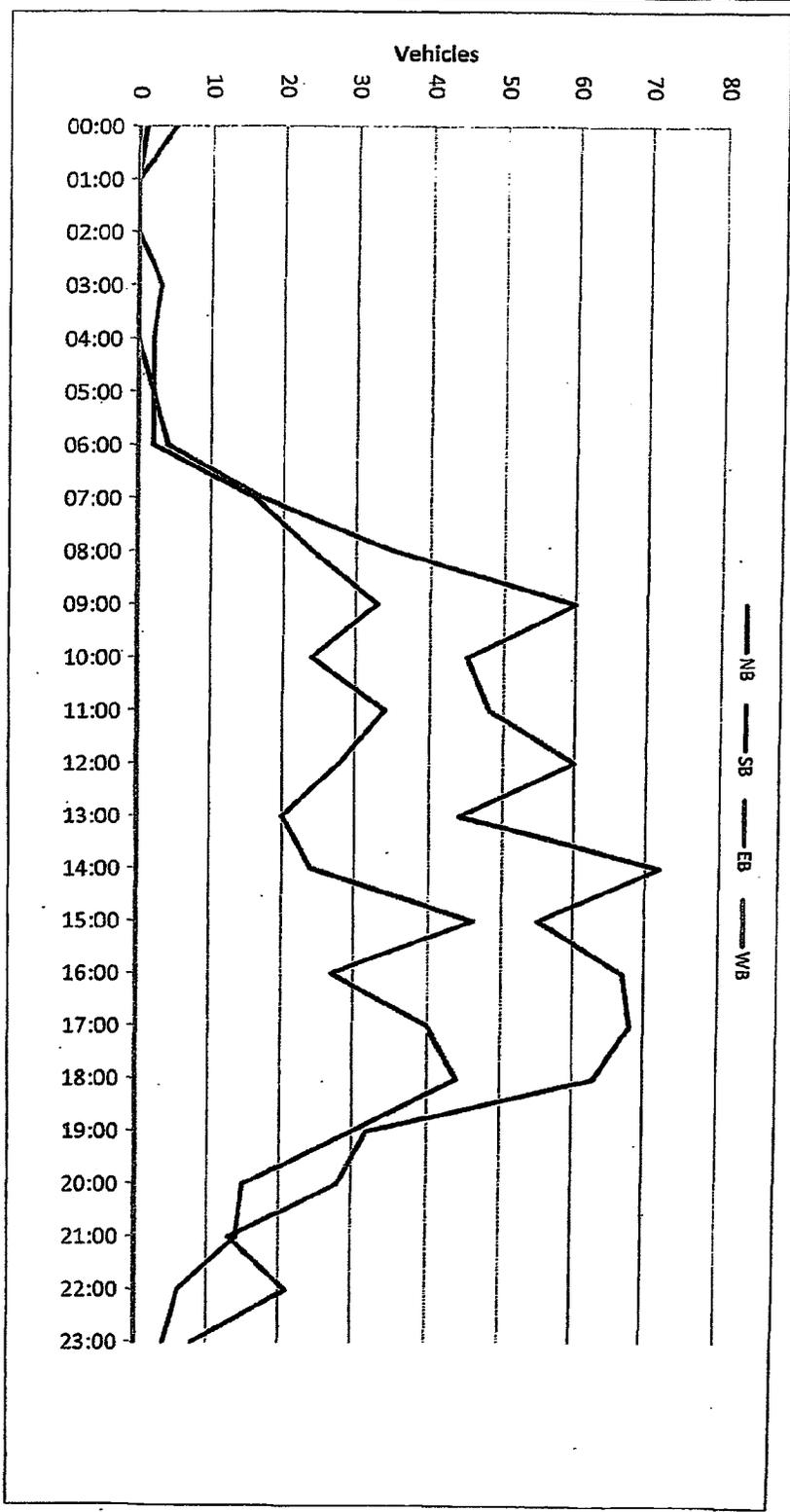
Project #: CA13_5454_001

Prepared by NDS/ATD

City: Beverly Hills

Location: Wetherly Dr between Wilshire Blvd &

Date: 9/11/2013



Day: Tuesday
 Date: 9/10/2013

Wetherly Dr between Charleville Blvd & Gregory Way

City: Beverly Hills
 Project #: CA13 5454_002

DAILY TOTALS		NB		SB		EB		WB		Total	
		495		537		0		0		1,032	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL
00:00	2	3			5	12:00	8	13			21
00:15	0	3			3	12:15	5	10			15
00:30	0	0			0	12:30	5	12			17
00:45	0	6			6	12:45	11	12			23
01:00	0	0			0	13:00	11	9			20
01:15	0	0			0	13:15	5	7			12
01:30	0	0			0	13:30	7	9			16
01:45	0	0			0	13:45	11	8			19
02:00	0	0			0	14:00	13	10			23
02:15	2	0			2	14:15	14	5			19
02:30	2	0			2	14:30	10	5			15
02:45	0	0			0	14:45	11	18			29
03:00	0	0			0	15:00	9	10			19
03:15	0	0			0	15:15	10	7			17
03:30	0	1			1	15:30	11	7			18
03:45	0	1			1	15:45	12	9			21
04:00	2	0			2	16:00	7	14			21
04:15	0	0			0	16:15	9	13			22
04:30	0	0			0	16:30	7	14			21
04:45	1	1			2	16:45	7	8			15
05:00	2	0			2	17:00	12	12			24
05:15	1	1			2	17:15	11	17			28
05:30	0	1			1	17:30	9	10			19
05:45	2	4			6	17:45	41	6			47
06:00	1	1			2	18:00	8	15			23
06:15	2	1			3	18:15	8	14			22
06:30	2	3			5	18:30	14	10			24
06:45	5	7			12	18:45	33	8			41
07:00	5	3			8	19:00	7	6			13
07:15	1	5			6	19:15	10	5			15
07:30	7	5			12	19:30	3	7			10
07:45	11	19			30	19:45	5	8			13
08:00	12	5			17	20:00	5	7			12
08:15	7	7			14	20:15	2	5			7
08:30	11	7			18	20:30	4	4			8
08:45	5	32			37	20:45	4	5			9
09:00	14	4			18	21:00	6	6			12
09:15	12	4			16	21:15	4	1			5
09:30	5	8			13	21:30	2	5			7
09:45	10	22			32	21:45	3	6			9
10:00	4	12			16	22:00	3	2			5
10:15	4	13			17	22:15	0	4			4
10:30	9	5			14	22:30	0	3			3
10:45	10	38			48	22:45	2	1			3
11:00	5	9			14	23:00	0	0			0
11:15	6	9			15	23:15	1	2			3
11:30	8	6			14	23:30	1	1			2
11:45	6	31			37	23:45	1	1			2
TOTALS	172	161			333	TOTALS	323	376			699
SPLIT %	51.7%	48.3%			32.9%	SPLIT %	46.2%	53.8%			67.7%

DAILY TOTALS		NB		SB		EB		WB		Total
		495		537		0		0		1,032
AM Peak Hour	08:30	11:45				PM Peak Hour	13:45	16:30		
AM Pk Volume	42	32			76	PM Pk Volume	48	54		
AM Pk Factor	0.750	0.808			0.972	PM Pk Factor	0.857	0.764		
7-9 Volume	59	51			110	4-6 Volume	71	57		
7-9 Peak Hour	07:45	08:00			08:00	4-6 Peak Hour	17:00	16:30		
7-9 Pk Volume	41	32			67	4-6 Pk Volume	41	54		
7-9 Pk Factor	0.854	0.615			0.931	4-6 Pk Factor	0.854	0.794		
TOTALS						TOTALS				
SPLIT %						SPLIT %				

Wetherly Dr between Charleville Blvd & Gregory Way

Day: Wednesday
 Date: 9/11/2013

City: Beverly Hills
 Project #: CA13_5454_002

DAILY TOTALS												Total					
NB				SB				EB				WB				Total	
460				538				0				0				998	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL
00:00	0	1	0	0	1	12:00	7	11	0	0	18	12:00	7	11	0	0	18
00:15	3	0	0	0	3	12:15	7	9	0	0	16	12:15	7	9	0	0	16
00:30	0	3	0	0	3	12:30	5	13	0	0	21	12:30	5	13	0	0	21
00:45	0	0	4	0	4	12:45	8	27	4	0	37	12:45	8	27	4	0	37
01:00	0	1	0	0	1	13:00	6	9	0	0	16	13:00	6	9	0	0	16
01:15	1	0	0	0	1	13:15	7	12	0	0	19	13:15	7	12	0	0	19
01:30	0	0	0	0	0	13:30	7	10	0	0	17	13:30	7	10	0	0	17
01:45	0	1	0	0	1	13:45	13	33	10	0	56	13:45	13	33	10	0	56
02:00	0	0	0	0	0	14:00	4	8	0	0	12	14:00	4	8	0	0	12
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02:30	0	0	0	0	0	14:30	5	14	0	0	19	14:30	5	14	0	0	19
02:45	0	0	0	0	0	14:45	5	14	0	0	19	14:45	5	14	0	0	19
03:00	1	0	0	0	1	15:00	12	15	0	0	27	15:00	12	15	0	0	27
03:15	0	0	0	0	0	15:15	11	14	0	0	25	15:15	11	14	0	0	25
03:30	0	0	0	0	0	15:30	7	8	0	0	15	15:30	7	8	0	0	15
03:45	0	1	0	0	1	15:45	10	9	0	0	19	15:45	10	9	0	0	19
04:00	0	0	0	0	0	16:00	8	11	0	0	19	16:00	8	11	0	0	19
04:15	2	0	0	0	2	16:15	4	18	0	0	22	16:15	4	18	0	0	22
04:30	0	0	0	0	0	16:30	8	17	0	0	25	16:30	8	17	0	0	25
04:45	2	4	0	0	6	16:45	11	31	6	0	52	16:45	11	31	6	0	52
05:00	0	0	0	0	0	17:00	8	25	0	0	33	17:00	8	25	0	0	33
05:15	2	0	0	0	2	17:15	11	11	0	0	22	17:15	11	11	0	0	22
05:30	0	2	2	0	4	17:30	9	12	0	0	21	17:30	9	12	0	0	21
05:45	3	1	3	0	7	17:45	8	36	5	0	49	17:45	8	36	5	0	49
06:00	2	1	1	0	4	18:00	3	10	0	0	13	18:00	3	10	0	0	13
06:15	1	0	0	0	1	18:15	19	14	0	0	33	18:15	19	14	0	0	33
06:30	2	3	3	0	8	18:30	12	11	0	0	23	18:30	12	11	0	0	23
06:45	2	7	3	0	12	18:45	7	41	8	0	56	18:45	7	41	8	0	56
07:00	1	3	3	0	7	19:00	9	4	0	0	13	19:00	9	4	0	0	13
07:15	5	3	3	0	11	19:15	7	10	0	0	17	19:15	7	10	0	0	17
07:30	8	4	4	0	16	19:30	8	11	0	0	19	19:30	8	11	0	0	19
07:45	17	4	14	0	35	19:45	7	31	5	0	43	19:45	7	31	5	0	43
08:00	12	2	2	0	16	20:00	1	4	0	0	5	20:00	1	4	0	0	5
08:15	6	10	10	0	26	20:15	3	7	0	0	10	20:15	3	7	0	0	10
08:30	12	3	3	0	18	20:30	4	9	0	0	13	20:30	4	9	0	0	13
08:45	9	21	21	0	30	20:45	4	12	3	0	19	20:45	4	12	3	0	19
09:00	13	11	11	0	35	21:00	2	2	0	0	4	21:00	2	2	0	0	4
09:15	10	8	8	0	26	21:15	5	3	0	0	8	21:15	5	3	0	0	8
09:30	3	6	6	0	15	21:30	2	2	0	0	4	21:30	2	2	0	0	4
09:45	3	36	36	0	42	21:45	3	12	5	0	15	21:45	3	12	5	0	15
10:00	8	9	9	0	26	22:00	1	1	0	0	2	22:00	1	1	0	0	2
10:15	10	7	7	0	24	22:15	0	3	0	0	3	22:15	0	3	0	0	3
10:30	9	7	7	0	23	22:30	3	7	0	0	10	22:30	3	7	0	0	10
10:45	7	27	27	0	34	22:45	3	4	0	0	7	22:45	3	4	0	0	7
11:00	5	4	4	0	13	23:00	2	5	0	0	7	23:00	2	5	0	0	7
11:15	12	5	5	0	22	23:15	0	1	0	0	1	23:15	0	1	0	0	1
11:30	6	10	10	0	16	23:30	0	3	0	0	3	23:30	0	3	0	0	3
11:45	4	26	26	0	30	23:45	1	1	0	0	2	23:45	1	1	0	0	2
TOTALS	165	199	199	0	460	TOTALS	295	399	0	0	694	TOTALS	295	399	0	0	694
SPLIT %	54.3%	45.7%	45.7%	0%	538	SPLIT %	62.5%	57.5%	0%	0%	694	SPLIT %	62.5%	57.5%	0%	0%	694

DAILY TOTALS												Total					
NB				SB				EB				WB				Total	
460				538				0				0				998	
AM Peak Hour	08:30	11:45	08:30	08:30	16:15	PM Peak Hour	16:15	16:15	16:15	16:15	16:15	PM Peak Hour	16:15	16:15	16:15	16:15	16:15
AM Pk Volume	44	60	44	72	47	47	47	56	57	57	57	PM Pk Volume	47	56	57	57	57
Pk Hr Factor	0.846	0.769	0.846	0.730	0.618	0.618	0.618	0.660	0.660	0.660	0.660	Pk Hr Factor	0.618	0.660	0.660	0.660	0.660
7-9 Volume	55	35	55	97	67	67	67	105	105	105	105	7-9 Volume	67	105	105	105	105
7-9 Peak Hour	08:00	08:00	08:00	08:00	16:45	4-6 Peak Hour	16:45	16:15	16:15	16:15	16:15	4-6 Peak Hour	16:45	16:15	16:15	16:15	16:15
7-9 Pk Volume	39	21	39	60	59	59	59	66	66	66	66	7-9 Pk Volume	39	66	66	66	66
Pk Hr Factor	0.813	0.575	0.813	0.938	0.886	0.886	0.886	0.660	0.660	0.660	0.660	Pk Hr Factor	0.813	0.575	0.813	0.938	0.735

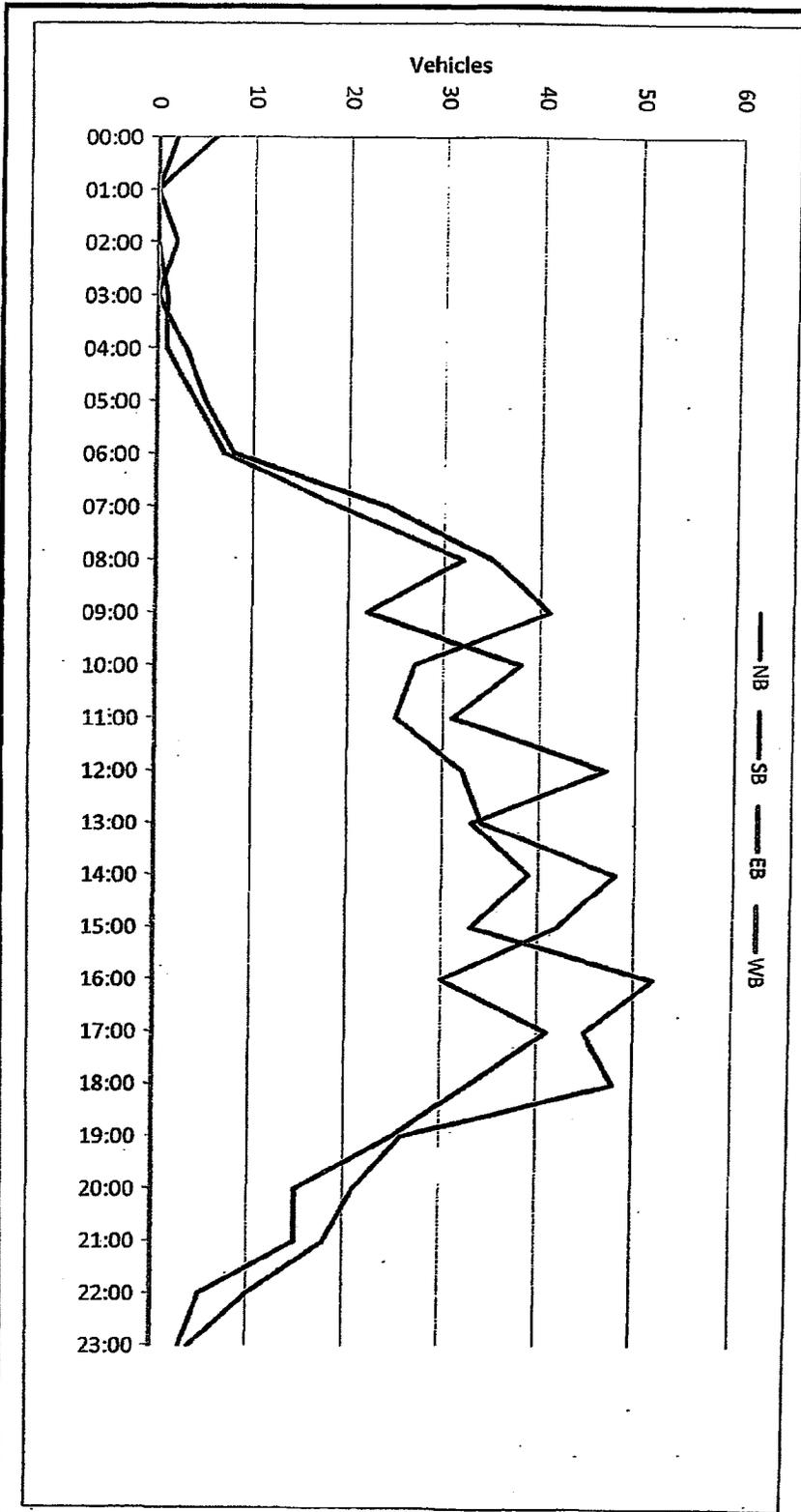
Project #: CA13_5454_002

Prepared by: NDS/ATD

City: Beverly Hills

Location: Wetherly Dr between Charleville Blvd &

Date: 9/10/2013



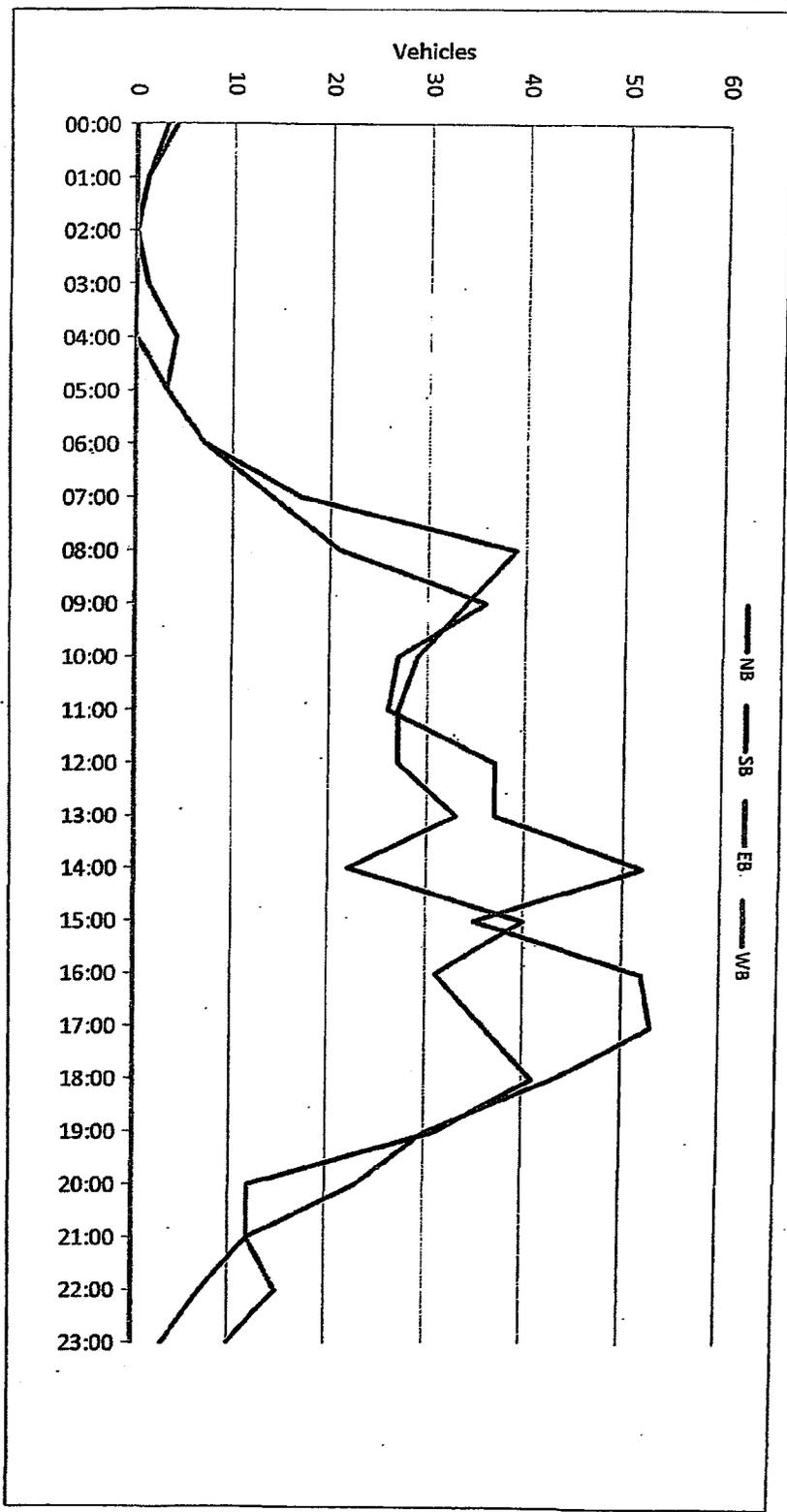
Project #: CA13_5454_002

Prepared by: NDS/AJD

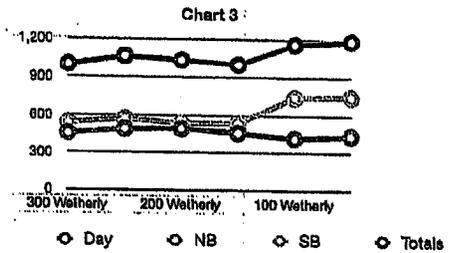
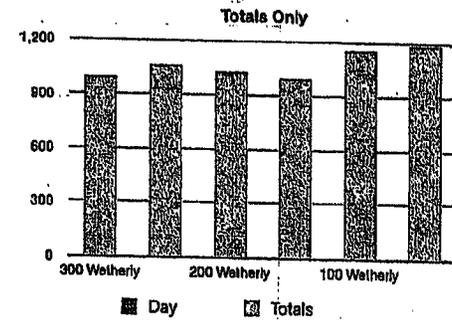
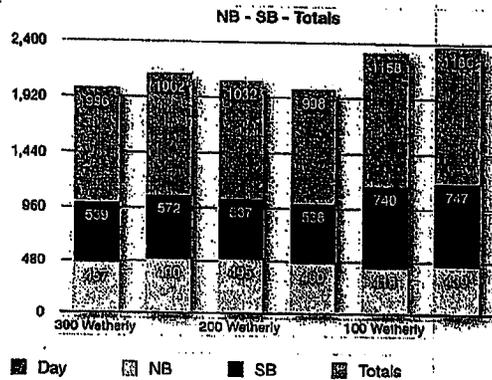
City: Beverly Hills

Location: Wetherly Dr between Charleville Blvd &

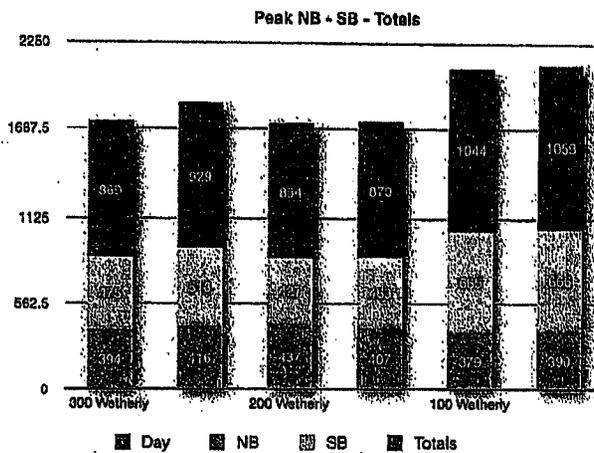
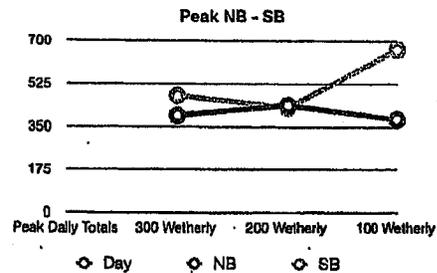
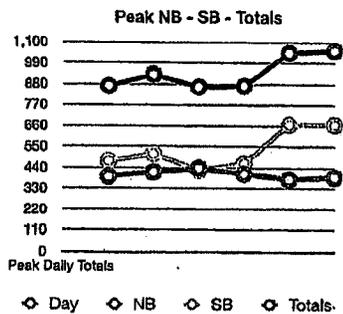
Date: 9/11/2013



Day	NB	SB	Totals
Daily Totals			
300 Wetherly			
Tuesday	457	539	996
Wednesday	490	572	1062
200 Wetherly			
Tuesday	466	537	1003
Wednesday	460	538	998
100 Wetherly			
Tuesday	418	740	1158
Wednesday	439	747	1186
Average daily - all	459.83	612.17	1,072.00



Peak hours 7am-7:45pm	Day	NB	SB	Totals
Peak Daily Totals				
300 Wetherly				
Tuesday	394	476	869	
Wednesday	418	513	929	
200 Wetherly				
Tuesday	437	427	864	
Wednesday	407	483	870	
100 Wetherly				
Tuesday	379	865	1044	
Wednesday	380	688	1059	
Average daily - all	403.83	534.83	938.67	



ATTACHMENT 2:
City Response to October 9 letter



Mahdi Aluzri, Assistant City Manager
Policy and Management Department

November 12, 2013

VIA EMAIL

Subject: Infiniti Conditional Use Permit: Southeast Beverly Hills Residents Council Letter Dated October 9, 2013

Dear Mr. _____,

Thank you for your recent correspondence. On October 3, 2013, you and other concerned residents addressed the City Council to express concerns about the Infiniti project and approval process. You previously met with staff to discuss similar concerns and spoke in favor of a City Council re-review of the Planning Commission's approval. As you know, the City Council declined to call the matter up for review and no appeal was filed.

At the Mayor's request, during the November 19, 2013 study session (2:30pm) there will be an opportunity to discuss the points raised in your public testimony and summarized in the October 9th correspondence. The purpose of this letter is to provide responses to issues raised in the referenced letter and an opportunity for you and other concerned residents to meet with staff in advance of the City Council meeting.

The letter you sent on behalf of the Southeast Beverly Hills Residents Council (SBHRC) identified the following concerns (please see City responses following each issue – bulleted):

- A. There is concern expressed about the traffic study prepared for the project
 - A study prepared by National Data & Surveying Services was submitted by SBHRC detailing average daily counts for two weekdays as well as AM and PM peak hour data. The results of the study are similar to the results prepared in the Crain and Associates study done in conjunction with the project application. The average daily counts differ by no more than 59 vehicles and is close to the 4% margin of error expected with these studies. The data collected by National Data & Surveying is consistent with the Crain and Associates findings and other city traffic counts taken many years ago.
- B. Prejudicial and less than transparent nature of the process leading to the approval of a CUP include:
 - (i) Lack of notice to the Residents:
 - Like all similar projects, notice for this project was provided as set forth in the Municipal Code. Specifically, notice was mailed to all property owners within 300 feet and residents within 500 feet of the project site; published 13 days in advance of the hearing in the Beverly Hills Courier

and in the Beverly Hills Weekly the following week; published on the City's website six days in advance of the hearing and shared with homeowners groups.

- You were aware of the meeting, provided written comments prior to the meeting and gave oral testimony at the public hearing. You stated in your written correspondence that you represented dozens and residents and answered in response to a commissioner's question that you received notice of the hearing.
- (ii) Disregard for the opinions of the city's own planning staff and traffic engineer
- The project approved by the Planning Commission reflected a design solution that best addressed concerns expressed by the City's traffic engineer and was supported by staff at the March 28, 2013 hearing.
- (iii) Failure to provide Residents an opportunity to make comment as requested by Planning Commission[er] Chair Corman in an email
- This is in reference to an email from Commissioner Craig Corman dated March 27, 2013 where he states his preference for the Planning Commission to receive public comment and continue the matter to a later date. A quorum of the Planning Commission did conduct a public hearing, three letters were submitted and three residents spoke at the meeting.
- (iv) Failure to consider Resident requests to postpone the Planning Commission hearing until after the Jewish Passover
- There was one written request to postpone the meeting from Bradley Gibbons. This letter was presented to the Planning Commission for its consideration. You also made a request at the public hearing requesting a continuation. The Planning Commission received the requests, conducted the public hearing and through its actions, decided to conclude the public hearing.
 - Historically, the Planning Commission has arranged its calendar such that meetings do not occur during the first two nights or last two nights of Passover. Passover began the evening of Monday, March 25, 2013. The Planning Commission meeting was the evening of Thursday, March 28, 2013.
- (v) Infiniti's anti-Semitic comment in an email forwarded to the City that the Residents are using the 'religion card,' without any response or protest from the City
- This comment was previously addressed in a letter to you and the City continues to agree that any reference to the 'religion card' or similar remarks are not appropriate. Moreover, it was noted that the referenced comment did not come from city staff, but rather from the applicant team. The criticism expressed now is that the City did not rebuke the religion card comment in a later email reply to the applicant's legal counsel. A review of the record shows that staff initiated the email thread when it transmitted public comments to the applicant, which is done with every project. Several email exchanges occurred among the applicant team and finally a question presented to staff regarding the availability of a computer to show a video. Staff replied to this specific request and did not read or consider the correspondence that preceded the inquiry. The reference to the religion card was not known to staff and was brought to our attention only after it was identified upon review of the public records request.
- (vi) Special accommodations for Infiniti
- It is unclear from the letter what this comment is in reference to, but if specific information is provided, staff can respond accordingly.
- (vii) Inappropriate comments by Infiniti, including that the City must accept Infiniti demands because it is hungry for revenue

- This appears to be more of a comment toward Infiniti than a reflection on the project review process. However, a review of the record shows that some of the assertions regarding demands or City revenue and other arguments made by the applicant team are not uncommon during review of applications for development. Moreover, there is no evidence that staff or the Planning Commission were influenced in a way that would compromise the integrity of the public review process.
- C. The letter also refers to the following concerns with the project:
- (i) Failure to incorporate the planning commission's 'preferred configuration' for traffic flow
 - The Planning Commission's preferred configuration (the configuration recommended by the City's Traffic Engineer and not the configuration recommended by the applicant) was adopted as part of the project approvals, and is incorporated by way of Condition No. 18 set forth in Planning Commission Resolution No. 1678.
 - (ii) The City Traffic Engineer 'totally disagree[ing] with [Infiniti traffic consultant] Crain [and] Associates
 - The email from the City's Traffic Engineer indicating that he totally disagreed with Crain and Associates was with respect to the vehicle circulation route recommended in the Crain and Associates traffic study. The City's Traffic Engineer recommended an alternate configuration, which modified the circulation route and was incorporated in the project approval.
 - (iii) Failure to account for traversing the three sites
 - The traffic study discusses traffic flows between properties, and identifies them as internal or incidental trips since they are confined to the one block of Olympic Boulevard that houses the Infiniti operations. Additionally, the traffic study conservatively estimates that each of the 19 service bays will generate approximately 24.06 vehicle trips per day.
 - (iv) Amplified traffic during peak hours
 - Cars traversing the site are internal trips since they are restricted to a single block of Olympic Boulevard. There is no multiplier effect, as the cars are already at the property.
 - (v) Traffic impact on Saturdays across the street from a Jewish congregation with over 750 families and in a large Jewish neighborhood
 - This comment appears to reflect two concerns: traffic impacts caused by the Infiniti dealership on Saturday and concern regarding pedestrian-vehicular conflicts associated with residents attending religious services at Beth Jacob Congregation.
 - A traffic study was prepared that shows average daily trips generated by Infiniti on Saturdays as 421 trips. Of the 421 average daily trips, 27 would occur on Wetherly Drive between Gregory Way and the alley north of Infiniti, which is equivalent to a 4% increase over current Saturday volume for this street segment, while 34 of the 421 new daily vehicle trips would occur on Almont Drive between Gregory Way and the alley north of Infiniti, which represents a 6.1% increase over current Saturday volume for this street segment. The remainder of the 421 new vehicle trips would occur on Olympic Boulevard and the portions of Wetherly and Almont Drives south of the east-west alley, thereby avoiding the residential portions of the neighborhood.

In addition to average daily trips, peak hour traffic volumes were also studied. Because weekend days experience peak traffic volumes during the middle of the day (as opposed to AM and PM peak hour traffic on weekdays caused by commuters), the study analyzed the midday peak hour traffic for Saturday operations. Of the 421 new trips generated by Infiniti on Saturdays, 42 of the trips would occur during the midday peak hour. On a midday peak hour basis, Wetherly Drive would experience 2 additional midday peak hour trips between Gregory Way and the alley north of Infiniti, or a 2.7% increase over current midday peak hour Saturday volume, and Almont Drive

would experience 4 additional midday peak hour trips between Gregory Way and the alley north of Infiniti, or an 8% increase over current midday peak hour Saturday volume. The remainder of the 42 midday peak hour trips would occur on Olympic Boulevard and the portions of Wetherly and Almont Drives south of the east-west alley, thereby avoiding the residential portions of the neighborhood. Based on local thresholds of significance for residential streets with an existing average daily traffic volume of less than 2,000 vehicles, the traffic volumes would need to increase by 16% during either the midday peak hour or the 24-hour daily period for a traffic impact to result. Based on the study, which was peer reviewed by the City's Traffic Engineer and accepted by the Planning Commission, the proposed project would not result in a traffic impact on Saturday or any other day of the week.

- Pedestrian safety is an important consideration in all land use decisions. The amount of traffic expected to be generated by the Infiniti project on Saturday is detailed above. The roadway and pedestrian network is fairly typical in the city and there are no new curb cuts being proposed. Moreover, while not all congregation members use La Peer to cross Olympic and access Beth Jacob, many do. La Peer is a signalized intersection and the City, at the request of the congregation, specifically timed the light signal on the Sabbath to make it easier for congregation members to cross Olympic Boulevard. In addition, the Infiniti service facility driveway will include mirrors and a pedestrian warning device (as conditioned by the Planning Commission) to ensure the safety of pedestrians walking on Wetherly Drive.
- (vi) Unwanted queuing as raised by the Planning Commission staff
- Unwanted queuing was raised as a concern by staff of the applicant's proposed design and was highlighted for the Planning Commission so it could appropriately apply conditions to prevent project impacts. Ultimately, the Planning Commission adopted the staff-recommended circulation pattern, which closes the south driveway of the 9031 Olympic site, thereby preventing vehicle queuing.
- (vii) Underestimation and lack of consideration of important variables impacting the traffic analysis
- The traffic study was prepared by a licensed traffic engineer, in consultation with Planning staff and the City's Traffic Engineer (licensed traffic engineer). The study considered numerous variables and provides professional recommendations based on best practices and past experience.
- (viii) Inadequate safeguards on noise mitigation from the auto mechanic facility
- The Planning Commission Resolution includes numerous conditions (Nos. 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 19) regarding noise controls, and further retains jurisdiction for future review by the Planning Commission if the Director of Community Development identifies unanticipated noise impacts caused by the project. In such an event, a public hearing will be held and additional conditions may be imposed on the project.

Finally, the letter from the SBHRC inquired as to whether the City would stay the Infiniti project until a thorough audit and investigation of the facts and circumstances leading to the project's approval are completed. Based on a review of the record, there is no evidence of any impropriety or legal cause for the City to stay the project. As noted above, the City retains future review authority if there are unanticipated impacts associated with the project including, traffic, parking and noise.

This matter will be scheduled for the November 19, 2013 City Council meeting starting at 2:30. Please contact me to schedule a meeting to discuss our response to your letter and address any other questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mahdi Aluzri', with a long horizontal flourish extending to the right.

Mahdi Aluzri, Assistant City Manager
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210
(310) 285-1011
maluzri@beverlyhills.org

ATTACHMENT 3:

City Council Study Session Report, Dated April 11, 2013 with Attachments



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: April 11, 2013
To: Honorable Mayor & City Council
From: Jonathan Lait, AICP, Assistant Director of Community Development
Subject: Request by Mayor Mirisch for City Council Review of the Planning Commission Decision Regarding 9031 Olympic Boulevard (Infiniti).
Attachments:

1. Municipal Code Excerpts BHMC Section 1-4-201, et seq.
2. Planning Commission Resolution No. 1678
3. Planning Commission Staff Report

BACKGROUND

Mayor Mirisch has requested this item be placed on the City Council's agenda to determine if there is Council support to call the subject Planning Commission decision for review. If the City Council orders the review, this matter would be scheduled for consideration at a future public hearing.

DISCUSSION

The Planning Commission approved a Conditional Use Permit application on March 28, 2013 to allow a new vehicle service use within an existing commercial building on the property located at 9031 Olympic Boulevard. The approved use is associated with an Infiniti dealership. The property is currently occupied by Antiquarian Traders which specializes in antique sales. The existing building would remain on the site and tenant improvements are proposed.

Copies of the staff report presented to the Planning Commission and the Resolution adopted by the Planning Commission are attached hereto to provide a more detailed explanation of the history of this project and the Commission's determination as to the Conditional Use Permit.

Pursuant to Beverly Hills Municipal Code Section 1-4-201, et seq., the City Council may order a review of any decision made by any commission, board, or official of the city. The process to initiate this review and set a hearing is specifically set forth in the municipal code, and those provisions are attached for reference.

Meeting Date: April 11, 2013

The City Council must order any review within 30 days of the Planning Commission's approval, which was on March 28, 2013. If a review is ordered, the Planning Commission's action will be stayed until the Council review is final.

The decision to order a review at the April 11th City Council Meeting shall be limited to the question of whether to call the item up for hearing before the City Council at a future formal meeting and shall not include any evaluation or assessment of the merits or circumstances of the case or the Planning Commission's action. That discussion would take place at noticed public hearing at an upcoming Council meeting.

FISCAL IMPACT

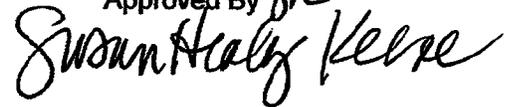
The recommendation in this report does not have significant budget or fiscal impacts for the City. It is noted that a City Council public hearing will result in cost to the City associated with public notices. The public notice cost would total approximately \$1,200.00 and would be appropriated from the City Clerk's budget.

RECOMMENDATION

It is recommended that the City Council make a determination as to whether or not the subject Planning Commission action will be ordered for review.

Susan Healy Keene, AICP

Approved By *SK*



Attachment 1

**Municipal Code Excerpts BHMC
Section 1-4-201, et seq.**

Article 2. Council Ordered Review of Administrative Decisions

1-4-201: RIGHT TO REVIEW:

The council may order a review of any decision made by any commission, board, or official of the city, except as otherwise provided in this code. Such review may be ordered by motion of the council duly adopted within thirty (30) calendar days after the issuance of the decision. If the council orders a review of a decision, the effectiveness of such decision shall be stayed until council review is final. (1962 Code § 1-6.201; amd. Ord. 94-O-2211, eff. 9-2-1994)

1-4-202: SETTING HEARINGS:

Upon the adoption of an order for a review of a decision, the mayor shall fix a time and place for the hearing. At least ten (10) days prior to the hearing, written notice shall be mailed to the applicant and such other persons who appeared and addressed the board, commission, or official at the previous hearing on the matter, and such other notice as required by law for the previous hearing shall also be given. (1962 Code § 1-6.202)

1-4-203: HEARINGS BY THE COUNCIL:

Unless otherwise ordered and noticed, hearings shall be held as a part of the regular meetings of the council. The hearings shall be do novo in that an independent reexamination of the matter shall be made. The council may decide the matter upon the record or may take additional evidence. Any oral or documentary evidence may be received, but the mayor shall exclude irrelevant, immaterial, or unduly repetitious evidence. It shall not be a ground for objection that the evidence is hearsay or secondary, but the council's decision shall be made upon substantial evidence. (1962 Code § 1-6.203)

1-4-204: DECISIONS AND FINDINGS:

The provisions of sections 1-4-107 and 1-4-108 of this chapter shall be applicable to the decisions of the council. (1962 Code § 1-6.204)

Attachment 2

Planning Commission
Resolution No. 1678

RESOLUTION NO. 1678

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW VEHICLE SERVICE OPERATIONS ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD.

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

Section 1. Roundtree Automotive Group (Infiniti), through its agent Murray D. Fischer, has submitted an application to allow vehicle service operations within an existing commercial building located at 9031 Olympic Boulevard (the "Project"). The proposed service use would occupy an existing building that contains approximately 15,300 square feet of floor area. The building will contain nineteen (19) service bays, one tire changing area, and one alignment area. Vehicle service uses require approval of a Conditional Use Permit (CUP).

Section 2. The Project site is located on the northwest corner of Olympic Boulevard and South Wetherly Drive. Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property. Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with

detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence that runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The commercial property located to the east across South Wetherly Drive is currently vacant (but was used most recently for vehicle dealership operations) and is proposed to be the location of the vehicle drop off/pick-up area for the Infiniti service operations. The Project would operate in conjunction with neighboring properties located at 9001 and 9000 Olympic Boulevard.

Section 3. The request to allow a vehicle services use requires a Conditional Use Permit. Vehicle service would occur from 7:00 AM to 7:00 PM on weekdays, and from 9:00 AM to 5:00 PM on Saturdays. No service would be performed on Sundays. Customers will drop vehicles off at 9001 Olympic Boulevard, and the vehicles will then be driven to 9031 Olympic Boulevard by Infiniti employees. Once service is completed, vehicles will be returned to 9001 Olympic Boulevard for customer pick up.

Section 4. The Project has been environmentally reviewed 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 categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the Project includes a change in use within an existing structure including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances are proposed.

Section 5. Notice of the Project and public hearing was mailed on March 15, 2013 to all property owners and residential occupants within a 500-foot radius of the property. Additionally, notice was published in two newspapers of local circulation. On March 28, 2013 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

1. The proposed use is compatible with the area and surrounding uses;
2. The proposed use will have adequate buffering between the use and residential areas;
3. The proposed use will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and
4. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Conditional Use Permit (CUP):

1. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. The

new use will be located within an existing commercial building on the property, which is part of the existing neighborhood fabric. To the north of the project site is a residential neighborhood which is separated from the site by alleys along the north and west sides of the project site. A traffic, parking, and circulation study that has been peer reviewed by the City's Transportation Division indicates that the proposed use will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed on the project that will further limit traffic impacts, specifically in the residential neighborhood to the north. An acoustical study of the use was prepared which concluded that certain steps could be taken to minimize noise impacts. As a result, conditions have been imposed to minimize noise impacts. Since the proposed use will be located within an existing commercial building in the neighborhood and conditions have been incorporated in the project that will minimize the traffic and noise impacts, it is anticipated that the proposed use will be compatible with the area and the surrounding uses.

2. The proposed vehicle service use will be located within the existing commercial building on the property that is part of the existing neighborhood fabric. The existing building is physically separated from the neighboring residential uses by alleys along the north and west sides of the property. The building contains small fixed windows along the north and west elevations directly facing the residential areas, one pedestrian door on the west elevation, and the two vehicular access openings on the east elevation. Pursuant to the recommendations of the acoustical study, the project is required to comply with certain conditions of approval intended to reduce noise

levels. The conditions include the requirement to install soundproofing materials in the building, regulating the hours during which the vehicle doors are open, and restricting the congregation of employees. A traffic study was also conducted for the project, and while it has been determined that the proposed project will not have a significant impact on traffic in the area, conditions have been imposed to regulate the operations of the use as they relate traffic. The conditions include regulating the circulation of traffic between the project site and the 9001 Olympic site, and establishing a vehicle test drive route. As a result of the existing site configuration and building design, as well as the incorporation of specific conditions of approval, the Project is anticipated to be compatible with the area and the surrounding uses.

3. A traffic, parking, and circulation study has been prepared for the proposed use. This study, which has been peer reviewed by the City's Transportation Engineer, indicates that the proposed use will not result in any significant traffic, parking, or circulation related impacts on the neighborhood. While the study determined that the impacts would not be significant, it is recognized that the project will result in additional traffic in the area and conditions have been imposed on the project to minimize the traffic impacts. Specific conditions regarding the operational traffic associated with the use, including vehicle service test drives and the circulation of the vehicles to and from the site have been included. These conditions will reduce the amount of traffic in the residential areas, thereby reducing the potential traffic safety hazards to pedestrians. Therefore, it is anticipated that the proposed project will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including but not limited to, an adverse impact on traffic circulation or parking.

4. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. An acoustical study was prepared for the project which concluded that certain steps could be taken to minimize noise impacts. The recommended steps have been incorporated as conditions of approval on the project. The operational impacts of the project were also analyzed. For projects located in the general commercial-residential transition area of the City, such as the subject site, specific operational restrictions apply. These restrictions regulate operational elements such as the hours of operation, noxious fumes, and unpleasant odors. A condition of approval has been included on the project that requires full compliance with the operational standards for uses located in the commercial-residential transition area. Since the proposed use is generally consistent with the surrounding commercial uses and conditions have been imposed that would minimize noise and the other operation impacts, it is anticipated that the proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to activities association with the propose use or its hours of operation.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested CUP, subject to the following conditions:

1. The Planning Commission expressly reserves jurisdiction relative to traffic, parking, and noise issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the proposed Project as they arise. In the

event that the Project is found to result in any unanticipated impacts and a hearing is scheduled to review the Project, the full cost of the review hearing and implementation of any additional conditions or mitigations measures shall be paid for by the Applicant.

2. The conditions set forth in this resolution are specifically tailored to address the operations of Infiniti as presented and approved by the Planning Commission. To ensure that any subsequent automobile service uses operated at the subject site do not cause adverse impacts to the surrounding neighborhood, any transfer of ownership, management, or control of the dealership shall be reviewed by the Director of Community Development to determine whether the proposed change substantially conforms to the Project approved by the Planning Commission. If the Director determines that the proposed change does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with provisions of Section 10-3-3801 of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the CUP or to impose additional conditions as necessary to ensure that the operation of the subsequent dealership at the subject site is compatible with adjacent land uses. The full cost of any such review hearing and implementation of any additional conditions or mitigation measures shall be paid for the Applicant.
3. The project shall comply with all operational requirements for businesses located in the commercial-transition zone pursuant to Beverly Hills Municipal Code Section 10-3-1956.

4. The hours of operation for the vehicle service station shall be limited to 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service shall be performed on Sundays. The Project shall not exceed the maximum limit of operational hours permitted in this condition. This condition shall not prevent the dealership from assisting customers beyond operating hours outlined above, provided that said customer entered the dealership prior to the close of business.
5. A combination of thermal and acoustical insulation shall be applied to the underside of the roof structure between the joists and the entire service pay area.
6. Perforated metal acoustical wall panels shall be provided along the interior of the north building wall.
7. Dual glazed, fixed, non-operable windows with a minimum of 45 STC rating shall be provided in the existing window openings along the north building elevation.
8. Sound control doors with a minimum 50 STC rating shall be provided to all doors.
9. No public address system shall be utilized by the vehicle service center unless such system is inaudible beyond the property boundaries.
10. After the installation of the noise minimizing measures recommended by the Acoustical Study and further conditioned herein, the acoustical consultant shall inspect the installation and verify that recommended measures have been met. The acoustical consultant shall submit written documentation to the Director outlining the inspection and verifying proper installation of all materials.
11. The northern east-facing building opening that provides vehicle access to the Project from South Wetherly Drive shall be permitted to remain open during the approved vehicle service hours outlined in this resolution, but shall remain closed at all other

times. Pursuant to Condition No. 18 herein the southern building opening shall be closed permanently.

12. At all times the vehicle service use shall operate in compliance with the City's noise ordinance and the noise study presented to the Planning Commission during the public hearing process.
13. All deliveries shall occur during the approved hours of operation outlined in this resolution.
14. Employees shall be provided free off-site parking. Employees shall be transported by company-funded shuttles from the off-site parking location to the project site. The shuttle vehicles shall be prohibited from driving on residential streets.
15. Except as expressly required by law, employees shall be prohibited from parking on City streets. The applicant shall actively discourage vendors and other vehicles associated with or doing business with the dealership or its employees from parking on City streets.
16. Vehicle test drives must follow the approved test drive route provided in Attachment E of the Traffic and Parking Analysis.
17. Vehicles shall be moved to and from the Project site by porters only. Customers shall not come directly to or from the Project site for the purpose of dropping-off/picking-up of vehicles.
18. When driving vehicles to and from the Project site the porters shall follow the amended circulation route approved by the Planning Commission on March 28, 2013. Vehicles shall enter and exit the Project site's northern driveway. This shall be achieved through the closure of the southern driveway and the widening of the

northern driveway apron to a minimum width of 18 feet. This condition shall not require the widening of the building opening associated with the northern driveway provided that a minimum building opening width of 14 feet is maintained.

19. All vehicle service shall be conducted within the service structure on the site. Vehicle service shall not occur within any public streets or public right-of-way.
20. Delivery vehicles shall be prohibited from parking along the public streets or alleys.
21. All deliveries shall occur on the adjacent site at 9001 Olympic Boulevard. No other streets or rights-of-way shall be used for such purposes. Goods may be transported to the project site as needed by company employees. When transporting goods via car or truck the employees must follow the same vehicular route approved for the porter operations. The transporting of goods shall occur during the approved hours of operation outlined in this resolution.
22. All customers of the vehicle service use shall be provided with free parking.
23. All trash storage and recycling areas shall be incorporated into the interior design of the Project, and shall only be removed from the structure for the purpose of collection.
24. At the close of business each day, an employee(s) of the dealership shall walk the perimeter of the project site and collect and dispose of any trash or debris that may be present on adjacent sidewalks or the alleys, regardless of whether said trash or debris was generated by the service operations.
25. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from eating, drinking, or smoking in the alley and other public rights-of-way.

26. Lunch trucks/catering trucks shall be directed by the service operation to park only on the public streets directly adjacent to the site. Said trucks shall be prohibited from parking in the alleys or within the residential neighborhoods.
27. The Applicant shall make available the phone number of the service operations manager who will serve as a single-point of contact for property owners and residential and commercial occupants within the surrounding neighborhood. The phone number shall be posted on the Project site at all times (even during construction) and shall be mailed to all property owners and residential and commercial occupants within a 500-foot radius of the Project site. In the event that the 500-foot radius ends within a street block and does not capture all properties within the block, the mailing radius shall be expanded to capture all the properties located within the block.
28. The Applicant shall install a vehicle directional sign at the east exit of the 9001 Olympic Boulevard site which indicates that a left-hand turn onto South Almont Drive is prohibited. The sign shall be installed on private property and shall be maintained by the Applicant.
29. At the Project site's vehicle entry/exit a directional sign shall be installed that prohibits outbound vehicles from making a left-hand turn onto South Wetherly Drive. The sign shall be installed on private property and shall be maintained by the Applicant.
30. At the Project site's vehicle entry/exit the Applicant shall install lights that will flash to notify pedestrians when a vehicle is exiting the building. The Applicant shall also

install mirrors that will provide vehicles exiting the property with visibility of the public right-of-way.

31. The Applicant shall be responsible for notifying all employees of the operational conditions within this resolution. The notification document(s) utilized shall be consistent with the materials provided by the applicant during the Planning Commission meeting on March 28, 2013. A copy of the document(s) is on file with the Community Development Department.

32. The Applicant shall be responsible for notifying patrons of how to best access the service facility from Olympic Boulevard and shall discourage patrons from using residential streets. This information shall be provided to patrons on the service facility's webpage, within written and email correspondence to patrons, and through verbal communications with the service facility employees. The notification documents shall be consistent with the materials provided by the applicant during the Planning Commission meeting on March 28, 2013. A copy of the document(s) is on file with the Community Development Department.

STANDARD CONDITIONS:

33. 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. An appeal fee is required.

34. Prior to the issuance of building permits, the Project's exterior design and its associated signage shall be reviewed and approved by the Architectural Commission.

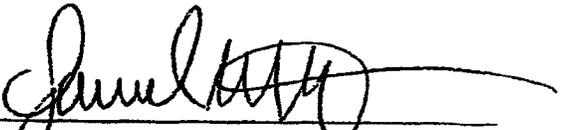
35. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
36. 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.
37. At all times the Project shall comply with the standards of the City's Municipal Code and all other applicable State and Federal regulations.
38. The resolution approving the Conditional Use Permit 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 prior to the issuance of a building permit. 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.
39. Prior to the issuance of building permits, all exterior modifications to the building, as well as signage and window displays, shall be submitted to and approved by the Architectural Commission.
40. A violation of any of these conditions of approval may result in the revocation of the entitlements granted herein. Any such revocation shall be conducted in accordance

with the revocation proceedings set forth in §10-3-3803 of the Beverly Hills Municipal Code.

41. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.
42. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
43. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

Section 9. 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: March 28, 2013



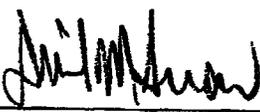
Daniel Yukelson, Acting Chair of the
Planning Commission of the City of Beverly
Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

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

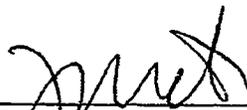
I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1678 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on March 28, 2013, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Block, Fisher, Yukelson.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Chair Rosenstein, Chair Corman



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California

Attachment 3

Planning Commission
Staff Report



Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 285-1141 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: March 28, 2013

Subject: 9031 Olympic Boulevard
Infiniti

Request for a Conditional Use Permit to allow vehicle servicing within the existing building on the site located at 9031 Olympic Boulevard.*

PROJECT APPLICANT: Roundtree Automotive Group (Infiniti)

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the requested Conditional Use Permit.

REPORT SUMMARY

The proposed project involves a request for a Conditional Use Permit to allow the establishment of a vehicle service facility within an existing commercial building located 9031 Olympic Boulevard. This report analyzes the impacts and potential benefits of the proposed Conditional Use Permit with particular focus on the project's use, potential traffic and noise impacts on the neighborhood, and site circulation. While it is recognized that the proposed use represents a change to the surrounding neighborhood in comparison to existing conditions, particularly with respect to increased business related activity such as customer trips, deliveries, and the presence of employees, staff's analysis concludes that with the incorporation of project-specific conditions of approval, the proposed Conditional Use Permit will not result in any significant adverse impacts to the neighboring properties or the surrounding neighborhood. Therefore, staff recommends approval of the requested Conditional Use Permit.

Attachment(s):

- A. Staff Recommended Findings and Conditions of Approval
- B. Draft Resolution
- C. Empirical Traffic/Circulation Analysis
- D. Acoustical Analysis
- E. Southeast Task Force Recommendations
- F. Public Notice
- G. Architectural Plans

Report Author and Contact Information:

Shena Rojemann, Associate Planner
(310) 285-1192
srojemann@beverlyhills.org

* The original application for the proposed project included a request for an Extended Hours Permit, and the project was noticed accordingly. Since that time, the applicant has withdrawn the request for the Extended Hours Permit, and this staff report does not contain analysis on the Extended Hours request. Further explanation of this change can be found in the Project Description section of this report.

BACKGROUND

File Date	1/03/2013
Application Complete	3/15/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	5/20/2013 without extension request from applicant
Applicant(s)	Roundtree Automotive Group (Infiniti)
Property Owner(s)	Prime West, Inc.
Representative(s)	Murray D. Fischer
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9031 Olympic Boulevard
Legal Description	TRACT #6380 EX OF ALLEY LOT 725 AND LOT 726
Zoning District	C-3T-2 Commercial-Transition Zone
General Plan	General Commercial - Low Density
Existing Land Use(s)	General Commercial
Lot Dimensions & Area	120' x 127.5' – 15,300 square feet
Year Built	1945
Historic Resource	The property is not identified on the City's list of potentially historic properties and, according to the City's permit records, has not been designed by a Master Architect
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1.6X – One-Family Residential Zone
South (across Olympic Blvd)	C-3T-2 – Commercial-Transition Zone
East	C-3T-2 – Commercial-Transition Zone
West	C-3T-2 – Commercial-Transition Zone

Circulation and Parking

Adjacent Street(s)	Olympic Boulevard and South Wetherly Drive
Adjacent Alleys	15' one-way northbound alley along the west side of the property and a 15' one-way eastbound alley along the north side of the property
Parkways & Sidewalks	Olympic Boulevard sidewalk/parkway – 15' from face of curb to property line, South Wetherly Drive sidewalk/parkway – 12.5' from face of curb to property line
Parking Restrictions	2 hour parking east side of project site (South Wetherly Drive). 2 hour parking south of the project site (Olympic Boulevard).
Nearest Intersection	Olympic Boulevard and South Wetherly Drive
Circulation Element	Olympic Boulevard is an arterial street; South Wetherly Drive is a local street.

Estimated Daily Trips Olympic Boulevard carries approximately 25,850 daily trips, and South Wetherly Drive carries approximately 936 daily trips

Neighborhood Character

The site is located on the northwest corner of Olympic Boulevard and South Wetherly Drive. Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property. Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence which runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The commercial property located to the east across South Wetherly Drive is currently vacant (but was used most recently for vehicle dealership operations) and is proposed to be the location of the vehicle drop off/pick-up area for the Infiniti service operations. The following image provides an aerial of the neighborhood and illustrates the surrounding development and land uses.

