ATTACHMENT 2

NOVEMBER 21, 2013 PLANNING COMMISSION

STAFF REPORT

City of 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: November 21, 2013

Subject: **8767 Wilshire Boulevard**
Medical Use Overlay Zone and Vehicle Sales
Request to apply the City's Medical Use Overlay Zone to the subject property, request to amend a previously granted Development Plan Review to modify conditions of approval applicable to the property, and a request for a Conditional Use Permit to allow a vehicle showroom on the building's ground floor for the property located at 8767 Wilshire Boulevard.
PROJECT APPLICANT: 8767 Wilshire Boulevard, L.P.

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolutions conditionally approving the project and making recommendations to the City Council regarding application of the Medical Use Overlay Zone to the subject property.

REPORT SUMMARY

In 2006 the subject property received approvals to construct a 75,116 square foot commercial building containing general office and retail uses, as well as 51 surplus parking spaces made available for use by the general public. The building has been constructed, and although not yet occupied, a Temporary Certificate of Occupancy has been issued for the building. In 2009 (while the project was under construction) the applicant requested approvals to allow a portion of the building to be used for medical offices. The request for medical offices was denied by the Planning Commission and City Council. Subsequently, the applicant initiated litigation in an attempt to allow medical offices in the building. The litigation is still pending; however, the applicant has reached a settlement agreement with the City (Attachment D) that identifies the proposed project changes and outlines the process for requesting medical offices and other project changes through the public hearing process. The proposed project changes include allowing medical offices, a pharmacy, ground-floor automobile showroom space, and

Attachment(s):
A. Required Findings
B. Draft Planning Commission Resolution – Development Plan Review, Conditional Use Permit, and Planned Development
C. Draft Planning Commission Resolution – Zone Amendment for Medical Use Overlay Zone
D. Settlement Agreement
E. Public Communications
F. Applicant-Proposed Conditions of Approval
G. Addendum to Mitigated Negative Declaration
H. Mitigated Negative Declaration
I. Traffic and Air Quality Studies
J. Public Notice
K. Prior Planning Commission Resolutions
L. Prior City Council Resolutions
M. Architectural Plans (Provided as a Separate Attachment)

Report Author and Contact Information:
Ryan Gohlich
(310) 285-1194
rgohlich@beverlyhills.org

an increase in the amount of floor area that can be occupied by a restaurant. In order to achieve these project objectives, the applicant requests the following entitlements:

- **Medical Use Overlay Zone (Planned Development).** The Municipal Code prohibits the establishment of new medical offices in the City except for properties within the City's Medical Use Overlay Zone. As a component of applying for the Medical Use Overlay Zone, public benefits must be offered to the City to offset any impacts caused by the medical offices.

- **Development Plan Review Amendment.** The Development Plan Review previously granted for the subject property contains numerous conditions of approval that set forth allowed uses and development standards for the property. The applicant requests changes to existing conditions in order to accommodate the currently proposed uses and building operations.

- **Conditional Use Permit.** The applicant proposes a new luxury automobile showroom on the building's ground floor. All automobile sales uses within the City require a Conditional Use Permit, so the applicant has requested a Conditional Use Permit in order to allow the use.

This report includes analysis of the proposed project in relation to the entitled project, specifically with respect to the project's history and the recently approved settlement agreement between the City and the applicant. Some of the key issues discussed in this report relate to whether medical offices are a desired use at the subject location, what impact the settlement agreement should have on the project, whether a vehicle showroom is an appropriate ground floor use at the subject location, and whether the public benefits offered by the applicant are sufficient to offset the increased vehicle trips and parking demand associated with medical offices. In light of the analysis and circumstances further explained in this report, as well as updated environmental analysis prepared to assess the proposed project modifications, staff concludes that the proposed project will not be detrimental to the surrounding neighborhood, and the recommendation in this report is for project approval.

BACKGROUND

File Date	11/4/2013
Application Complete	11/14/2013
Subdivision Deadline	N/A
CEQA Determination	An addendum to previously adopted Mitigated Negative Declaration has been prepared (see Attachment G)
Applicant(s)	8767 Wilshire Boulevard, L.P.
Owner(s)	8767 Wilshire Boulevard, L.P.
Representative(s)	Tom Levyn and Clare Bronowski
Prior Project Previews	None
Prior PC Action	2006 - Approval of a Development Plan Review and Variance to allow construction of the subject commercial building. Planning Commission Resolution No. 1442
	2009 – Denial of a request to allow medical offices to be located within the

	subject commercial building. Planning Commission Resolution No. 1561.
Prior Council Action	2007 - Denial of an appeal of the Planning Commission's approval of the existing commercial building. The City Council upheld the Planning Commission's decision. City Council Resolution No. 07-R-12273.
	2010 – Denial of an appeal of the Planning Commission's denial of a request to allow medical offices in the subject commercial building. The City Council upheld the Planning Commission's decision. City Council Resolution No. 10-R-12736.
	2013 – City Council approval of a settlement agreement outlining the process for requesting medical offices and other project amendments for the subject commercial building.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	8767 Wilshire Boulevard
Zoning District	C-3 General Commercial
General Plan	Low Density General Commercial
Existing Land Use(s)	Vacant commercial building
Lot Dimensions & Area	Irregularly shaped – 37,562 square feet (0.86 acres)
Year Built	2011
Historic Resource	N/A
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

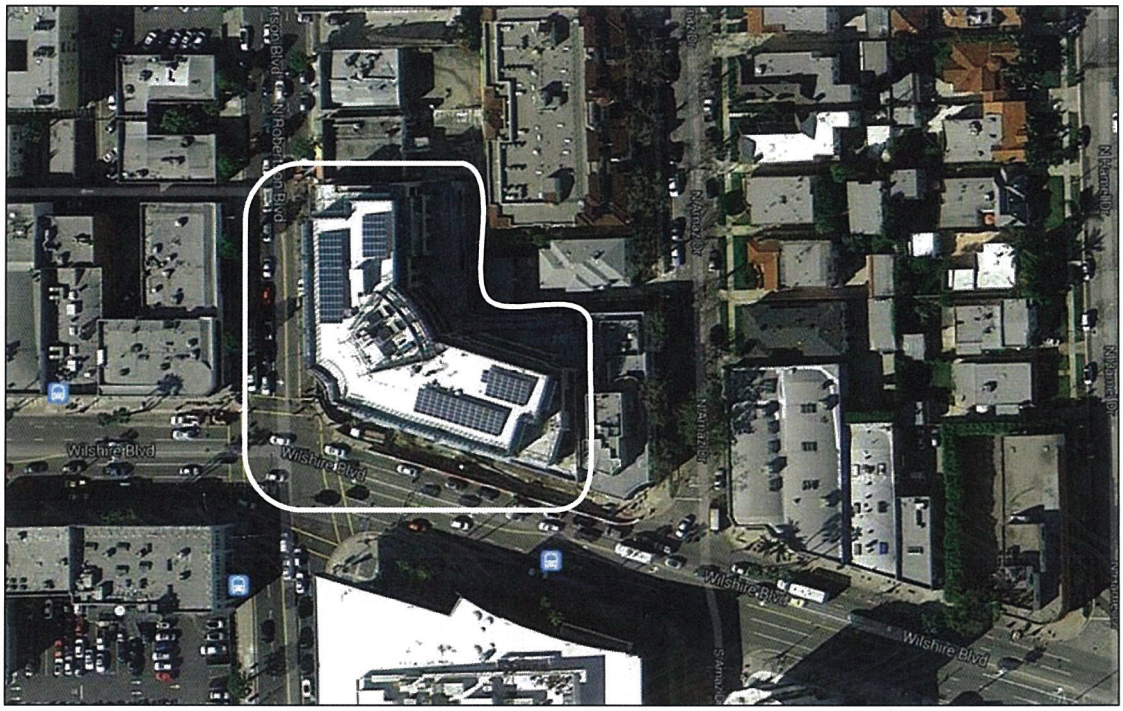
North	C-3 – General Commercial, R-4 – Multi-Family Residential
South	C-3 – General Commercial
East	R-4 – Multi-Family Residential
West	C-3 – General Commercial

Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard and Robertson Boulevard
Adjacent Alleys	None
Parkways & Sidewalks	15' wide sidewalk along Wilshire and Robertson Boulevards (some variation occurs due to a dedicated right-turn lane on Wilshire Boulevard)
Parking Restrictions	1-hour metered parking on Robertson Boulevard, no parking on Wilshire Boulevard
Nearest Intersection	Wilshire Boulevard and Robertson Boulevard
Circulation Element	Wilshire Boulevard: Arterial Street Robertson Boulevard: Collector Street
Estimated Daily Trips	Wilshire Boulevard: Approximately 43,000 average daily trips Robertson Boulevard: Approximately 26,000 average daily trips

Neighborhood Character

The subject property is located toward the eastern portion of the City, and is immediately adjacent to multi-family residential development to the north and east. Other development in the vicinity consists of commercial buildings ranging from one to six stories in height, that typically contain either general or medical office uses within the upper floors, and retail or financial uses within the ground floors.



Project Site

PROJECT BACKGROUND

The subject property has been before the Planning Commission and City Council on several occasions for consideration of land use approvals and appeals, and has most recently been the subject of a lawsuit challenging the City's prior decision not to allow the building to be used for medical uses that has resulted in a settlement agreement. Information regarding the various iterations of review are provided below.

General Office Building. Development of the subject commercial building was originally approved by the Planning Commission on September 14, 2006 pursuant to Planning Commission Resolution No. 1442. The Planning Commission's approval included a variance for additional building height, and was related to general office, retail, and restaurant uses, and specifically prohibited medical uses among others. The Planning Commission's approval of the commercial building was appealed to the City Council by an individual opposed to the project. The appeal was denied by the City Council, which upheld the Planning Commission's approval of the general office and retail building (City Council Resolution No. 07-R-12273 – Attachment L). Construction of the general office building was commenced in 2009.

Medical Office Uses. Shortly after the start of construction on the subject commercial building in 2009, the applicant requested an amendment to the original project approvals to allow medical offices to occupy 54,900 square feet or 73% of the building (more than the current request to occupy 33,802 square feet or 45% of the building with medical uses). Upon reviewing the request, the Planning Commission determined that it could not make all required findings in support of the proposed medical offices, and denied the request (Planning Commission Resolution No. 1561). Subsequent to the Planning Commission's denial, the applicant filed an appeal of the decision so that the matter could be heard by the City Council. The City Council heard the appeal, and adopted a resolution denying the appeal on February 16, 2010 (City Council Resolution No. 10-R-12736 – Attachment L).

Litigation and Settlement Agreement. Upon exhausting its administrative remedies through the amendment and appeal process regarding medical offices, the applicant initiated litigation against the City relating to the prohibition of medical offices within the subject commercial building. The litigation is ongoing and is currently pending review by the Court of Appeal; however, the applicant has concurrently been pursuing a settlement agreement with the City, with the goal of ending the litigation. On October 22, 2013 the City Council unanimously authorized a settlement agreement between the City and applicant. The settlement agreement does not grant any approvals to the applicant, but sets forth a process for requesting certain amendments through public hearings, and outlines certain application fees to be paid by the applicant and others to be borne by the City. Additionally, the settlement agreement sets forth a timeline for the applicant to terminate litigation in the event that project approvals are granted in a form generally consistent with the project description set forth in the settlement agreement. The executed settlement agreement is provided as Attachment D.

PROJECT DESCRIPTION

The proposed project includes the following elements, which:

- **Medical Office Space.** Allow up to 33,802 square feet of medical office space to be located within the building (45% of the building's floor area), but not on the ground floor.

- **Vehicle Sales.** Allow a vehicle sales showroom (no service) on the building's ground floor (up to 15,520 square feet). The specific tenant would be subject to review and approval by the City Council.

- **Expanded Restaurant Space.** Rather than the currently entitled 3,000 square feet of restaurant space (1,500 square feet of dining and bar plus 1,500 square feet of back-oh-house areas), allow up to 7,010 square feet of restaurant space (4,206 square feet of dining and bar area plus 2,804 square feet of back-of-house areas), subject to City Council review and approval of a specific tenant.

- **Pharmacy Use.** Allow a pharmacy use to occur on any floor except for the ground floor.

- **Public Parking.** Establish provisions and rates for public parking spaces. The applicant previously proposed (and was subsequently required by conditions of approval) 51 parking spaces available for use by the public. The public parking spaces were intended to provide needed parking for surrounding developments and limit commercial parking intrusion into surrounding residential neighborhoods. The current project proposal leaves open the possibility of utilizing the 51 public spaces to meet parking requirements in the event they are needed to accommodate the restaurant expansion identified above (subject to City Council approval). Further, the applicant proposes to make 230 self-parking spaces available to the public at discounted rates on weekdays after 6:00 PM and on weekends throughout the day. The rates will vary depending on the time of day, but will generally be comparable to rates charged at City-owned facilities. A breakdown of the proposed parking rates is provided in the analysis portion of this report (Public Benefits).

A breakdown of the potential uses and parking requirements for the project is set forth below. The land use breakdown should be considered as a worst-case scenario from an intensity standpoint, and is subject to changes in floor area distribution depending on individual tenant requirements (e.g. the retail/auto area could be smaller than 15,520 square feet but not larger, and the restaurant area could be smaller than 7,010 square feet but not larger). Additionally, the table does not include the 51 parking spaces previously required for use by the general public.

Floor	Retail/Auto	Restaurant	Pharmacy	General Office	Medical Office	Total
1	15,520					15,520
2		7,010*	1,500	13,170		21,680
3				4,114	16,276	20,390
4					17,526	17,526
Total	15,520	7,010*	1,500	17,284	33,802	75,116
Required Parking	44.34	68.96	4.29	49.38	169.01	335.99

*40% of the restaurant floor area would be used for back-of-house purposes

In order to accommodate the project components identified above, specific modifications to the previously imposed conditions of approval are shown in strikeout/underline format in the draft Planning Commission Resolution (Attachment B).

GENERAL PLAN[1] POLICIES

The General Plan includes numerous goals and policies intended to guide development within the City. Some of the policies relevant to the Planning Commission's review of the project include:

- Policy LU 5.8 Encroachment of Incompatible Land Uses. Protect residential neighborhoods from the encroachment of incompatible nonresidential uses and disruptive traffic, to the extent possible. Zoning and design review should assure that compatibility issues are fully addressed when nonresidential development is proposed near or within residential areas.

- Policy LU 9.6 Medical Uses. Study, adopt and implement regulations that appropriately regulate medical land uses in the City.

- Policy LU 11.6 Parking. Explore opportunities to expand the parking supply in underserved commercial districts and residential neighborhoods which may developed publicly, privately, or by joint public-private partnerships.

- 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 CIR 4.1 Parking Provisions. Ensure that adequate parking is provided for existing and future uses while considering shared parking opportunities, Travel Demand Management (TDM) plans, and availability of alternate modes of travel, based on the site's proximity to transit.

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 Guidelines[2], and the environmental regulations of the City. A Mitigated Negative Declaration (MND) was previously adopted by the City Council on January 30, 2007 for the existing commercial building on the subject site. Pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency (the City of Beverly Hills in this case) may prepare an addendum to a previously adopted MND if some changes or additions to the MND are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent MND have occurred. Pursuant to CEQA Guidelines Section 15162, no subsequent MND shall be prepared for the project unless, on the basis of substantial evidence in the light of the whole record, one or more of the following is determined:

(1) Substantial changes are proposed in the project that will require major revisions of the previous MND due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of

---

[1] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp
[2] The CEQA Guidelines and Statue are available online at http://ceres.ca.gov/ceqa/guidelines

new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance identifies one or more significant effects not discussed in the previous MND, significant effects previously examined will be substantially more severe than shown in the previous MND, mitigation measures or alternatives previously found not to be feasible or not analyzed in the MND would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt of the measure or alternative.

The above criteria have been assessed in accordance with the State CEQA Guidelines, and the proposed project has been determined to be eligible for an addendum to the previously adopted MND because it does not result in any new environmental impacts. Therefore, an addendum to the MND has been prepared and is provided as Attachment G, inclusive of further explanation of the project's eligibility for such an addendum.

PUBLIC OUTREACH AND NOTIFICATION

Notice regarding the subject public hearing was provided in accordance with Municipal Code requirements. The notice included direct mailing via U.S. mail to all property owners within a 300' radius of the project site and all residential occupants within a 500' radius of the project site. Additionally, notice of the public hearing was published in two newspapers of local circulation, the Beverly Hills Courier and the Beverly Hills Weekly.

Public Comment

As of the writing of this report, several public comments had been received regarding the proposed project, and are provided as Attachment E.

ANALYSIS[3]

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The findings that must be made in order to approve the project are provided in Attachment A, and draft findings are included in the Draft Planning Commission Resolution (Attachment B), which may be used to guide the Planning Commission's deliberation of the subject project. The analysis considered by staff when drafting the findings is set forth as follows:

Medical Use. In 2011 the City Council adopted an ordinance prohibiting, with limited exceptions for existing buildings containing medical offices, the by-right establishment of new medical office space in the City. In accordance with the medical ordinance, a non-medical building may only be permitted to contain medical offices if approved pursuant to a Medical Use Overlay Zone. The City Council adopted the Medical Use Overlay Zone provisions in order to restrict further intensification of medical uses in the city in order to limit commercial intrusion into

[3] 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.

residential areas, prevent adverse traffic and parking impacts, maintain and promote the character and image of the city, foster economic vitality and encourage pedestrian activity in retail areas. The medical use overlay zone is intended to allow limited expansion of medical uses at appropriate locations in the city and in a manner that is consistent with the underlying zoning district and the elements of the general plan.

As proposed, the project would result in up to 45% (33,802 square feet) of the 75,116 square-foot building being designated for medical uses, although no medical offices would be permitted on the ground floor in order to promote pedestrian activity. This request for medical uses is lower than the previously proposed (and denied) request for 73% (54,900 square feet) of the building to be occupied by medical uses. The subject property is located at a prominent intersection (Wilshire and Robertson Boulevards) near the eastern portion of the City that experiences high traffic volumes. The location is also in close proximity to Cedars Sinai hospital and other medical offices in Beverly Hills and Los Angeles. From an access and proximity standpoint, the subject location appears to be appropriate for medical offices; however, the subject property is also in close proximity to multi-family and single-family residential uses, which are particularly sensitive to increased traffic and parking demands. In fact, one of the reasons that medical offices were previously denied at the subject location was the concern for increased traffic, parking demand, and intrusion on the surrounding residential neighborhoods. Another potential concern is whether allowing medical offices within the building may detract from the desirability of general office space within the building, thus causing the applicant to seek additional medical space in the future. Notwithstanding these concerns, the Municipal Code does not outright prohibit new medical offices, but states that they should be appropriately located in order to protect the City's broad interests. On balance, the subject location appears to be more appropriate for medical offices than many other areas of the City, provided that traffic and parking can be adequately controlled (which is addressed on pages 10-12 of this report).

Auto Showroom. As proposed, up to the entire 15,520 square-foot ground floor of the existing building could be used for automobile showroom purposes. While a specific tenant has not been identified, the applicant has indicated that any tenant would be a low-volume luxury brand that would be subject to City Council approval. The space would be limited to showroom use only, and no vehicle service would be permitted on-site. Although certain aspects of automotive sales uses such as test drives, deliveries, and vehicle service have the potential to be disruptive to residential neighborhoods, staff's experience is that most disruptions occur from high-volume sales and service operations. Since the proposed showroom would be limited to low-volume luxury car sales only, and subject to review and approval by the City Council, the use itself is not anticipated to be detrimental to surrounding uses if properly controlled. In order to properly control the automotive sales use, staff has incorporated conditions of approval in the Draft Planning Commission Resolution (Attachment B) that would limit test drives to commercial streets only, regulate the hours and types of deliveries that could occur, and prohibit on-site vehicle service. Furthermore, while a vehicle showroom may not specifically draw pedestrians to a given location, a properly designed showroom space can be visually interesting and contribute to the pedestrian environment of the surrounding commercial corridor. Another consideration is the valuable revenue that vehicle showrooms generate for the City, which helps to fund important City functions and programs that serve the broader City. Although allowing vehicle showroom space to occupy the ground floor would potentially limit opportunities for

general retail establishments within the building, the large tenant space and corner location appear to be appropriate for a single-tenant showroom that would enhance the intersection.

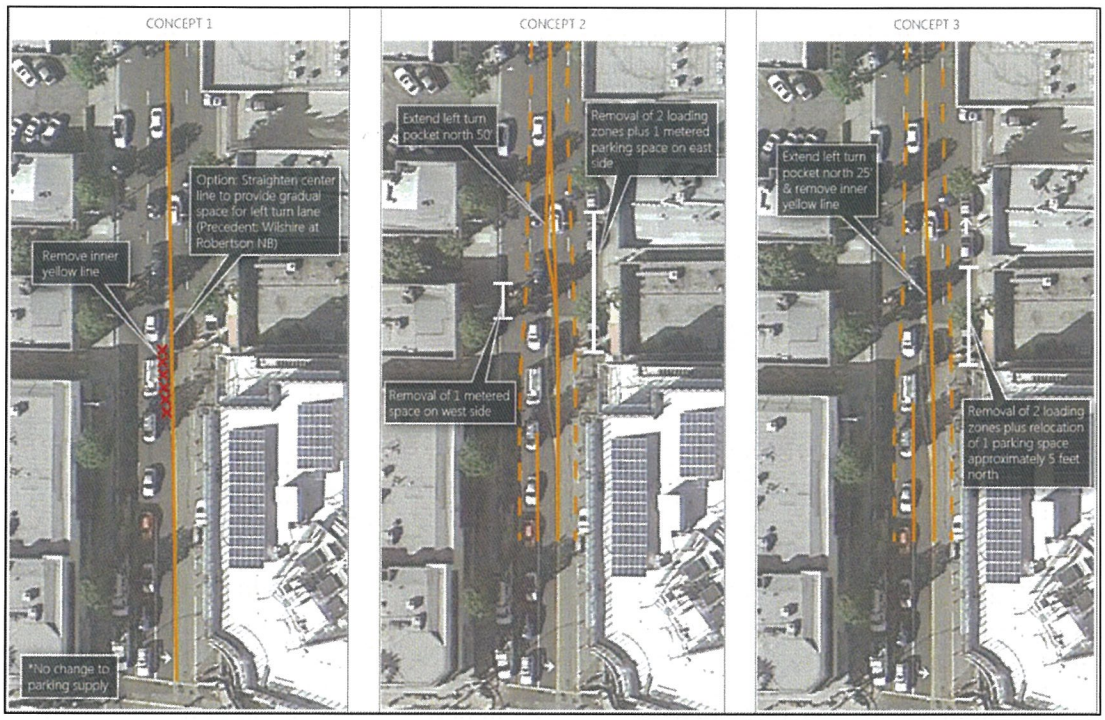
Expanded Restaurant. One of the project modifications proposed by the applicant is to allow a larger restaurant space than was previously approved. The approved project provides for up to 3,000 square feet of restaurant space, 1,500 square feet of which would be for dining and bar purposes, while the remaining 1,500 square feet would be for back-of-house operations. Based on the total number of parking spaces available within the property (up to 25% of the spaces required to be provided for general office and retail uses within the building can be used to satisfy code parking requirements for a restaurant) and the proposed distribution of medical and general office uses, up to 7,010 square feet of restaurant space could be established, provided that 60% or 4,206 square feet of the space is dedicated to dining and bar area, with the remaining 40% or 2,804 square feet being used for back-of-house operations.

Such a restaurant could be located on any floor of the building or be split between floors; for the purposes of the analysis contained in this report, the restaurant is assumed to be located above the ground floor, as this results in a worst-case scenario with the greatest number of vehicle trips (discussed in the following section of analysis). Currently, no restaurant tenant has been identified for the building; however, any tenant would be subject to final review and approval by the City Council (pursuant to the settlement agreement) if it were to exceed the previously approved 3,000 square foot limit. Although a tenant has not been identified, a larger, destination-type restaurant (coffee shops, fast-food establishments, and non-destination restaurants would not be permitted) could contribute to revitalization of the eastern portion of the City. Other restaurants currently exist is the vicinity, and adding to the available options could contribute to the area's development potential. For these reasons restaurants are typically considered to be a desirable land use; however, it is also important to recognize that restaurants generate higher traffic volumes in the evenings, and result in a higher parking demand. In order to accommodate the larger 7,010 square foot restaurant during the daytime, all 51 of the previously required publicly available parking spaces identified in the project description would need to be used by the restaurant. While 230 publicly available parking spaces would be offered on weekends and weekday evenings when the office uses are closed for business (see Public Benefits discussion on page 13), they would not be available during weekday daytime hours. Therefore, the benefits of an expanded restaurant may be somewhat offset by the loss of daytime public parking, but the overall desirability of a destination restaurant may remain.

Traffic. The proposed changes in land use (particularly medical offices and an expanded restaurant) result in higher traffic volumes than those approved under the general office project that is currently constructed. In order to assess the changes in traffic volumes, an updated, focused traffic study was prepared to analyze the intersections and streets that are in the immediate vicinity of the project and most likely to experience impacts. The traffic analysis was prepared based on a worst-case scenario of land uses (i.e. the combination of land uses that would generate the most amount of traffic), and has been peer reviewed by the City's traffic engineer. This worst-case scenario is the one identified in the floor area table on page 6 of this report, and includes an entirely-retail 15,520 square-foot ground floor, a 7,010 square foot restaurant on the second floor of the building, and 33,802 square feet of medical office space distributed among the upper floors. While it is possible that a less intense combination of land

uses may ultimately occupy the building, the intent of this study was to identify any potential traffic impacts that could result from different land uses. A vehicle showroom (without service) generates fewer vehicle trips than a general retail establishment, and although the applicant requests a CUP for a vehicle showroom, the study has analyzed general retail on the ground floor in order to contemplate a scenario where the applicant is not able to secure an automotive tenant. Additionally, the building may not contain any restaurant, or it may contain a restaurant smaller than 7,010 square feet.

Based on a worst-case scenario, updated trip generation numbers were calculated and applied to the surrounding streets in a manner consistent with the previously prepared traffic studies. Under the worst-case scenario, the proposed project would result in a total of 2,944 average daily trips, which is a net increase of 1,280 additional daily trips beyond the 1,664 average daily trips that would otherwise be generated by the currently entitled project. Of the 1,280 net new vehicle trips, 17 would occur during the AM peak hour, 132 during the midday peak hour, and 103 would occur during the PM peak hour. Despite the increase in vehicle trips, the calculations and analysis contained in the traffic study demonstrate that when the additional vehicle trips are added to the surrounding streets, the project would not exceed any of the City's traffic impact thresholds for streets and intersections, and would therefore not cause a significant traffic impact. One of the reasons that the project would not generate a significant impact is that under the previously approved project, vehicles traveling southbound on Robertson Boulevard could not make a left turn into the project site due to existing lane striping (no conditions prohibited left turns). This resulted in vehicles having to travel around the project site in order to gain access, which generated additional vehicle trips on surrounding streets. Since the project's original approval, the City has repaved portions of Robertson Boulevard and is making striping modifications to the lanes. One of the striping modifications on the City's work plan results in southbound vehicles on Robertson Boulevard being able to make a left turn into the project site, which cuts down on the circuitous (cut-through) travel that would have previously been required for vehicles accessing the project site. The striping improvements are expected to be completed by the end of 2013, and have therefore been considered as part of the project's analysis. The diagram on the following page shows the restriping options being contemplated by the City, all of which would result in southbound vehicles being able to make a left turn into the project site.



Robertson Boulevard Restriping Options

The complete traffic study has been peer reviewed by the City's Traffic Engineer and is provided as Attachment I for additional technical details. Based on the information contained in the analysis, the project would result in an overall increase to daily traffic volumes, but would not result in a significant environmental impact under the City's adopted thresholds.

Parking. The previously approved project included a total of 358 parking spaces, which exceeded the code requirement of 239 parking spaces for the building. During permitting and construction of the building, the total number of parking spaces was reduced from 358 to 336 in order to account for changes in building codes and structural design changes that modified the configuration of the parking levels. The reduction in parking was approved administratively because it did not impact the number of parking spaces required to meet code or provide for the agreed upon 51 public parking spaces. As a result, the as-built project contains a total of 336 parking spaces within its subterranean parking garage. This overall supply of parking is sufficient to accommodate the breakdown of land uses requested by the applicant without resulting in a parking shortfall. In addition to satisfying code requirements, as part of the original conditions of approval all employees of the building must be provided with free parking, and all patrons of the building must be provided with two hours of free parking (with validation) in order to prevent parking impacts on the surrounding streets and neighborhoods. This requirement is not proposed to be modified as part of the proposed project. Beyond the code requirements, the applicant is required to provide 51 parking spaces for use by the general public. As is noted in the project description, the required 51 publicly-available parking spaces may be utilized to meet parking requirements for an expanded restaurant, subject to City Council approval. In addition, the applicant's commitment to provide reduced rate public parking on weekends and evenings is described on the following page of this report under Public

Benefits. Based on the total parking supply and the provision of publicly-available parking spaces, the requested project amendments are not anticipated to be impactful from a parking standpoint, and may actually help to alleviate some of the parking demand during evenings and weekends in the project's vicinity.

Pedestrian Activity. Robertson Boulevard is generally a pedestrian-oriented street, with ground floor retail spaces and restaurants. The previously approved project is required to maintain a pedestrian presence on Robertson Boulevard in order to contribute to existing and future development of the area. The proposed project modifications would allow the ground floor to be occupied by automotive showroom, retail, or restaurant uses. The retail and restaurant uses were previously approved since they are pedestrian-oriented; however, automotive uses were not permitted due to some of the concerns identified in the Auto Showroom analysis on page 9 of this report. While automotive showroom space is not always pedestrian-oriented, the existing building and storefront system is oriented toward the street in order to engage pedestrians. In addition to the building's orientation, any automotive tenant would be subject to review and approval by the City Council to ensure that the pedestrian nature of Robertson Boulevard is maintained. Several examples of pedestrian-oriented showrooms for luxury automobile dealers exist throughout the City, and include but are not limited to Ferrari/Maserati, Lamborghini, Rolls Royce, Aston Martin, and McLaren, all of which demonstrate the ability of a showroom to create visual interest similar to a true pedestrian-oriented use. Because it is possible to appropriately design a showroom space, staff believes that an automobile showroom for luxury automobiles would be a beneficial addition to the area and would not detract from pedestrian activity.

Public Benefits. A requirement of granting any Medical Use Overlay Zone is that the applicant shall offer to the City a public benefit that offsets any long-term impacts to the City that result from allowing the medical use. As proposed, the public benefit offered by the applicant is publicly-available parking spaces offered at a reduced rate throughout the day on weekends and during weekday evenings after 6:00 PM. The proposed number of parking spaces and rates are as follows:

- **Weekends:** 230 self-parking spaces will be available all day. Prior to 6:00 PM the rate will be $1.00 per hour for the first three hours, and $3.00 per half hour thereafter with a daily maximum of $12.00. After 6:00 PM, a flat rate of $5.00 will be charged.

- **Weekdays:** 230 self-parking spaces will be available after 6:00 PM daily. A flat rate of $5.00 will be charged.

The above rates are generally consistent with rates charged at City-owned facilities, and the parking spaces are anticipated to serve the needs of the surrounding commercial area. Public parking (at reduced rates) is currently limited in the eastern area of the City, particularly along Robertson Boulevard. The City has expressed a desire to increase parking opportunities in the vicinity of Robertson Boulevard, but currently does not have any planned parking projects. While additional parking facilities may be constructed in the future, the public benefit proposed by the applicant will serve an existing need for public parking, which may help to invigorate the area by providing a sufficient amount of parking to encourage visitors to the area who might otherwise be discouraged by parking difficulties, and the additional parking may also provide

new businesses with certain assurances that their patrons will be able to find parking without difficulty. Additionally, the added parking will help to alleviate parking impacts on surrounding residential streets. In addition to potentially alleviating parking demand, the additional parking spaces may actually reduce some of the traffic in the area that results from circling vehicles attempting to find on-street parking, a further benefit to the area. It is also important to note that the 230 parking spaces offered by the applicant on weekends and evenings could not be used by other properties for redevelopment purposes, and each redeveloped property would continue to be required to provide its own parking. Furthermore, the parking garage would not be permitted to accept new vehicles beyond 10:00 PM due to the building being located in a transitional use zone adjacent to residential development; however, should parking spaces be in high demand later than 10:00 PM, the applicant would have the option of requesting an Extended Hours Permit through the public hearing process.

Special Conditions of Approval. The applicant has requested specific modifications to the existing conditions of approval imposed on the existing commercial building (see Attachment F). With the incorporation of several modifications, staff is supportive of the requested amendments. The specific staff-recommended conditions of approval are contained in the Draft Planning Commission Resolution (Attachment B), and would accomplish the following:

- Allow up to 33,802 square feet of medical office space within the building
- Allow (and properly regulate) a luxury automobile showroom to be established on the ground floor, subject to City Council approval of the tenant
- Set specific standards and fees for the provision of reduced-rate public parking spaces
- Allow up to a 7,010 square foot restaurant to be established within the building
- Allow pharmacy uses within the building, but not on the ground floor
- Ensure that the project complies with Municipal Code parking requirements at all times
- Prohibit the storage of vehicles associated with off-site automobile dealerships

Summary of Project Benefits and Concerns. A summary of the project's potential benefits and potential concerns identified in this report is provided in the table below.

Potential Benefits	Potential Concerns
• Medical offices provided in close proximity to Cedars Sinai Hospital and other medical uses • Results in a vacant building being occupied • Potential for the establishment of a destination-type restaurant • Additional tax revenues from potential luxury automobile sales • Publicly-available parking at rates comparable to City-owned facilities • Reduction in parking shortfall and circling vehicles • Elimination of litigation and potential	• Medical offices generally do not contribute to the synergy of a pedestrian-oriented area • Increased traffic in the vicinity of the project site • Medical office space may discourage non-medical tenants in the building, causing the building owner to seek additional medical space in the future • Automotive showroom may prevent other retail uses within the building • Although regulated through conditions, automotive showroom will include test drives and vehicle deliveries

costs to City	• Less space available for lower-intensity general office uses • The required 51 publicly-available parking spaces could be used for restaurant uses if approved by the City Council • Increased on-site parking demand

Overall, the vacant building does not contribute to the commercial environment along Robertson Boulevard, nor does it contribute to the City's tax base for providing municipal services and programs. In light of the current conditions and pending litigation, some form of project approval may be a desirable outcome in order to protect the City's interests and to establish occupancy within the building; however, project approval or denial is based on required findings. Upon considering the above information in its entirety, staff's analysis concludes that the proposed project will not be detrimental to the surrounding neighborhood, will not result in any significant environmental impacts, and will provide specific benefits that will contribute to the overall development of the City and its commercial base. For these reasons, the recommendation in this report is for project approval, with recommendations regarding the Medical Use Overlay Zone to be forwarded to the City Council for consideration.

NEXT STEPS

It is recommended that the Planning Commission conditionally approve the requested entitlements and make recommendations to the City Council regarding the overlay zone, subject to all conditions of approval set forth in the attached resolutions.

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.

Report Reviewed By:

_____

Jonathan Lait, AICP, City Planner

I:\Planning\Ryan Gohlich\PC\Wilshire 8767\Staff Report - PC - 11-21-2013.docx

REQUIRED FINDINGS

Zone Amendment

1. *The application of the overlay zone will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.*

Planned Development Permit - Medical Use Overlay Zone Objectives

1. *Medical uses in the particular location are consistent with the elements of the city's general plan and purpose and intent of the Medical Use Overlay Zone;*

2. *The proposed development and medical use will not result in detrimental impacts to existing or anticipated residential or commercial development in the vicinity of the project with regard to density, height, scale and massing of the streetscape, garden quality of the city, or any combination thereof; unless the reviewing authority finds the development benefits outweigh the detrimental impacts;*

3. *The proposed development and medical use will promote harmonious development in the area;*

4. *The proposed development and medical use will not adversely interfere with the use and enjoyment of residential properties in the vicinity of the proposed development;*

5. *The proposed development and medical use will not result in detrimental impacts to existing or anticipated residential or commercial development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts. The development shall provide parking that is designed for ease of use and efficiency, with vehicle ingress and egress and patient drop off and pick up locations that would not adversely impact adjacent properties;*

6. *The proposed development and medical use will contribute to and enhance the character of the neighborhood and location, will contribute positively to the image of the city, shall not undermine efforts to maintain and foster an appropriate mix of uses in the city including a pedestrian friendly environment in the vicinity of the development;*

7. *The proposed development and medical use contribute to and enhance the city's economic base and granting the request will leave ample space available for future commercial growth including business headquarters, entertainment businesses, information/technology businesses, retail businesses and other businesses as determined by the city; and*

8. *A public benefit shall be offered to the city and the public benefit shall, at a minimum, offset any long term impacts to the city that result from allowing a medical use in the city's limited commercial areas.*

Development Plan Review

1. *The proposed plan is consistent with the general plan and any specific plans adopted for the area;*

2. *The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;*

3. *The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;*

4. *The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and*

5. *The proposed plan will not be detrimental to the public health, safety or general welfare.*

Conditional Use Permit – Auto Sales

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 a traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking;*

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; and*

5. *The proposed location of any such use will not be detrimental to adjacent property or to the public welfare.*

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW, PLANNED DEVELOPMENT PERMIT, AND CONDITIONAL USE PERMIT ASSOCIATED WITH MODIFICATIONS TO CONDITIONS OF APPROVAL AND THE TYPES OF LAND USES ALLOWED WITHIN A PREVIOUSLY APPROVED COMMERCIAL BUILDING ON THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD.

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

Section 1. Tom Levyn and Clare Bronowski, representatives on behalf of 8767 Wilshire Boulevard, L.P. (collectively the "Applicant"), have submitted an application for a Development Plan Review, Planned Development Permit, and Conditional Use Permit associated with the establishment of medical offices, expanded restaurant uses, and an automobile sales showroom within the property located at 8767 Wilshire Boulevard (the "Project").

Section 2. Development of a commercial building at the Project site was previously approved by the Planning Commission on September 14, 2006 pursuant to Planning Commission Resolution No. 1442. The Planning Commission's approval included a variance for additional building height, and authorized general office, retail, and restaurant uses, and specifically prohibited medical uses among others. The Planning Commission's approval of the commercial building was appealed to the City Council. The appeal was denied by the City Council, which upheld the Planning Commission's approval of the general office and retail

building (City Council Resolution No. 07-R-12273). Construction of the general office building commenced in 2009.

Shortly after the start of construction on the subject commercial building in 2009, the applicant requested an amendment to the original project approvals to allow medical uses to occupy 54,900 square feet or 73% of the building. Upon reviewing the request, the Planning Commission determined that it could not make all required findings in support of the proposed medical offices, and denied the request (Planning Commission Resolution No. 1561). Subsequent to the Planning Commission's denial, the applicant filed an appeal of the decision so that the matter could be heard by the City Council. The City Council heard the appeal, and adopted a resolution denying the appeal on February 16, 2010 (City Council Resolution No. 10-R-12736).

Upon exhausting its administrative remedies through the amendment and appeal process regarding medical uses, the applicant initiated litigation against the City relating to the prohibition of medical uses within the subject commercial building. The litigation is ongoing and is currently pending review by the Court of Appeal; however, the applicant has concurrently been pursuing a settlement agreement with the City, with the goal of ending the litigation. On October 22, 2013 the City Council unanimously authorized a settlement agreement between the City and applicant. The settlement agreement does not grant any approvals to the applicant, but, among other things sets forth a process for requesting certain amendments through public hearings. Additionally, the settlement agreement sets forth a timeline for the applicant to terminate litigation in the event that project approvals are granted in a form generally consistent with the project description set forth in the settlement agreement.

Section 3. The Project elements outlined in the settlement agreement and requested by the Applicant include the following:

- Medical Office Space: Allow up to 33,802 square feet of medical office space to be located within the building (45% of the building's floor area), but not on the ground floor.
- Vehicle Sales: Allow a luxury vehicle sales showroom (no service) on the building's ground floor (up to 15,520 square feet). The specific tenant would be subject to review and approval by the City Council.
- Expanded Restaurant Space: Allow up to 7,010 square feet of restaurant space (4,206 square feet of dining and bar area plus 2,804 square feet of back-of-house areas), subject to City Council review and approval of a specific tenant.
- Pharmacy Use: Allow a pharmacy use to occur on any floor except for the ground floor.
- Public Parking: Establish provisions and rates for public parking spaces. The applicant is currently required to provide 51 parking spaces available for use by the public. The public parking spaces were intended to provide needed parking for surrounding developments and limit commercial parking intrusion into surrounding residential neighborhoods. The current project proposal leaves open the possibility of utilizing the 51 public spaces to accommodate a restaurant expansion identified above (subject to City Council approval). Further, the applicant proposes to make 230 self-parking spaces available to the public at discounted rates on weekdays

after 6:00 PM and on weekends throughout the day. The rates will vary depending on the time of day, but will generally be comparable to rates charged at City-owned facilities.

Section 4. 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 environmental regulations of the City. A Mitigated Negative Declaration (MND) was previously adopted by the City Council on January 30, 2007 for the existing commercial building on the subject site. Pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency (the City of Beverly Hills in this case) may prepare an addendum to a previously adopted MND if some changes or additions to the MND are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent MND have occurred. Pursuant to CEQA Guidelines Section 15162, no subsequent MND or Environmental Impact Report shall be prepared for the Project unless, on the basis of substantial evidence in the light of the whole record, one or more of the following is determined:

(1) Substantial changes are proposed in the project that will require major revisions of the previous MND due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial

increase in the severity of previously identified significant effects; or

(3) New information of substantial importance identifies one or more significant effects not discussed in the previous MND, significant effects previously examined will be substantially more severe than shown in the previous MND, mitigation measures or alternatives previously found not to be feasible or not analyzed in the MND would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt of the measure or alternative.

The above criteria have been assessed in accordance with the State CEQA Guidelines, and the Project, in the independent judgment of the City, has been determined to be eligible for an addendum to the previously adopted MND because it does not result in any new or substantially increased environmental impacts. Therefore, an addendum to the MND has been prepared and is incorporated herein by reference.

The Planning Commission has considered the MND and addendum, finds that the Project will not have any significant impacts on the environment, as mitigated, and hereby adopts the addendum.

Section 5. Notice of the Project and public hearing was mailed on November 8, 2013 to all property owners within a 300-foot radius of the Project site and all residential occupants within a 500-foot radius of the Project site. Notice was also published in two newspapers of local circulation, the *Beverly Hills* Courier and the *Beverly Hills* Weekly. On November 21, 2013 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 6. In reviewing the request for a Planned Development Permit, the Planning Commission considered whether the Project would satisfy the following objectives of the Medical Use Overlay Zone:

1. Medical uses in the particular location are consistent with the elements of the city's general plan and purpose and intent of the Medical Use Overlay Zone;

2. The proposed development and medical use will not result in detrimental impacts to existing or anticipated residential or commercial development in the vicinity of the project with regard to density, height, scale and massing of the streetscape, garden quality of the city, or any combination thereof; unless the reviewing authority finds the development benefits outweigh the detrimental impacts;

3. The proposed development and medical use will promote harmonious development in the area;

4. The proposed development and medical use will not adversely interfere with the use and enjoyment of residential properties in the vicinity of the proposed development;

5. The proposed development and medical use will not result in detrimental impacts to existing or anticipated residential or commercial development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts. The development shall provide parking that is designed for ease of use and efficiency, with vehicle ingress and egress and patient drop off and pick up locations that would not adversely impact adjacent properties;

6. The proposed development and medical use will contribute to and enhance the character of the neighborhood and location, will contribute positively to the image of the city, shall not undermine efforts to maintain and foster an appropriate mix of uses in the city including a pedestrian friendly environment in the vicinity of the development;

7. The proposed development and medical use contribute to and enhance the city's economic base and granting the request will leave ample space available for future commercial growth including business headquarters, entertainment businesses, information/technology businesses, retail businesses and other businesses as determined by the city; and

8. A public benefit shall be offered to the city and the public benefit shall, at a minimum, offset any long term impacts to the city that result from allowing a medical use in the city's limited commercial areas.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the objectives of the Medical Use Overlay Zone:

1. The particular location proposed for medical uses is designated for low-density general commercial uses. The Project is consistent with this land use designation, and in particular advances the following General Plan Policies:

- Policy LU 11.6 Parking. Explore opportunities to expand the parking supply in underserved commercial districts and residential neighborhoods which may developed publicly, privately, or by joint public-private partnerships.

- 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 CIR 4.1 Parking Provisions. Ensure that adequate parking is provided for existing and future uses while considering shared parking opportunities, Travel Demand Management (TDM) plans, and availability of alternate modes of travel, based on the site's proximity to transit.

In addition to advancing the above policies, the Project is located in an area that is in close proximity to other medical offices and the Cedars Sinai hospital, is located at the intersection of an arterial and collector street capable of accommodating the additional vehicle traffic generated by medical uses, and provides sufficient parking to prevent intrusions into surrounding residential neighborhoods. For these reasons, the Project is consistent with the elements of the city's general plan and purpose and intent of the Medical Use Overlay Zone;

2. The subject commercial building is already constructed and the Project does not involve any new construction beyond interior tenant improvements. Because the subject building is already constructed, the Project will not result in detrimental impacts to existing or anticipated residential or commercial development in the vicinity of the project with regard to density, height, scale and massing of the streetscape, garden quality of the city, or any combination thereof;

3. The Project will result in up to 45% of the subject building being occupied by medical uses, with the remaining 55% of the building available for other commercial uses, such as general offices, restaurant space, and a showroom for luxury automobiles.

Furthermore, medical and pharmacy uses will be prohibited on the ground floor, and pedestrian-oriented uses and design will be required on the ground floor. Because the Project includes a variety of uses that are consistent with development in the vicinity of the Project, and includes provisions to provide reduced-rate parking to the general public, the Project will promote harmonious development in the area;

4. The subject building is already constructed, and the proposed medical uses will be fully contained within the existing building. Although the subject building shares property lines with multi-family residential uses to the northeast, the building has been designed with setbacks from the residential development, is located at the intersection of Wilshire and Robertson Boulevards, which are both commercial streets, and is accessed entirely from the commercial streets. Additionally, the Project includes a sufficient number of parking spaces to prevent intrusion into the adjacent residential neighborhood. Based on the subject building's design, access, and available parking, the proposed development and medical use will not adversely interfere with the use and enjoyment of residential properties in the vicinity of the proposed development;

5. A traffic study has been prepared and peer reviewed by the City's traffic engineer to assess the traffic impacts that will be generated by the Project. Based on the information contained in the traffic study, the Project will not exceed any of the City's traffic impact thresholds, and the Project will therefore not result in any significant traffic impacts. With respect to traffic and vehicle safety, the Project contains only two driveways, both of which are positioned away from intersections to the maximum extent possible in order to avoid vehicle conflicts, and include warning devices to warn pedestrians of approaching vehicles in order to ensure pedestrian safety. Additionally,

the Project contains directional signage and a sufficient number of parking spaces in order to accommodate all uses within the building, as well as three loading zones to accommodate deliveries, and a valet area to accommodate patron drop off and pick up. Based on the above design features and as conditioned herein, the Project will not result in detrimental impacts to existing or anticipated residential or commercial development in the vicinity of the project with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, pedestrian safety hazards, parking demand, parking design, loading or manner of operation;

6. The Project contains a mix of uses and will only be 45% occupied by medical uses. The variety of uses within the building, including general office uses, medical uses, a luxury vehicle showroom, pharmacy, and restaurant will contribute to and enhance the character of the neighborhood and location, will contribute positively to the image of the city, and will not undermine efforts to maintain and foster an appropriate mix of uses in the city including a pedestrian friendly environment in the vicinity of the development. Furthermore, the synergy of uses and the availability of public parking on evenings and weekends will allow for added vitality in this area of the City;

7. The Project contains a mix of uses and will only be 45% occupied by medical uses. The remaining 65% of the building will be reserved for general office uses, a luxury vehicle showroom, a pharmacy, and a restaurant. Based on the broad mix of uses, the Project will contribute to and enhance the city's economic base while leaving ample space available for future commercial growth including business headquarters, entertainment businesses, information/technology businesses, and retail businesses. It is also possible that the reduced-rate parking spaces will encourage revitalization of the area

since patrons will have additional parking opportunities that will allow them to easily visit commercial establishments; and

8. The Project includes a public benefit of publicly available parking offered at reduced rates. The public benefit includes 230 parking spaces that will be made available to the general public after 6:00 PM on weekdays, and throughout the day on weekends. The parking spaces will be offered at a reduced rate that is generally comparable to rates charged at City-owned facilities. The reduced rates are intended to encourage parking within the structure, thereby reducing the incursion of commercial parking into surrounding residential neighborhoods, and also relieving existing parking demand within the vicinity of the Project. It is also possible that the reduced-rate parking spaces will encourage revitalization of the area since patrons will have additional parking opportunities that will allow them to easily visit commercial establishments. Based on the identified opportunities, the public benefit is sufficient to offset any long term impacts to the City that result from allowing a medical use in the city's limited commercial areas.

Section 8. In reviewing the request for a Development Plan Review, the Planning Commission considered whether the following findings could be made in support of the Project:

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area;

2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;

4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and

5. The proposed plan will not be detrimental to the public health, safety or general welfare.

Section 9. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Development Plan Review:

1. The Project site is not located within a specific plan area. Within the General Plan, the Project site is designated for low-density general commercial uses. The Project is consistent with this land use designation, and in particular advances the following General Plan Policies:

- Policy LU 11.6 Parking. Explore opportunities to expand the parking supply in underserved commercial districts and residential neighborhoods which may developed publicly, privately, or by joint public-private partnerships.
- 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 CIR 4.1 Parking Provisions. Ensure that adequate parking is provided for existing and future uses while considering shared parking opportunities, Travel Demand Management (TDM) plans, and availability of alternate modes of travel, based on the site's proximity to transit;

2. The subject property is already developed with a commercial building, and the Project does not include any new development beyond tenant improvements. In addition, the Project contains a variety of uses that will be beneficial to existing and anticipated development, including publicly available parking at a reduced rate made available during weekdays after 6:00 PM and throughout the day and evening on weekends. Based on these aspects, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

3. The subject building is already constructed, and the Project will be fully contained within the existing building. Although the subject building shares property lines with multi-family residential uses to the northeast, the building has been designed with setbacks from the residential development, is located at the intersection of Wilshire and Robertson Boulevards, which are both commercial streets, and is accessed entirely from the commercial streets. Additionally, the Project includes a sufficient number of parking spaces to prevent intrusion into the adjacent residential neighborhood. Based on the subject building's design, access, and available parking, the Project will not adversely interfere with the use and enjoyment of residential properties in the vicinity of the proposed development;

4. A traffic study has been prepared and peer reviewed by the City's traffic engineer to assess the traffic impacts that will be generated by the Project. Based on the information contained in the traffic study, the Project will not exceed any of the City's traffic impact thresholds, and the Project will therefore not result in any significant traffic impacts. With respect to traffic and vehicle safety, the Project contains only two driveways, both of which are positioned away from intersections to the maximum extent possible in order to avoid vehicle conflicts, and include warning devices to warn pedestrians of approaching vehicles in order to ensure pedestrian safety. Additionally, the Project contains directional signage and a sufficient number of parking spaces in order to accommodate all uses within the building, as well as three loading zones to accommodate deliveries, and a valet area to accommodate patient drop off and pick up. Based on the above design features and as conditioned herein, the Project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and

5. The Project contains a mix of commercial uses, has been designed to prevent impacts on surrounding residential and commercial development, will offer publicly available parking at reduced rates, and will not result in any significant and unavoidable environmental impacts. For these reasons the Project will not be detrimental to the public health, safety or general welfare.

Section 10. In reviewing the request for a Conditional Use Permit for an automobile showroom, the Planning Commission considered whether the following findings could be made in support of the Project:

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 a traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking;

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; and

5. The proposed location of any such use will not be detrimental to adjacent property or to the public welfare.

Section 11. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Conditional Use Permit:

1. As conditioned, the proposed automobile showroom will be used for sales only, with service being prohibited. Additionally, the tenant will be a low-volume luxury brand subject to review and approval by the City Council. The showroom will be pedestrian-oriented, and will be compatible with the area and surrounding uses;

2. The proposed automobile showroom will be fully enclosed within the existing building, will not include any service operations, and will be accessed entirely from commercial streets. These design features provide adequate buffering between the use and adjacent residential areas;

3. A traffic study has been prepared and peer reviewed by the City's traffic engineer to assess the traffic impacts that will be generated by the Project. Based on the information contained in the traffic study, the Project will not exceed any of the City's traffic impact thresholds, and the Project will therefore not result in any significant traffic impacts. With respect to traffic and vehicle safety, the Project contains only two driveways, both of which are positioned away from intersections to the maximum extent possible in order to avoid vehicle conflicts, and include warning devices to warn pedestrians of approaching vehicles in order to ensure pedestrian safety. Additionally, the Project contains directional signage and a sufficient number of parking spaces in order to accommodate all uses within the building, including the automobile showroom. Based on the above design features and as conditioned herein, the Project will not create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking;

4. The proposed automobile showroom will be fully enclosed within the existing building, will not include any service operations, and will be accessed entirely from commercial streets. Test drives will be restricted to commercial streets, and the showroom is not permitted to operate beyond the hours permitted for transitional uses located adjacent to residentially zoned properties unless otherwise approved by the Planning Commission pursuant to an Extended Hours Permit. Based on the above design features, conditions of approval and code restrictions, the proposed automobile showroom 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; and

5. The automobile showroom use will not result in any significant and unavoidable environmental impacts, and is subject to numerous conditions of approval to ensure that no adverse impacts result from the Project, including conditions that would preclude service activities and limit test drive routes to non-residential areas. For these reasons the Project will not be detrimental to the public health, safety or general welfare.

Section 12. Based on the foregoing, the Planning Commission hereby grants the requested Planned Development Permit, Development Plan Review, and Conditional Use Permit, subject to the following conditions:

Special Conditions

1. The conditions set forth in this resolution incorporate all applicable conditions previously imposed on the subject property pursuant to City Council Resolution No. 07-R-12273 and delete or modify conditions that are no longer applicable. Therefore, this resolution and the conditions set forth herein shall supersede City Council Resolution No. 07-R-12273.

~~1.~~2. ~~The~~ All exterior modifications that result from the Project shall be subject to ~~the review and approval by the Architectural Commission~~Architectural Review.

~~2.~~3. A detailed parking management plan, satisfactory to the Director of Community Development shall be provided to indicate the operation of the parking garage including public parking operation. In addition, a vehicle test drive route for automobile dealership test drives shall be provided to the Director of Community Development for review and approval prior to any automobile dealership opening for business. At a minimum, the test drive route shall avoid residential streets.

~~3.~~4. The Applicant shall provide free of charge parking for all employees working in the building.

~~4.~~5. Two-hour free, validated on-site parking shall be provided for patrons of all tenants, including retail, offices, restaurants and other uses that may occupy all or part of the building, and the Applicant shall provide appropriate signage at entrances to the parking area informing patrons of the validated parking availability. The informational signage shall be subject to approval by the Director of Community Development and shall be installed prior to issuance of a certificate of occupancy. In addition, signage satisfactory to the Director of Community Development informing patrons of the availability of two hours of free validated parking shall be posted in the garage, elevators, on the ground floor, and in all offices and businesses. Valet parking may be provided in the building, provided that at least 230 parking spaces are reserved for self parking. Valet parking is allowed in all other parking spaces and in aisles, provided that reasonable access and egress is maintained in the parking garage. Reduced rate public parking in the self parking spaces shall be available at the Property on weekdays after 6:00 p.m. and on weekends. The Applicant will begin to offer this reduced rate parking to the public no later than the first day that tenants occupy at least 37,483 square feet of floor area at the Property. The fee for the public parking shall not exceed a $5.00 flat rate for parking after 6:00 p.m., and $1.00 per hour for the first three hours plus $3.00 per half hour thereafter with a cap of $12.00 for weekend days before 6:00 p.m.. If in the future the City or Parking Authority increases facility parking rates, the Applicant may adjust the discounted parking rate by the same percentage as any future adjustment to an evening parking rate offered at City or Parking Authority owned parking structures in the City's

business triangle, as may be adopted in the Parking Facility Rates list by facility address on either the City Schedule of Taxes, Fees & Charges or Parking Authority Schedule of Parking Facility Rates.

~~5.~~6. Parking spaces, ~~as noted on the staff report, with~~determined by the Director of Community Development to have obscured visibility and potential backing out conflict shall be used as reserved or employee parking spaces.

~~6. Not more than 80 haul truck trips per day (40 arrivals, 40 departures) shall be permitted per day during construction.~~

~~7. No more than five pieces of diesel equipment shall be permitted to operate on the Project site per day.~~

~~8. Staging of construction-related vehicles on the City's streets is prohibited.~~

~~9.~~7. ~~A detailed construction management plan, satisfactory to the Director of Public Works, shall be provided prior to issuance of a building permit.~~

~~10.~~8. Prior to the issuance of a certificate of occupancy, a loading management plan, satisfactory to the Director of Community Development, shall be provided and shall include delivery hours and a delivery monitor with responsibility for controlling the circulation of trucks. The delivery monitor shall be responsible for directing the incoming/outgoing cars while one or more delivery trucks are present. In addition, vehicle deliveries for the automobile dealership shall be prohibited on any public right-of-way. Vehicles shall either be driven individually to the Project site, or shall be delivered in limited numbers on trucks capable of using the loading zones within the Project.

~~11.~~9. "Right Turn Only" signs and arrow marking on the pavement shall be installed at Wilshire Boulevard and Robertson Boulevard driveways.

~~12.~~10. Exit onto Robertson Boulevard shall be designed with raised barriers to force right-only turn movement when exiting the property.

~~13.~~11. A silent warning device shall be installed at each exit from the garage that would light up whenever a vehicle is leaving the garage, warning the on-coming vehicular and pedestrian traffic.

~~14.~~12. Security gates shall be constructed at each garage entrance and exit.

~~15.~~13. The proposal requires the removal of three metered parking spaces. Prior to removal of the metered parking spaces, the Applicant shall compensate the City for the lost revenues of the removed spaces in an amount designated by the City's Chief Financial Officer.

~~16.~~14. The proposal requires removal and relocation of street lights, a traffic signal pole, pull boxes, underground wiring, striping, marking, and sign installations. The Applicant shall hire a registered civil engineer to prepare plans and specifications for review and approval by the City. All works shall be performed by the Project contractor/sub-contractors.

~~17.~~15. The following uses shall be prohibited on the ground floor level of the Project site: medical uses and pharmacies. The following uses shall be prohibited on the Project site: more than 33,802 square feet of medical uses; vehicle dealership- related automotive uses above the ground floor of the building, ~~except that a maximum of 92 parking spaces may be used as car storage for nearby~~vehicle storage associated with any off-site car dealerships; adult entertainment businesses; massage parlors; bars or taverns; liquor

stores; markets; exercise facilities; hair or nail salons; pharmacies; and uses that, in the sole opinion of the Director of Community Development, would create potential traffic impacts on the Wilshire Boulevard/ Robertson Boulevard intersection. Subject to City Council approval of the Medical Use Overlay Zone for the Project site, up to 33,802 square feet of medical uses may be permitted on the Project site. Luxury automobile sales uses may be permitted on the ground floor, subject to the approval by the City Council of the specific tenant. In addition, other uses may be permitted provided that the City Council, upon application by the Applicant, approves a reduction in the number of public parking spaces required by Permit Condition 31 as necessary to allow a particular use to meet the Municipal Code parking requirement, provided that the use and tenant shall also be approved by the City Council.

~~18.~~16. No more than 3,000 square feet of building floor area shall be used for restaurant purposes, and no more than 1,500 square feet of building area shall be dedicated to dining and bar area. Non-destination food service establishments such as coffee shops, fast food establishments, or similar establishments designed to primarily serve building tenants shall not be permitted. Notwithstanding the 3,000 square foot limitation on the size of restaurant uses in the building, the City Council may, upon application by the Applicant, approve a specific restaurant tenant to occupy up to 7,010 square feet within the building, provided however that not more than 60% of the restaurant space is devoted to dining and bar area. The City Council may approve a proposed restaurant tenant if the City Council determines i) that the proposed tenant is a destination food service establishment, and not a coffee shop, casual dining, fast casual dining, fast food, of similar non-destination establishment, and ii) that the proposed tenant will contribute to the pedestrian character

of the area. In the event an expanded restaurant establishment is approved, there may be a concomitant reduction in public parking required by Permit Condition 27 as may be necessary to accommodate the expanded restaurant use, and if approved by the City Council.

~~19.~~17. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation, Transportation Department and Parks Department. ~~(Attached hereto as Exhibit B is the list of conditions).~~

~~20.~~18. The Applicant shall comply with ~~the~~ all applicable City ordinances related to use of groundwater and dewatering, including but not limited to Section 9-4-610 of the Beverly Hills Municipal Code, and shall provide for future connection to reclaimed water lines if deemed appropriate and feasible by City's Department of Public Works.

~~21.~~19. The Applicant shall obtain the necessary NPDES permit from the State Regional Water Quality Control Board for the permanent dewatering prior to the issuance of grading permits.

~~22.~~20. The Project shall comply with the applicable Fire Department conditions as identified through the building permit plan check process.

~~23.~~21. As provided in the Beverly Hills Municipal Code, an extended hours permit is required for any commercial uses that receive patrons between the hours of 10:00 p.m. and 7:00 a.m.

~~24.~~22. An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval prior to the issuance of grading permits. This plan must show all improvements in the

public-right-of-way adjacent to the Project site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.

~~25.~~23. The Applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way.

~~26. An encroachment permit is required for the subterranean garage encroachment into the public right-of-way.~~

~~27. Pedestrian access on Robertson Boulevard shall be maintained during construction. A pedestrian canopy shall be constructed along Robertson Boulevard.~~

~~28.~~24. The Applicant shall provide all necessary supporting documentation to the City for the City Council to take action concerning right-of-way dedications offered by the Applicant, including all legal descriptions and drawings signed and stamped by a land surveyor licensed to practice in California.

~~29.~~25. The Applicant shall submit the appropriate fees for processing of the right-of-way issues through the City Council, and shall comply with the applicable city ordinances.

~~30.~~26. The Applicant shall replace the sidewalk adjacent to the Project and sidewalk paving material shall be subject to review by the City Council.

27. A ~~maximum of 92 of the 358 parking spaces may be used as overflow storage of vehicles for nearby auto dealerships, and a~~ minimum of 51 of the ~~358~~ 336 parking spaces shall be made available for daytime use by the general public. The 51 spaces to be available for use by the general public shall be located on the first and second levels of parking. In the event an expanded restaurant use is approved by the City Council pursuant to Condition 16, there may be a concomitant reduction in public

parking required by this condition, as may be necessary to accommodate the expanded restaurant use. In the event other uses are approved by the City Council pursuant to Permit Condition 15, there may be a reduction in the number of public parking spaces required by this condition, as may be necessary to allow a particular use to meet the Municipal Code parking requirements.

~~31.~~28. In no event shall any combination of uses within the building be authorized to provide less than the total number of parking spaces required in order to meet Municipal Code standards.

~~32.~~29. The Property Owner shall not enter into any covenant dedicating use of the excess parking provided by the Project for off-site projects or uses, unless the Planning Commission first approves the use of the excess parking for off-site projects or uses and allows such a covenant.

~~33.~~30. Roof-top uses shall not be permitted.

~~34.~~31. The Applicant shall develop the Project in an environmentally sensitive and sustainable manner to the satisfaction of the Director of Community Development. The Director of Community Development shall consider techniques and measures such as those used in seeking LEED certification from the U.S. Green Building Counsel.

Standard Conditions

~~35.~~32. The Project shall be constructed in substantial compliance with the plans submitted to and approved by the ~~Planning Commission~~City Council on January 30, 2007, as modified by the Planning Commission at its meeting of ~~August~~ November 21~~10~~, 2013~~06~~.

~~36.~~33. The Applicant shall comply with the requirements of the street tree mitigation plan of the Recreation and Parks Department, ~~attached hereto as Exhibit C and~~ incorporated herein by this reference.

~~37.~~34. The City shall monitor the operation of the Project at the site. The City expressly reserves jurisdiction with respect to traffic, ~~and~~ parking, and loading issues. Should the business or activity conducted at the Project site change so that, in the opinion of the Director of Community Development, additional parking or other ~~mitigation is~~conditions are required for the Project site in order to avoid ~~significantly~~ adverse traffic safety impacts, pedestrian vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of providing parking spaces, may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in Section 10-3-3307 of the Beverly Hills Municipal Code. Any decision of the Planning Commission in this regard may be appealed in the manner provided by Title 1, Chapter 4, of the Beverly Hills Municipal Code.

~~38. Construction related parking, staging and hauling shall conform to a construction parking, staging and hauling plan submitted by the Applicant and approved by the City Engineer and the Director of Community Development. The Applicant shall provide to the City Engineer the proposed staging for demolition and construction of the Project so that the City Engineer may determine the amount, appropriate routes, and time of day that heavy hauling truck traffic will need to travel to the subject site.~~

~~39.~~35. A cash deposit of $5,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such

deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice and (c) issue a stop work notice until such time that an additional deposit of $10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that an additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional $10,000, pursuant to the procedures set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

~~40.~~36. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this resolution and the Applicant, the owner and their

heirs, representatives, successors and assigns shall comply with all such modified or additional conditions.

~~41.~~37. This Resolution approving a Planned Development Permit, Development Plan Review, and Conditional Use Permit ~~and a Variance~~ 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 this resolution as an exhibit.

38. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission's decision memorialized in this resolution. 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 a Planned Development Permit, Development Plan Review, and Conditional Use Permit ~~and a Variance~~ 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 Planned Development Permit, Development Plan Review, and Conditional Use Permit ~~and the Variance~~.

39. The authorization for medical use shall only become effective upon the effective date of an ordinance approving application of the Medical Use Overlay Zone to

the Project site. Further, none of the approvals granted herein shall become effective unless and until the Applicant performs all of the following:

a. The Applicant has taken such actions as necessary to dismiss the, with prejudice, Case No. B235768 pending in Division Four of the Second Appellate District of the State of California Court of Appeal; and

~~42.~~b. The Applicant shall execute and record an agreement and covenant to provide the public parking as set forth in Condition No. 4 above, and as memorialized in Section 11.B of that Mutual Release and Settlement Agreement between the City and the Applicant (City Agreement No. 443-13.

~~43.~~40. The conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the ~~permit~~Project, inclusive of all development constructed pursuant to City Council Resolution No. 07-R-12273.

~~44. Within three working days after approval of this resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the appropriate amount for a documentary handling fee in connection with Fish and Game Code requirements plus the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.~~

41. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

42. 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.

43. 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.

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

Mitigation Measures

Measure 1. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.

Measure 2. Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.

Measure 3. A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project site.

Measure 4. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).

Measure 5. All trucks hauling soil, sand, and loose materials shall maintain at least six inches of freeboard in accordance with California Vehicle code Section 23114.

Measure 6. Traffic speeds on unpaved surfaces shall be limited to 15 miles per hour.

Measure 7. Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.

Measure 8. Heavy-equipment operations shall be suspended during first and second stage smog alerts.

Measure 9. On-site stock piles of debris, dirt, or rusty materials shall be covered or watered at least twice per hour.

Measure 10. All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.

Measure 11. Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber tired equipment rather than track equipment).

Measure 12. Equipment staging areas shall be located on the western portion of the Project site, as far as possible from 141 and 143 N. Arnaz Drive residential developments.

Measure 13. During construction, sound attenuation blankets with a Sound Transmission Class rating of 20 or more shall be used on the second, third, and fourth floors that face 141 and 143 N. Arnaz Drive development. The sound attenuation blankets shall break the line of sight between the construction activities and 141 and 143 N. Arnaz Drive.

Measure 14. All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed Project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall

indicated the dates and duration of construction activities, as well as provided a telephone number where residents can inquire about the construction process and register complaints.

Measure 15. A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause, if any, of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

Measure 16. A right-turn lane shall be added to the westbound approach to the intersection of Wilshire Boulevard and Robertson Boulevard.

Section 13. 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: November 21, 2013

_____
Brian Rosenstein
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