AGENDA REPORT

Meeting Date: May 3, 2016

Item Number: E-3

To: Honorable Mayor & City Council

From: Ryan Gohlich, AICP, Assistant Director of Community Development

Subject: A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AMENDMENTS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW JIM FALK LEXUS TO OPERATE A VEHICLE SERVICE USE ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD.

Attachments:

1. City Council Resolution
2. March 1, 2016 City Council Agenda Report (without attachments)
3. Planning Commission Resolution No. 1765
4. December 10, 2015 Planning Commission Staff Report
5. Business Operation Plan
6. Architectural Plans

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution authorizing an amendment to a Conditional Use Permit that would allow Jim Falk Lexus to operate a vehicle service facility at 9031 Olympic Boulevard.

BACKGROUND

At its meeting on March 1, 2016, the City Council held a public hearing calling up the Planning Commission's decision approving an amendment to a Conditional Use Permit authorizing vehicle servicing within the existing building located at 9031 Olympic Boulevard to be occupied by Jim Falk Lexus in lieu of Infiniti of Beverly Hills. At that meeting, the City Council appointed a Subcommittee consisting of Mayor Mirisch and Councilmember Bosse to work with the applicants and surrounding neighbors in establishing additional conditions of approval. On March 22, 2016, the Subcommittee met with the applicant, as well as various members of the community, and discussed the conditions of approval. This report outlines the additional

conditions of approval that were recommended by the Subcommittee, and agreed to by the applicants.

ANALYSIS

Conditions of Approval. In addition to the Conditions of Approval that were included in Planning Commission Resolution No. 1765, the City Council Subcommittee recommended the following new conditions:

- A requirement that the Conditional Use Permit for vehicle service be automatically revoked in the event that Jim Falk Lexus were to substantially reduce or relocate its sales operation out of Beverly Hills.

- Establishing a specific and escalating structure of penalties for each violation of conditions of approval.

In addition to the new conditions above, the City Council Subcommittee also recommended the following amendments to the conditions included in Planning Commission Resolution No. 1765:

- Requiring a one-year review provision so that after one year of operation the Planning Commission will review the CUP to determine whether the conditions are working appropriately and impacts to the surrounding neighborhood have been prevented. Previously, this condition required a two-year review. The full cost of the one-year Planning Commission review would be borne by the applicant.

- Limit vehicle service activities at the 9031 and 9001 Olympic Boulevard sites to the hours of 7:00 AM to 6:00 PM on weekdays and 9:00 AM to 5:00 PM on Saturdays. Limit car washing at the 9000 Olympic Boulevard site to the hours of 8:00 AM to 6:00 PM on weekdays, and 9:00 AM to 6:00 PM on Saturdays. No vehicle servicing or car washing will be allowed at any of the three sites on Sundays.

- Prohibit vehicles from entering into the 9001 Olympic Boulevard site via South Almont Drive. The east driveway of the 9001 Olympic Boulevard Site would only be used as an exit. Vehicles would exit onto South Almont Drive by making a right turn only. Left turns onto South Almont Drive would be prohibited.

Violations and Enforcement. As recommended by the City Council Subcommittee, Traffic and Parking Control Officer monitoring will be increased at these sites to the extent that staffing and priorities allow. Additionally, a penalty and enforcement structure was developed in order to encourage compliance with the conditions of approval, and to provide a faster and more efficient means of enforcement in cases where there are violations. This structure recognizes that some violations are more impactful than others. As such, it categorizes the applicable conditions of approval as "Major" and "Minor", and assesses penalties accordingly. The table below categorizes each condition of approval:

Condition of Approval[1]	Major	Minor	N/A
1. Resolution supersedes Planning Commission Reso No. 1678			✓
2. Planning Commission may impose additional conditions			✓
3. Transfer of control of dealership subject to review			✓
4. Comply with commercial-residential transition zone requirements		✓	
5. Hours of operation for 9031 and 9001 Olympic Blvd.	✓		
6. Thermal and acoustical insulation installed			✓
7. Perforated metal acoustical wall panels			✓
8. Dual glazed, fixed, non-operable windows			✓
9. Sound control doors at exterior door openings			✓
10. Public address system prohibited	✓		
11. Acoustical consultant inspection required			✓
12. Access to S. Wetherly Dr to remain closed outside allowed hours		✓	
13. Operations must comply with noise ordinance and noise study		✓	
14. All deliveries shall occur during approved hours of operation		✓	
15. Free off-site parking for employees with shuttles	✓		
16. Employees prohibited from parking on City streets	✓		
17. Vehicle test drive routes		✓	
18. Vehicles moved by porters only		✓	
19. Adherence to approved porter circulation route		✓	
20. No vehicle service conducted outside service structure	✓		
21. No delivery vehicle parking on public streets/alleys	✓		
22. All deliveries to occur at 9001 Olympic Blvd site	✓		
23. All customers shall be provided free parking	✓		
24. Trash storage areas shall be inside building		✓	
25. Walk the perimeter and clear trash at close of each business day		✓	
26. Employees prohibited from congregating outside		✓	
27. Lunch truck parking directly adjacent to site only	✓		
28. Post phone number of service operations manager		✓	
29. 9001 Olympic entrance/exit restrictions from S. Almont	✓		
30. Left turn prohibition onto S. Wetherly from 9031 Olympic	✓		
31. Pedestrian warning light and mirror installation			✓
32. Notify employees of operational restrictions		✓	

[1] The numbered conditions refer to those conditions of approval in the Draft City Council Resolution, which is provided as Attachment A to this report.

33. Notify patrons on how to access facility		✓	
34. Water recycling system at 9031 Olympic facility	✓		
35. Water recycling system at 9000 Olympic facility	✓		
36. Hours of operation for 9000 Olympic	✓		
37. Central vacuum system at 9000 Olympic	✓		
38. Sound curtains installed at 9000 Olympic washing bays	✓		
39. 25' compressed air hose limitation at 9000 Olympic	✓		
40. One year expiration of CUP			✓
41. CUP revoked if vehicle sales closed/relocated out of Beverly Hills			✓
42. Architectural Commission review and approval required			✓
43. Project Plans subject to compliance with Municipal Code			✓
44. Operate in manner not detrimental to surrounding residents			✓
45. Project shall comply with Municipal Code and other regulations			✓
46. Covenant required			✓
47. Fee payment required prior to issuance of building permits			✓
48. Exercise of rights within 3 years of adoption of resolution			✓
49. Conditions run with the land			✓
50. Format of complaints submitted to City			✓
51. $25,000 penalty deposit account established and replenished			✓
52. Establishing penalty schedule and appeal process for violations			✓
53. Establishing 'Major' and 'Minor' violations			✓
54. CUP referred to Planning Commission after 6 total violations			✓
55. Code Enforcement deposit required			✓

The table below sets forth the penalty schedule for violations within a single calendar year:

	1st Violation	**2nd Violation**	**3rd Violation**	**4th Violation**	**5th Violation**	**Subsequent Violations**
Major Violations	$1,000	$2,500	$5,000	$7,500	$10,000	$10,000 and automatically returned to Planning Commission for review and possible revocation. All application fees would be required in addition to the assessed penalty.
Minor Violations	$500	$1,500	$2,500	$5,000	$7,500	

It should be noted that this penalty schedule does not preclude the City from utilizing any other enforcement approach that may be available, including scheduling the CUP for consideration of revocation or formal prosecution.

To administer the penalties quickly and efficiently, staff recommends than an account be established with an initial cash deposit of $25,000 paid by the applicant. When violations are reported, verified, and documented, penalties will be drawn automatically from the account, and once the account is depleted by 50%, the applicant would be required to replenish the account back to $25,000. In addition, staff proposes that a $20,000 deposit be paid by the applicant to cover the costs of Code Enforcement responding to and documenting violations, and administering the penalties.

Public Notice. Notice of this hearing has been provided in the *Beverly Hills Courier* and *Beverly Hills Weekly*. In addition, mailed notice was sent to all property owners and residential occupants within 500 feet (plus block-face) of the project site. As an added measure, the list of proposed new conditions was developed collaboratively with the City Council subcommittee and a number of interested residents, and the final list of proposed new conditions has been distributed to the Southeast Task Force and other interested residents.

ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in business operator under the same category of use within an existing structure including limited interior or exterior alterations. Therefore, this project has been determined to be exempt from further environmental review.

FISCAL IMPACT

Costs will be incurred in monitoring and responding to any reports of violations, as well as the annual review of the CUP. However, conditions of approval require that the applicant bear these costs in their entirety.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached resolution authorizing an amendment to a Conditional Use Permit that would allow Jim Falk Lexus to operate a vehicle service facility at 9031 Olympic Boulevard.

Susan Healy Keene, AICP
Director of Community Development

Approved By

ATTACHMENT 1

CITY COUNCIL RESOLUTION

RESOLUTION NO. 16-R-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AMENDMENTS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW JIM FALK LEXUS TO OPERATE A VEHICLE SERVICE USE ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD.

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY FINDS, RESOLVES, AND DETERMINES AS FOLLOWS:

Section 1. Jim Falk Lexus, through its agent Thomas S. Levyn, has submitted an application to amend an existing Conditional Use Permit (CUP) to allow Jim Falk Lexus to operate a vehicle service use within an existing commercial building located at 9031 Olympic Boulevard (the "Project"). The proposed service use would occupy the building, which contains approximately 15,300 square feet of floor area. The building will contain eighteen (18) service bays, one tire changing area, one alignment area, and a car washing station. The existing vehicle service use currently operates under an approved CUP; however that CUP is specific to Infiniti of Beverly Hills. An amendment to the CUP is required in order to allow Jim Falk Lexus to operate the vehicle service use.

Section 2. The Project site is located on the northwest corner of Olympic Boulevard and South Wetherly Drive. Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property.

Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence that runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The commercial property located to the east across South Wetherly Drive is currently used as a vehicle drop off/pick-up area for the existing Infiniti service operations. The Project would operate in conjunction with the neighboring property located at 9001 Olympic Boulevard.

Section 3. The request to allow Jim Falk Lexus to operate the vehicle services use requires an amendment to the existing CUP, which is specific to Infiniti of Beverly Hills. Vehicle service would occur from 7:00 AM to 6:00 PM on weekdays, and from 9:00 AM to 5:00 PM on Saturdays. No service would be performed on Sundays. Customers will drop vehicles off at 9001 Olympic Boulevard, and the vehicles will then be driven to 9031 Olympic Boulevard by Lexus employees. Once service is completed, vehicles will be returned to 9001 Olympic Boulevard for customer pick up.

Section 4. The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in operator under the same use classification within an existing structure including minor interior and exterior alterations. Therefore, the City Council hereby finds the Project to be exempt from further environmental review.

Section 5. On December 10, 2015 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting. At the conclusion of deliberation, the Planning Commission voted to approve the requested amendments to the Conditional Use Permit. On January 5, 2016, the City Council voted to call the Planning Commission's decision up for review at a de novo public hearing. On March 1, 2016, the City Council considered the application and voted to establish a Subcommittee to work with the Applicant and residents to further develop the conditions of approval. A Subcommittee meeting was held on March 22, 2016, where amendments and additional conditions of approval were proposed and discussed amongst the City Council Subcommittee members, the Applicant, residents, and City Staff.

Section 6. On May 3, 2016, the City Council considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting Notice of the Project and public hearing was mailed on April 22, 2016 to all property owners and residential occupants within a 500-foot radius of the property, plus block-face. Additionally, notice was published in two newspapers of local circulation, the *Beverly Hills Courier* and *Beverly Hills Weekly*.

Section 7. In considering the request for a Conditional Use Permit, the City Council considered whether it could make the following findings 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 traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and

4. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

Section 8. Based on the foregoing, the City Council hereby finds and determines as follows regarding the Conditional Use Permit (CUP):

1. The proposed change in vehicle service use operator represents substantially the same operations as what is currently approved as part of the existing CUP. The vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard, which are comprised of retail,

restaurants, and offices. The new operator's vehicle service facilities will be located within an existing commercial building on the property, which is part of the existing neighborhood fabric. To the north of the project site is a residential neighborhood which is separated from the site by alleys along the north and west sides of the project site. A traffic, parking, and circulation study that was considered as part of the original CUP that was approved indicated that the existing and proposed uses will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed on the project that will further limit traffic impacts, specifically in the residential neighborhood to the north. An acoustical study of the use was also considered as part of the original CUP, which concluded that certain steps could be taken to minimize noise impacts. As a result, conditions have been imposed to minimize noise impacts. Since the proposed use will be substantially the same as the use approved by the existing CUP, will be located within an existing commercial building, and conditions have been incorporated in the project that will minimize the traffic and noise impacts, the proposed change in operator will be compatible with the area and the surrounding uses.

2. The proposed change in operator will not result in material changes to the building on the subject property, nor will the change in operator result in changes to the buffer provided between the vehicle service use and the adjacent residential uses. The vehicle service use is separated from residential uses by a 15-foot-wide alley, has no openings facing residential properties, and as a result of

previously imposed conditions has implemented noise mitigation measures into the building's construction. For these reasons, the adjacent residential properties will be adequately buffered from the continuing vehicle service use.

3. A traffic, parking, and circulation study was prepared for the existing use and was considered by the Planning Commission as part of its approval of the original CUP that allowed the vehicle service use to be operated by Infiniti of Beverly Hills. The proposed amendment to the CUP would allow Jim Falk Lexus to operate the vehicle service use in substantially the same manner, processing a similar number of vehicles as was studied for the original CUP. This study, which was peer-reviewed by the City's Transportation Engineer, indicated that the proposed use will not result in any significant traffic, parking, or circulation related impacts on the neighborhood. While the study determined that the impacts would not be significant, it is recognized that the project will result in additional traffic in the area and conditions have been imposed on the project to minimize the traffic impacts. Specific conditions regarding the operational traffic associated with the use, including vehicle service test drives and the circulation of the vehicles to and from the site have been included. These conditions will reduce the amount of traffic in the residential areas, thereby reducing the potential traffic safety hazards to pedestrians. Therefore, the Project will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including but not limited to, an adverse impact on traffic circulation or parking.

4. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with

the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. An acoustical study was prepared for the project as part of the approval of the original CUP. This study concluded that certain steps could be taken to minimize noise impacts. The recommended steps have been incorporated as conditions of approval on the project, and incorporated into the existing building's construction. The operational impacts of the project were also analyzed. For projects located in the general commercial-residential transition area of the City, such as the subject site, specific operational restrictions apply. These restrictions regulate operational elements such as the hours of operation, noxious fumes, and unpleasant odors. A condition of approval has been included on the project that requires full compliance with the operational standards for uses located in the commercial-residential transition area. Finally, the proposed amendment to the CUP would allow Jim Falk Lexus to operate the vehicle service use in substantially the same manner as Infiniti of Beverly Hills. Since the proposed use is generally consistent with the surrounding commercial uses and conditions have been imposed that would minimize noise and the other operational impacts, the Project will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to activities association with the propose use or its hours of operation.

Section 9. Based on the foregoing, the City Council hereby grants the requested CUP, subject to the following conditions:

1. Upon commencement of exercise of rights granted in this approval, this Resolution shall supersede Planning Commission Resolution No. 1678.

2. The City Council expressly reserves jurisdiction for the Planning Commission relative to traffic, parking, loading, and noise issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the proposed Project as they arise. In the event that the Project is found to result in any unanticipated impacts and a hearing is scheduled to review the Project, the full cost of the review hearing and implementation of any additional conditions or mitigations measures shall be paid for by the Applicant.

3. The conditions set forth in this resolution are specifically tailored to address the operations of Jim Falk Lexus as presented to and approved by the City Council. To ensure that any subsequent automobile service uses operated at the subject site do not cause adverse impacts to the surrounding neighborhood, any transfer of ownership, management, control of the dealership, or control of the subject service sites on Olympic Boulevard, shall be reviewed by the Director of Community Development to determine whether the proposed change substantially conforms to the Project approved by the City Council. If the Director determines that the proposed change does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with provisions of Section 10-3-3801 of the Beverly Hills Municipal Code. The City Council expressly reserves jurisdiction at said hearing for the Planning Commission to revoke the CUP or to impose additional conditions as necessary to ensure that the operation of the subsequent dealership at the subject

site is compatible with adjacent land uses. The full cost of any such review hearing and implementation of any additional conditions or mitigation measures shall be paid for by the Applicant.

4. The project shall comply with all operational requirements for businesses located in the commercial-transition zone pursuant to Beverly Hills Municipal Code Section 10-3-1956.

5. The hours of operation for the use at the 9031 Olympic Boulevard and 9001 Olympic Boulevard sites shall be limited to 7:00 AM to 6:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service shall be performed on Sundays. The Project shall not exceed the maximum limit of operational hours permitted in this condition. This condition shall not prevent the dealership from assisting customers beyond operating hours outlined above, provided that said customer entered the dealership prior to the close of business.

6. A combination of thermal and acoustical insulation shall be applied to the underside of the roof structure between the joists and the entire service pay area.

7. Perforated metal acoustical wall panels shall be provided along the interior of the north building wall.

8. Dual glazed, fixed, non-operable windows with a minimum of 45 STC rating shall be provided in the existing window openings along the north building elevation.

9. Sound control doors with a minimum 50 STC rating shall be installed at exterior door openings.

10. No public address system shall be utilized by the vehicle service center unless such system is inaudible beyond the property boundaries.

11. After the installation of the noise minimizing measures recommended by the Acoustical Study and further conditioned herein, the acoustical consultant shall inspect the installation and verify that recommended measures have been met. The acoustical consultant shall submit written documentation to the Director outlining the inspection and verifying proper installation of all materials.

12. The northern east-facing building opening that provides vehicle access to the Project from South Wetherly Drive shall be permitted to remain open during the approved vehicle service hours outlined in this resolution, but shall remain closed at all other times. The southern building opening shall be closed permanently.

13. At all times the vehicle service use shall operate in compliance with the City's noise ordinance and the noise study presented to the Planning Commission during the public hearing process.

14. All deliveries shall occur during the approved hours of operation set forth in this resolution.

15. Employees shall be provided free off-site parking. Employees shall be transported by company-funded shuttles from the off-site parking location to the project site. The shuttle vehicles shall be prohibited from driving on residential streets.

16. Except as expressly required by law, employees shall be prohibited from parking on City streets. The applicant shall actively discourage vendors and other vehicles associated with or doing business with the dealership or its employees from parking on City streets.

17. Vehicle test drives must follow the approved test drive route provided in Exhibit A of this resolution. In addition, all test drive routes shall comply with the provisions of Article 7 of Chapter 4 of Title 4 of the Beverly Hills Municipal Code.

18. Vehicles shall be moved to and from the Project site by porters only. Customers shall not come directly to or from the Project site for the purpose of dropping-off/picking-up of vehicles. Vehicle drop-off/pick-up shall only occur at 9001 Olympic Boulevard.

19. When driving vehicles to and from the Project site the porters shall follow the amended circulation route approved by the Planning Commission on March 28, 2013. Vehicles shall enter and exit the Project site's northern driveway. This shall be achieved through the closure of the southern driveway and the widening of the northern driveway apron to a minimum width of 18 feet. This condition shall not require the widening of the building opening associated with the northern driveway, provided that a minimum building opening width of 14 feet is maintained.

20. All vehicle service shall be conducted within the service structure on the site. Vehicle service shall not occur within any public streets or public right-of-way.

21. Delivery vehicles of any kind, which are under contract or control of the dealership, shall be prohibited from parking along the public streets or alleys.

22. All deliveries shall occur on the adjacent site at 9001 Olympic Boulevard. No other streets or rights-of-way shall be used for such purposes. Car carriers or transport trucks that cannot be accommodated entirely on private property are expressly prohibited from conducting deliveries or pick-ups from 9000, 9001, and/or 9031 Olympic Boulevard. Goods may be transported to the project site as needed by company employees. When transporting goods via car or truck the employees must follow the same vehicular route approved for the porter operations. The transporting of goods shall occur during the approved hours of operation set forth in this resolution.

23. All customers of the vehicle service use shall be provided with free parking.

24. All trash storage and recycling areas shall be incorporated into the interior design of the Project, and shall only be removed from the structure for the purpose of collection.

25. At the close of business each day, an employee(s) of the dealership shall walk the perimeter of the project site and collect and dispose of any trash or debris that may be present on adjacent sidewalks or the alleys, regardless of whether said trash or debris was generated by the service operations.

26. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from eating, drinking, or smoking in the alley and other public rights-of-way.

27. Lunch trucks/catering trucks shall be directed by the service operation to park only on the public streets directly adjacent to the site. Said trucks shall be prohibited from parking in the alleys or within the residential neighborhoods.

28. The Applicant shall make available the phone number of the service operations manager who will serve as a single-point of contact for property owners and residential and commercial occupants within the surrounding neighborhood. The phone number shall be posted on the Project site at all times (even during construction) and shall be mailed to all property owners and residential and commercial occupants within a 500-foot radius of the Project site. In the event that the 500-foot radius ends within a street block and does not capture all properties within the block, the mailing radius shall be expanded to capture all the properties located within the block.

29. Appropriate signage shall be installed indicating that the driveway on the east side of the 9001 Olympic Boulevard site shall be used only for vehicles exiting the site via a right turn onto South Almont Drive. Vehicles shall be prohibited from entering into the 9001 Olympic Boulevard site from South Almont Drive. In addition, the Applicant shall install a vehicle directional sign at the east exit of the 9001 Olympic Boulevard site which indicates that a left-hand turn onto

South Almont Drive is prohibited. The sign shall be installed on private property and shall be maintained by the Applicant.

30. At the Project site's vehicle entry/exit a directional sign shall be installed that prohibits outbound vehicles from making a left-hand turn onto South Wetherly Drive. The sign shall be installed on private property and shall be maintained by the Applicant.

31. At the Project site's vehicle entry/exit the Applicant shall install lights that will flash to notify pedestrians when a vehicle is exiting the building. The Applicant shall also install mirrors that will provide vehicles exiting the property with visibility of the public right-of-way.

32. The Applicant shall be responsible for notifying all employees of the operational conditions within this resolution. The notification document(s) utilized shall be consistent with the materials provided by the applicant during the Planning Commission meeting on December 10, 2015. A copy of the document(s) is on file with the Community Development Department.

33. The Applicant shall be responsible for notifying patrons of how to best access the service facility from Olympic Boulevard and shall discourage patrons from using residential streets. This information shall be provided to patrons on the service facility's webpage, within written and email correspondence to patrons, and through verbal communications with the service facility employees. The notification documents shall be consistent with the materials provided by the applicant during the Planning Commission meeting on December 10, 2015. A copy of the document(s) is on file with the Community Development Department.

34. The vehicle washing bay within 9031 Olympic Boulevard shall be equipped with a water recycling system to ensure capture and reuse of water used for vehicle washing.

35. The vehicle washing bays within 9000 Olympic Boulevard shall be equipped with a water recycling system to ensure capture and reuse of water used for vehicle washing.

36. The vehicle washing facility located at 9000 Olympic Boulevard shall be prohibited from washing vehicles outside of the following hours: 8:00 AM to 6:00 PM on weekdays and 9:00 AM to 6:00 PM on Saturdays. Washing of vehicles at the facility located at 9000 Olympic Boulevard shall be prohibited on Sundays.

37. A central vacuum system shall be installed within the building at 9000 Olympic Boulevard to limit noise associated with vehicle cleaning. The central vacuum system and its use on vehicles shall be enclosed within the building at all times.

38. Sound curtains shall be installed around the vehicle washing bays located at 9000 Olympic Boulevard to limit noise associated with vehicle washing.

39. All compressed air hoses used at 9000 Olympic Boulevard shall be limited to a maximum length of 25' at all times, including any hose extensions, so that they cannot be used outside of the building.

40. This Conditional Use Permit shall expire one (1) year from the date of Jim Falk Lexus being established and operational at the subject property. Upon application by the Applicant at least 30 days prior to the expiration of such

permit, the City may extend the Conditional Use Permit if the Planning Commission determines that the uses are operating in a manner approved by the Planning Commission, are abiding by the conditions imposed by the City Council, and are not creating significant adverse impacts on the surrounding neighborhood. The Conditional Use Permit shall remain valid until such a time as a decision denying the use is rendered by the Planning Commission. The Applicant shall file all necessary applications and pay all applicable fees associated with said re-review. Furthermore, in the event the Director of Community Development believes that operation of the property may not be in compliance with the Conditional Use Permit provisions, the Director of Community Development or his or her designee, at their discretion, may require the project be returned to the Planning Commission for further review and analysis prior to the expiration of the entitlements. The Applicant shall file all necessary applications and pay all applicable fees associated with said review.

41. The City of Beverly Hills and Jim Falk Lexus acknowledge that there is a nexus between the automobile sales facility at 9230 Wilshire Boulevard, Beverly Hills, California 90212, and the service uses that are the subject of this CUP, including 9031 Olympic Boulevard and 9001 Olympic Boulevard, and the car prep/wash facility located at 9000 Olympic Boulevard. As a result, if the vehicle sales operation at 9230 Wilshire Boulevard, Beverly Hills, California 90212 is closed or its operations are significantly and materially reduced and/or relocated, then the CUP shall be automatically revoked and all vehicle sales and

service operations at 9031 Olympic Boulevard, 9001 Olympic Boulevard, and 9000 Olympic Boulevard shall terminate immediately.

STANDARD CONDITIONS:

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

43. 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.

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

45. At all times the Project shall comply with the standards of the City's Municipal Code and all other applicable State and Federal regulations.

46. This resolution approving the Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development prior to the issuance of a building

permit. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder.

47. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.

48. The exercise of rights granted in this approval shall be commenced within three (3) years after the adoption of this resolution.

49. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

VIOLATIONS:

50. Any written complaints (a "Complaint") may be submitted to the Community Development Department alleging a violation of one or more of the conditions ("Conditions") of this Conditional Use Permit ("CUP") and/or provisions ("Provisions") of the Beverly Hills Municipal Code by Jim Falk Lexus (any such violation collectively, unless otherwise designated, as a "Violation"). The Complaint must be signed by the complainant under penalty of perjury, contain a full description of the Violation, the complainant's contact information, and photographs, video or any other evidence to support the claim (the "Required Information Complaint").

51. The Applicant shall submit to the City a cash deposit of $25,000 from which to draw financial penalties in case of any violations of the Conditions of Approval. If and when the cash deposit balance reaches $12,500 or less, the

Applicant shall submit to the City, within five (5) business days, additional funds in an amount sufficient to bring the cash deposit amount back to $25,000.

52. Upon verification of evidence that a violation of any condition of approval contained herein has occurred, financial penalties shall be withdrawn from the cash deposit in the following amounts for each of violation within a single calendar year:

	1st Violation	**2nd Violation**	**3rd Violation**	**4th Violation**	**5th Violation**	**Subsequent Violations**
Major Violations	$1,000	$2,500	$5,000	$7,500	$10,000	$10,000 and automatically returned to Planning Commission for review and possible revocation. All application fees would be required in addition to the assessed penalty.
Minor Violations	$500	$1,500	$2,500	$5,000	$7,500	

The applicant shall be provided a written notice of decision to withdraw the penalty charge, and shall be provided with the evidence demonstrating the occurrence of the violation, and shall have the right to appeal the decision to withdraw the penalty charge from the cash deposit to the Director of Community Development within 14 days of the issuance of the City's notice of the determination. A written notice of the Director's decision shall be provided to the applicant, who shall have the right to appeal the decision to the Planning Commission within 14 days of the issuance of the notice of the Director's

decision. The decision of the Planning Commission shall be final, and the applicant shall have no further right to appeal.

53. For the purposes of this resolution, violations of the following conditions of approval shall be considered "Major" and "Minor":

	Conditions of Approval
Major Violations	5, 10, 15, 16, 20, 21, 22, 23, 27, 29, 30, 34, 35, 36, 37, 38, and 39
Minor Violations	4, 12, 13, 14, 17, 18, 19, 24, 25, 26, 28, 32, and 33

54. Upon verification of evidence that a total of six (6) or more "Major" and/or "Minor" violations of the conditions of approval contained herein have occurred within a single calendar year, the CUP shall be referred to the Planning Commission for further review, and possible revocation. All costs associated with such hearing shall be fully borne by the Applicant.

55. Within thirty (30 days after the adoption of this resolution, the applicant shall submit to the City a cash deposit of $20,000 for the purpose of offsetting the costs of Code Enforcement activities associated with this project.

Section 10. The City Clerk 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 City Council of the City.

Adopted:

JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager

SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2

MARCH 1, 2016 CITY COUNCIL AGENDA REPORT

AGENDA REPORT

Meeting Date: March 1, 2016

Item Number: E-1

To: Honorable Mayor & City Council

From: Ryan Gohlich, AICP, Assistant Director of Community Development

Subject: A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AMENDMENTS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW JIM FALK LEXUS TO OPERATE A VEHICLE SERVICE USE ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD.

Attachments:

1. City Council Resolution
2. Planning Commission Resolution No. 1765
3. December 10, 2015 Planning Commission Staff Report
4. Business Operation Plan
5. Architectural Plans

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution conditionally authorizing an amendment to a Conditional Use Permit that would allow Jim Falk Lexus to operate a vehicle service facility at 9031 Olympic Boulevard.

BACKGROUND

On December 10, 2015, the Planning Commission approved an amendment to a Conditional Use Permit that authorizes vehicle servicing within the existing commercial building located at 9031 Olympic Boulevard to be conducted by Jim Falk Lexus in lieu of Infiniti of Beverly Hills. Subsequent to this approval, Vice Mayor Mirisch requested that the City Council consider calling the decision up for review. On January 5, 2016, the City Council voted to conduct a de novo hearing on the matter and requested that staff focus on several key issues including the following:

- Establishing clearer provisions for identifying and processing any violations of conditions of approval; and

- Determining whether vehicle service could be tied to vehicle sales.

This report outlines the proposed project, and highlights new conditions that are proposed to address the concerns raised by residents and the City Council.

PROJECT DESCRIPTION

The following provides information on existing Infiniti facilities and operations, as well as the intentions of Jim Falk Lexus to occupy specific properties along Olympic Boulevard:

- **9031 Olympic Boulevard.** This property houses the service bays used by Infiniti, and is the property where vehicles are actually serviced. There are a total of 19 service bays within this building. This is the only building specifically controlled by the subject Conditional Use Permit, and the intention is for Jim Falk Lexus to transfer its service operations at 194 North Robertson Boulevard to this facility (as a comparison, the Robertson property contains 13 service bays), with Infiniti vacating the premises entirely and taking over control of the 194 North Robertson Boulevard facility. The 194 North Robertson Boulevard facility is legally nonconforming and not regulated by a Conditional Use Permit, so this component of the transfer of occupancy is not subject to review by the City Council. As a part of taking over the 9031 Olympic Boulevard property, Lexus proposes limited modifications to this facility, including replacing one service bay with a vehicle washing bay that would be fully contained within the building. Proposed hours of operation are 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service is proposed on Sundays.

- **9001 Olympic Boulevard.** This property is occupied by Infiniti and serves as the reception point for vehicles requiring service. Vehicles are dropped off by patrons and

then transferred to 9031 Olympic Boulevard by Infiniti porters for service to be performed. Once service is completed, the vehicles are returned to 9001 Olympic Boulevard by Infiniti porters. This property is not specifically regulated by the Conditional Use Permit in question, except that there are limitations on vehicle turning movements for ingress and egress to the site. The intention is for Jim Falk Lexus to occupy this property and use it in the same manner as Infiniti, with the only modifications consisting of aesthetics and signage. Infiniti of Beverly Hills would vacate the premises entirely.

- **9000 Olympic Boulevard.** This property is occupied by Infiniti and is used for new car prep and the washing of vehicles that are sold or serviced by Infiniti. The property is considered to be legally nonconforming and is not regulated by the Conditional Use Permit in question. Jim Falk Lexus proposes to take over control of this property, but would lease the property back to Infiniti for up to three years prior to the property being occupied by Lexus. Although not specifically regulated by the Conditional Use Permit, the Planning Commission adopted (and Jim Falk Lexus agreed to abide by) several conditions that would apply to this property to reduce any impacts from current and future vehicle washing. These conditions are addressed later in this report.

Beyond the operational changes noted above, Jim Falk Lexus intends to operate the 9031 Olympic Boulevard facility (and the 9000/9001 facilities, although not an explicit component of the subject Conditional Use Permit) in a manner consistent with the existing conditions of approval, as well as the additional conditions addressed below (see Attachment 4, Business Operation Plan).

ANALYSIS

In reviewing the requested amendments to the Conditional Use Permit, the following information is provided for the Council's consideration:

Operational Changes. The proposed change of dealership brands at the 9031 Olympic Boulevard property represents a limited change from existing operations, and as outlined in the attached business operation plan, Jim Falk Lexus would continue to use the property in the same manner as it has been used by Infiniti. The primary difference will be the installation of one vehicle washing bay in place of one service bay, with all other operational aspects remaining unchanged (except as further conditioned).

Traffic and Circulation. According to the Business Operations Plan submitted by the applicant, and based upon the current level of service traffic at the 194 North Robertson Boulevard Lexus service facility, it is anticipated that approximately 35-40 vehicles will be serviced at the 9031 Olympic Boulevard facility per service day. This number is consistent with the approvals that were previously granted by the Planning Commission for Infiniti, and the overall capacity of the facility will not be increased as a result of the change in dealer brand. The majority of all service will be on an appointment basis, which will limit the amount of vehicles coming to the site and will allow an orderly and controlled operation. It was further noted at the Planning Commission hearing that the Maple service facility and Olympic service facility will operated independent of one another and that cars will not be transferred back and forth between the two facilities. The reason for this is that the types of service offered at the two facilities will be different

(quick service such as oil changes at Maple, and heavier service at Olympic), with customers scheduled for and assigned to each property as appropriate.

Vehicles requiring a road test will follow the previously approved City of Beverly Hills test drive routes, which include Olympic Boulevard, Doheny Drive, Robertson Boulevard, and Wilshire Boulevard. Computer verified repairs are further anticipated to limit the need for test drives. All employees will continue to be parked off-site in free off-site facilities and will be shuttled to the facilities. Due to the limited change in operations, the project did not necessitate a new traffic study, since the proposal remains consistent with the vehicle volumes and vehicle routes previously studied and approved by the Planning Commission in 2013 for Infiniti.

Conditions of Approval. When Infiniti of Beverly Hills was originally approved to occupy the subject property at 9031 Olympic Boulevard, a total of 43 conditions were imposed by the Planning Commission. As a supplement to these existing conditions for Infiniti, the Planning Commission imposed, and Lexus agreed to, the following additional conditions:

- Requirement to equip the vehicle wash bays at 9000 and 9031 Olympic Boulevard with water recycling systems.
- Requirement to limit car washing at 9000 Olympic Boulevard to the hours of 8:00 AM to 7:00 PM on weekdays, 9:00 AM to 6:00 PM on Saturdays, and 11:00 AM to 3:00 PM on Sundays.
- Requirement to install a central vacuum system and sound curtains at 9000 Olympic Boulevard to limit noise associated with vehicle washing.
- Limiting air hoses to a maximum length of 25' to ensure that they can only be used within the enclosed building.
- Requiring a two-year review provision so that after two years of operation the Planning Commission will review the CUP to determine whether the conditions are working appropriately and impacts to the surrounding neighborhood have been prevented.

Sales and Service Nexus. Pursuant to direction provided by the City Council, staff explored the nexus between the vehicle service use on Olympic Boulevard and the vehicle sales use at Wilshire/Maple, with the goal of ensuring that impacts from the service use would not change or increase if the sales use were moved out of the City. Upon reviewing the issue, staff determined that since portions of the facilities operate independent of one another, the CUP approving the service use could not be automatically terminated; however, the proposed resolution now contains a condition that would call for Planning Commission review of the CUP should the sales operation ever be moved out of the City. This would provide the City with an opportunity to study the impacts of the service use as a standalone facility without a sales component, at which time the Planning Commission would have the ability to revoke the CUP if findings could not be made to allow continued operation of the service facility. The specific requirements are set forth in Condition No. 41 of the attached resolution, and have been agreed to by Jim Falk Lexus.

Violations of Conditions. As was discussed by the Planning Commission and referenced during the City Council's decision to call the matter up for review, residents in the vicinity of the current Infiniti service operation have made complaints about the operation not abiding by all conditions of approval, as well as the process by which violations are dealt with. Accordingly, the City Council directed Jim Falk Lexus to work with surrounding neighbors to develop conditions that would address enforcement concerns. The attached resolution contains several new enforcement conditions (Condition Nos. 51-53) that were developed by Lexus and several concerned neighbors, which generally accomplish the following:

- Allows for anybody to submit evidence of violations directly to the Assistant Director or Director, with a decision to be made on whether the violation can be substantiated within ten days.
- Establishes a 30-day period for curing any documented violations.
- Requires automatic Planning Commission review of the CUP if two or more violations occur within a 6-month period, or if three or more violations occur within a 12-month period.
- Clearly establishes that the City Council may call up any Planning Commission decisions for review (Condition No. 42).
- During any hearings held by the Planning Commission or City Council, the CUP may be modified or revoked.

One condition requested by neighbors but not included in the resolution pertains to the manner in which any hearings on the CUP would be conducted. The language requested would have dictated the amount of time given to each resident to ensure that each resident would have the same amount of time as the applicant, as well as a rebuttal opportunity. The reason staff is not recommending this condition is that the Chair or Mayor is responsible for conducting public hearings, specifically the time and order of comments, and any deviation would be inconsistent with the City's longstanding rules of order. With the exception of this request, staff believes that the conditions set forth in the resolution accomplish the residents' goals and are also supported by Jim Falk Lexus.

ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in business operator under the same category of use within an existing structure including limited interior or exterior alterations, and will not alter existing traffic patterns. Therefore, this project has been determined to be exempt from further environmental review.

FISCAL IMPACT

There is no fiscal impact associated with a decision on this matter; however, retaining Lexus' service operations within the City would maintain the current tax base.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached resolution conditionally authorizing an amendment to a Conditional Use Permit that would allow Jim Falk Lexus to operate a vehicle service facility at 9031 Olympic Boulevard.

Susan Healy Keene, AICP
Director of Community Development

Approved By

ATTACHMENT 3

PLANNING COMMISSION RESOLUTION NO. 1765

RESOLUTION NO. 1765

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AMENDMENTS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW JIM FALK LEXUS TO OPERATE A VEHICLE SERVICE USE ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD.

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

Section 1. Jim Falk Lexus, through its agent Thomas S. Levyn, has submitted an application to amend an existing Conditional Use Permit (CUP) to allow Jim Falk Lexus to operate a vehicle service use within an existing commercial building located at 9031 Olympic Boulevard (the "Project"). The proposed service use would occupy the building, which contains approximately 15,300 square feet of floor area. The building will contain eighteen (18) service bays, one tire changing area, one alignment area, and a car washing station. The existing vehicle service use currently operates under an approved CUP; however that CUP is specific to Infiniti of Beverly Hills. An amendment to the CUP is required in order to allow Jim Falk Lexus to operate the vehicle service use.

Section 2. The Project site is located on the northwest corner of Olympic Boulevard and South Wetherly Drive. Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property.

Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence that runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The commercial property located to the east across South Wetherly Drive is currently used as a vehicle drop off/pick-up area for the existing Infiniti service operations. The Project would operate in conjunction with the neighboring property located at 9001 Olympic Boulevard.

Section 3. The request to allow Jim Falk Lexus to operate the vehicle services use requires an amendment to the existing CUP, which is specific to Infiniti of Beverly Hills. Vehicle service would occur from 7:00 AM to 7:00 PM on weekdays, and from 9:00 AM to 5:00 PM on Saturdays. No service would be performed on Sundays. Customers will drop vehicles off at 9001 Olympic Boulevard, and the vehicles will then be driven to 9031 Olympic Boulevard by Infiniti employees. Once service is completed, vehicles will be returned to 9001 Olympic Boulevard for customer pick up.

Section 4. The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in operator under the same use classification within an existing structure including minor interior and exterior alterations. Therefore, the Planning Commission hereby finds the Project to be exempt from further environmental review.

Section 5. Notice of the Project and public hearing was mailed on November 30, 2015 to all property owners and residential occupants within a 500-foot radius of the property, plus block-face. Additionally, notice was published in two newspapers of local circulation, the *Beverly Hills Courier* and *Beverly Hills Weekly*. On December 10, 2015 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Conditional Use Permit, the Planning Commission considered whether it could make the following findings 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 traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and

4. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

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

1. The proposed change in vehicle service use operator represents substantially the same operations as what is currently approved as part of the existing CUP. The vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. The new operator's vehicle service facilities will be located within an existing commercial building on the property, which is part of the existing neighborhood fabric. To the north of the project site is a residential neighborhood which is separated from the site by alleys along the north and west sides of the project site. A traffic, parking, and circulation study that was considered as part of the original CUP approval indicated that the proposed use will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed on the project that will further limit traffic impacts, specifically in the residential neighborhood to the north. An acoustical study of the use was also considered as part of the original CUP, which

concluded that certain steps could be taken to minimize noise impacts. As a result, conditions have been imposed to minimize noise impacts. Since the proposed use will be substantially the same as the existing CUP, will be located within an existing commercial building in the neighborhood, and conditions have been incorporated in the project that will minimize the traffic and noise impacts, the proposed change in operator will be compatible with the area and the surrounding uses.

2. The proposed change in operator will not result in material changes to the building on the subject property, nor will the change in operator result in changes to the buffer provided between the vehicle service use and the adjacent residential uses. The vehicle service use is separated from residential uses by a 15' wide alley, has no openings facing residential properties, and as a result of previously imposed conditions has implemented noise mitigation measures into the building's construction. For these reasons, the proposed vehicle service use will be adequately buffered from residential properties.

3. A traffic, parking, and circulation study was prepared for the proposed use and considered by the Planning Commission as part of its approval of the original CUP that allowed the vehicle service use to be operated by Infiniti of Beverly Hills. The proposed amendment to the CUP would allow Jim Falk Lexus to operate the vehicle service use in substantially the same manner, processing a similar number of vehicles as was studied for the original CUP. This study, which was peer reviewed by the City's Transportation Engineer, indicated that the proposed use will not result in any significant traffic, parking, or circulation related impacts on the neighborhood. While the study determined that the impacts would

not be significant, it is recognized that the project will result in additional traffic in the area and conditions have been imposed on the project to minimize the traffic impacts. Specific conditions regarding the operational traffic associated with the use, including vehicle service test drives and the circulation of the vehicles to and from the site have been included. These conditions will reduce the amount of traffic in the residential areas, thereby reducing the potential traffic safety hazards to pedestrians. Therefore, the Project will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including but not limited to, an adverse impact on traffic circulation or parking.

4. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. An acoustical study was prepared for the project as part of the approval of the original CUP. This study concluded that certain steps could be taken to minimize noise impacts. The recommended steps have been incorporated as conditions of approval on the project, and incorporated into the existing building's construction. The operational impacts of the project were also analyzed. For projects located in the general commercial-residential transition area of the City, such as the subject site, specific operational restrictions apply. These restrictions regulate operational elements such as the hours of operation, noxious fumes, and unpleasant odors. A condition of approval has been included on the project that requires full compliance with the operational standards for uses located in the commercial-residential transition area. Finally, the proposed amendment to the CUP would allow Jim Falk Lexus to operate the vehicle service use in

substantially the same manner as Infiniti of Beverly Hills. Since the proposed use is generally consistent with the surrounding commercial uses and conditions have been imposed that would minimize noise and the other operation impacts, the Project will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to activities association with the propose use or its hours of operation.

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

1. Upon recordation, this Resolution shall supersede Planning Commission Resolution No. 1678.

2. The Planning Commission expressly reserves jurisdiction relative to traffic, parking, and noise issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the proposed Project as they arise. In the event that the Project is found to result in any unanticipated impacts and a hearing is scheduled to review the Project, the full cost of the review hearing and implementation of any additional conditions or mitigations measures shall be paid for by the Applicant.

3. The conditions set forth in this resolution are specifically tailored to address the operations of Jim Falk Lexus as presented and approved by the Planning Commission. To ensure that any subsequent automobile service uses operated at the subject site do not cause adverse impacts to the surrounding neighborhood, any transfer of ownership, management, or control of the dealership shall be reviewed by the Director of Community Development to determine

whether the proposed change substantially conforms to the Project approved by the Planning Commission. If the Director determines that the proposed change does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with provisions of Section 10-3-3801 of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the CUP or to impose additional conditions as necessary to ensure that the operation of the subsequent dealership at the subject site is compatible with adjacent land uses. The full cost of any such review hearing and implementation of any additional conditions or mitigation measures shall be paid for the Applicant.

4. The project shall comply with all operational requirements for businesses located in the commercial-transition zone pursuant to Beverly Hills Municipal Code Section 10-3-1956.

5. The hours of operation for the vehicle service station shall be limited to 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service shall be performed on Sundays. The Project shall not exceed the maximum limit of operational hours permitted in this condition. This condition shall not prevent the dealership from assisting customers beyond operating hours outlined above, provided that said customer entered the dealership prior to the close of business.

6. A combination of thermal and acoustical insulation shall be applied to the underside of the roof structure between the joists and the entire service pay area.

7. Perforated metal acoustical wall panels shall be provided along the interior of the north building wall.

8. Dual glazed, fixed, non-operable windows with a minimum of 45 STC rating shall be provided in the existing window openings along the north building elevation.

9. Sound control doors with a minimum 50 STC rating shall be installed at exterior door openings.

10. No public address system shall be utilized by the vehicle service center unless such system is inaudible beyond the property boundaries.

11. After the installation of the noise minimizing measures recommended by the Acoustical Study and further conditioned herein, the acoustical consultant shall inspect the installation and verify that recommended measures have been met. The acoustical consultant shall submit written documentation to the Director outlining the inspection and verifying proper installation of all materials.

12. The northern east-facing building opening that provides vehicle access to the Project from South Wetherly Drive shall be permitted to remain open during the approved vehicle service hours outlined in this resolution, but shall remain closed at all other times. Pursuant to Condition No. 19 herein the southern building opening shall be closed permanently.

13. At all times the vehicle service use shall operate in compliance with the City's noise ordinance and the noise study presented to the Planning Commission during the public hearing process.

14. All deliveries shall occur during the approved hours of operation outlined in this resolution.

15. Employees shall be provided free off-site parking. Employees shall be transported by company-funded shuttles from the off-site parking location to the project site. The shuttle vehicles shall be prohibited from driving on residential streets.

16. Except as expressly required by law, employees shall be prohibited from parking on City streets. The applicant shall actively discourage vendors and other vehicles associated with or doing business with the dealership or its employees from parking on City streets.

17. Vehicle test drives must follow the approved test drive route provided in Attachment E of the Traffic and Parking Analysis.

18. Vehicles shall be moved to and from the Project site by porters only. Customers shall not come directly to or from the Project site for the purpose of dropping-off/picking-up of vehicles.

19. When driving vehicles to and from the Project site the porters shall follow the amended circulation route approved by the Planning Commission on March 28, 2013. Vehicles shall enter and exit the Project site's northern driveway. This shall be achieved through the closure of the southern driveway and the widening of the northern driveway apron to a minimum width of 18 feet. This condition shall not require the widening of the building opening associated with the northern driveway provided that a minimum building opening width of 14 feet is maintained.

20. All vehicle service shall be conducted within the service structure on the site. Vehicle service shall not occur within any public streets or public right-of-way.

21. Delivery vehicles shall be prohibited from parking along the public streets or alleys.

22. All deliveries shall occur on the adjacent site at 9001 Olympic Boulevard. No other streets or rights-of-way shall be used for such purposes. Goods may be transported to the project site as needed by company employees. When transporting goods via car or truck the employees must follow the same vehicular route approved for the porter operations. The transporting of goods shall occur during the approved hours of operation outlined in this resolution.

23. All customers of the vehicle service use shall be provided with free parking.

24. All trash storage and recycling areas shall be incorporated into the interior design of the Project, and shall only be removed from the structure for the purpose of collection.

25. At the close of business each day, an employee(s) of the dealership shall walk the perimeter of the project site and collect and dispose of any trash or debris that may be present on adjacent sidewalks or the alleys, regardless of whether said trash or debris was generated by the service operations.

26. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from eating, drinking, or smoking in the alley and other public rights-of-way.

27. Lunch trucks/catering trucks shall be directed by the service operation to park only on the public streets directly adjacent to the site. Said trucks shall be prohibited from parking in the alleys or within the residential neighborhoods.

28. The Applicant shall make available the phone number of the service operations manager who will serve as a single-point of contact for property owners and residential and commercial occupants within the surrounding neighborhood. The phone number shall be posted on the Project site at all times (even during construction) and shall be mailed to all property owners and residential and commercial occupants within a 500-foot radius of the Project site. In the event that the 500-foot radius ends within a street block and does not capture all properties within the block, the mailing radius shall be expanded to capture all the properties located within the block.

29. The Applicant shall install a vehicle directional sign at the east exit of the 9001 Olympic Boulevard site which indicates that a left-hand turn onto South Almont Drive is prohibited. The sign shall be installed on private property and shall be maintained by the Applicant.

30. At the Project site's vehicle entry/exit a directional sign shall be installed that prohibits outbound vehicles from making a left-hand turn onto South Wetherly Drive. The sign shall be installed on private property and shall be maintained by the Applicant.

31. At the Project site's vehicle entry/exit the Applicant shall install lights that will flash to notify pedestrians when a vehicle is exiting the building.

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

32. The Applicant shall be responsible for notifying all employees of the operational conditions within this resolution. The notification document(s) utilized shall be consistent with the materials provided by the applicant during the Planning Commission meeting on December 10, 2015. A copy of the document(s) is on file with the Community Development Department.

33. The Applicant shall be responsible for notifying patrons of how to best access the service facility from Olympic Boulevard and shall discourage patrons from using residential streets. This information shall be provided to patrons on the service facility's webpage, within written and email correspondence to patrons, and through verbal communications with the service facility employees. The notification documents shall be consistent with the materials provided by the applicant during the Planning Commission meeting on December 10, 2015. A copy of the document(s) is on file with the Community Development Department.

34. The vehicle washing bay within 9031 Olympic Boulevard shall be equipped with a water recycling system to ensure capture and reuse of water used for vehicle washing.

35. The vehicle washing bays within 9000 Olympic Boulevard shall be equipped with a water recycling system to ensure capture and reuse of water used for vehicle washing.

36. The vehicle washing facility located at 9000 Olympic Boulevard shall be prohibited from washing vehicles outside of the following hours: 8:00 AM to 7:00 PM on weekdays; 9:00 AM to 6:00 PM on Saturdays, and 11:00 AM to

3:00 PM on Sundays, with Sunday vehicle washing limited only to new or used cars that are to be delivered to a customer on a Sunday or Monday.

37. A central vacuum system shall be installed within the building at 9000 Olympic Boulevard to limit noise associated with vehicle cleaning. The central vacuum system shall be enclosed within the building at all times.

38. Sound curtains shall be installed around the vehicle washing bays located at 9000 Olympic Boulevard to limit noise associated with vehicle washing.

39. All compressed air hoses used at 9000 Olympic Boulevard shall be limited to a maximum length of 25' at all times, including any hose extensions.

40. This Conditional Use Permit shall expire two (2) years from the date of its approval. Upon application by the Applicant at least 30 days prior to the expiration of such permit, the City may extend the Conditional Use Permit if the Planning Commission determines that the uses are operating in a manner approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating significant adverse impacts on the surrounding neighborhood. The Conditional Use Permit shall remain valid until such a time as a decision is rendered by the Planning Commission. The Applicant shall file all necessary applications and pay all applicable fees associated with said re-review. Furthermore, in the event the Director of Community Development believes that operation of the property may not be in compliance with the Conditional Use Permit provisions, the Director of Community Development or their designee, at their discretion, may require the project be returned to the Planning Commission for further review and analysis prior to the expiration of the

entitlements. The Applicant shall file all necessary applications and pay all applicable fees associated with said review.

STANDARD CONDITIONS:

41. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. An appeal fee is required.

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

43. 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.

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

45. At all times the Project shall comply with the standards of the City's Municipal Code and all other applicable State and Federal regulations.

46. This resolution approving the Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of

approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development prior to the issuance of a building permit. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder.

47. A violation of any of these conditions of approval may result in the revocation of the entitlements granted herein. Any such revocation shall be conducted in accordance with the revocation proceedings set forth in §10-3-3803 of the Beverly Hills Municipal Code.

48. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.

49. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

50. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: December 10, 2015

Alan Robert Block
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary
Ryan Gohlich, AICP

Approved as to form:

David M. Snow
Interim City Attorney

Approved as to content:

Ryan Gohlich, AICP
Assistant Director of Community
Development / City Planner

ATTACHMENT 4

DECEMBER 10, 2015 PLANNING COMMISSION

STAFF REPORT

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

Planning Commission Report

Meeting Date: December 10, 2015

Subject: **9031 Olympic Boulevard (Lexus/Infiniti)**
Amendment to a Conditional Use Permit
Request to amend a Conditional Use Permit that authorizes vehicle servicing within the existing commercial building located at 9031 Olympic Boulevard to be occupied by Jim Falk Lexus in lieu of Infiniti of Beverly Hills. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider a determination of exemption from CEQA.
PROJECT APPLICANT: Thomas S. Levyn on behalf of Jim Falk Lexus

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt the attached resolution conditionally approving the requested amendment to the Conditional Use Permit.

REPORT SUMMARY

The subject property is currently being used as a vehicle servicing facility by Infiniti of Beverly Hills through an existing Conditional Use Permit (CUP) that was approved by the Planning Commission in 2013. Infiniti presently occupies three properties along Olympic Boulevard (9000, 9001, and 9031 as depicted on page 3 of this report); however, the CUP specifically applies to 9031 Olympic Boulevard. The conditions of approval set forth in the CUP state that the CUP is specific to Infiniti of Beverly Hills, and that any changes in dealership or ownership/management trigger review by either the Director of Community Development or the Planning Commission. At this time, the City has received a request to amend the CUP to authorize Jim Falk Lexus to occupy the property in lieu of Infiniti of Beverly Hills. The proposed amendment has been determined to be subject to Planning Commission review, and is therefore presented for consideration. This report outlines the existing operations and proposed changes to the CUP, provides analysis, and concludes that the proposed changes are minor in nature relative to the prior approvals granted for the Infiniti service center. Accordingly, the recommendation in this report is that the Planning Commission adopt the attached resolution amending the CUP to allow Jim Falk Lexus to occupy the subject property.

Attachment(s):
A. Required Findings
B. Public Notice
C. Business Operation Plan
D. Draft Resolution
E. Planning Commission Resolution No. 1678
F. Architectural Plans

Report Author and Contact Information:
Andre Sahakian
(310) 285-1127
asahakian@beverlyhills.org

BACKGROUND

File Date	11/20/2015
Application Complete	12/3/2015
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	2/2/2016 without extension request from applicant
Applicant(s)	Jim Falk Lexus
Property Owner(s)	Prime West Inc.
Representative(s)	Thomas S. Levyn
Prior PC Action	Resolution No. 1678 - Approval of CUP to allow vehicle service operations at 9031 Olympic Blvd.
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

<u>Property Information</u>

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

<u>Adjacent Zoning and Land Uses</u>

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

<u>Circulation and Parking</u>

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

	parking south of the project site (Olympic Boulevard).
Nearest Intersection	Olympic Boulevard and South Wetherly Drive
Circulation Element	Olympic Boulevard is an arterial street; South Wetherly Drive is a local street.
Estimated Daily Trips	Olympic Boulevard carries approximately 25,850 daily trips, and South Wetherly Drive carries approximately 936 daily trips

Neighborhood Character

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

PROJECT DESCRIPTION

The following provides information on existing Infiniti facilities and operations, as well as the intentions of Jim Falk Lexus to occupy specific properties along Olympic Boulevard.

- **9031 Olympic Boulevard.** This property houses the service bays used by Infiniti, and is the property where vehicles are actually serviced. There are a total of 19 service bays within this building. This is the only building specifically controlled by the subject CUP, and the intention is for Jim Falk Lexus to transfer its service operations at 194 North Robertson Boulevard to this facility, with Infiniti vacating the premises entirely and taking over control of the 194 North Robertson Boulevard facility. The 194 North Robertson Boulevard facility is legally nonconforming and not regulated by a CUP, so this component of the transfer of occupancy is not subject to review by the Planning Commission. As a part of taking over the 9031 Olympic Boulevard property, Lexus proposes limited modifications to this facility, including replacing one service bay with a vehicle washing bay that would be fully contained within the building. Proposed hours of operation are 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service is proposed on Sundays.

- **9001 Olympic Boulevard.** This property is occupied by Infiniti and serves as the reception point for vehicles requiring service. Vehicles are dropped off by patrons and then transferred to 9031 Olympic Boulevard by Infiniti porters for service to be performed. Once service is completed, the vehicles are returned to 9001 Olympic Boulevard by Infiniti porters. This property is not specifically regulated by the CUP in question, except that there are limitations on vehicle turning movements for ingress and egress to the site. The intention is for Jim Falk Lexus to occupy this property and use it in the same manner as Infiniti, with the only modifications consisting of aesthetics and signage. Infiniti of Beverly Hills would vacate the premises entirely.

- **9000 Olympic Boulevard.** This property is occupied by Infiniti and is primarily used for new car prep and the washing of vehicles that are sold or serviced by Infiniti. The property is considered to be legally nonconforming and is not regulated by the CUP in question. Jim Falk Lexus proposes to take over control of this property, but would lease the property back to Infiniti for three years prior to the property being occupied by Lexus. Although not specifically regulated by the CUP, Jim Falk Lexus has proposed several conditions that it would apply to this property to reduce any impacts from current and future vehicle washing. These conditions are addressed later in this report.

Beyond the operational changes noted above, Jim Falk Lexus intends to operate the subject facilities in a manner consistent with the existing conditions of approval, as well as the additional conditions addressed below (see Attachment B, Business Operation Plan).

GENERAL PLAN[1] POLICIES

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

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.

- **Policy LU 2.10 Development Transitions and Compatibility.** Require that sites and buildings be planned, located, and designed to assure functional and visual transitions between areas of differing uses and densities by addressing property and height setbacks, window and entry placement, lighting, landscape buffers, and service access.

- **Policy LU 4.2 Circulation.** As a related but separate element to be considered on its merits, a variety of recommendations to enhance the overall quality of land use within the City were set forth. Among these were proposals to protect the quality of residential areas by discouraging through traffic which finds its way into these areas.

- **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 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.

- **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 ES 1.5 Attract New Business and Industries.** Consistent with future economic sustainability plans, encourage and attract new businesses in existing industries and new industries to locate and expand within the City in order to ensure a diverse, leading-edge business community.

---

[1] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in business operator under the same category of use within an existing structure including limited interior or exterior alterations. Therefore, this project has been determined to be exempt from further environmental review.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	12/3/2015	7 Days
Newspaper Notice	10 Days	11/27/2015	11/27/2015	13 Days
Mailed Notice (Owners & Residents - 500' Radius plus block face)	10 Days	11/30/2015	11/30/2015	10 Days
Property Posting	10 Days	11/30/2015	11/30/2015	10 Days
Website	N/A	N/A	12/3/2015	7 Days

As of the writing of this report, staff has not received formal written comments on this project.

ANALYSIS[2]

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report, and may be used to guide the Planning Commission's deliberation of the subject project.

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings:

> **Operational Changes.** The proposed change of dealerships at the subject property represents a limited change from existing operations, and as outlined in the attached business operation plan, Jim Falk Lexus would continue to use the property in the same manner as it has been used by Infiniti. The primary difference will be the installation of one vehicle washing bay in place of one service bay, with all other operational aspects remaining unchanged.

[2] The information provided in this section is based on analysis 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 make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Traffic and Circulation. According to the Business Operations Plan submitted by the applicant, based upon the current level of service traffic at the 194 North Robertson Boulevard Lexus service facility, it is anticipated that 35-40 vehicles will be serviced at the 9031 Olympic Boulevard facility per service day. This number is consistent with the approvals granted for Infiniti, and the overall capacity of the facility will not be increased as a result of the change in dealer brand. The majority of all service will be on an appointment basis, which will limit the amount of vehicles coming to the site and will allow an orderly and controlled operation. Vehicles requiring a road test will follow the previously approved City of Beverly Hills test drive routes, which include Olympic Boulevard, Doheny Drive, Robertson Boulevard, and Wilshire Boulevard. Computer verified repairs are anticipated to limit the need for test drives. All employees will continue to be parked off-site in free off-site facilities and will be shuttled to the facilities. Due to the limited change in operations, the project does not necessitate a new traffic study, since the proposal remains consistent with the vehicle volumes and vehicle routes previously studied by the Planning Commission.

Conditions of Approval. As part of the proposal to allow Jim Falk Lexus to occupy the subject property, the applicant has offered to impose the following conditions on the vehicle prep/washing facility located at 9000 Olympic Boulevard:

- Prohibit car washing after 7:00 PM daily, with Sunday washing being limited to new or used cars being delivered to a customer on a Sunday or Monday.
- Installation of a central vacuum system, rather than the use of individual shop vacs, to limit noise.
- Installation of sound curtains around vehicle washing areas to limit noise.

Although the above conditions proposed by the applicant are not specific to the property used for vehicle servicing, the conditions are expected to lessen any noise impacts that may be generated from vehicle washing at 9000 Olympic Boulevard.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare resolutions memorializing the Commission's findings.

Report Reviewed By:

Ryan Gohlich, Assistant Director of Community Development/City Planner

ATTACHMENT 5

BUSINESS OPERATION PLAN

BUSINESS OPERATION PLAN - JIM FALK LEXUS OF BEVERLY HILLS - OLYMPIC SERVICE CENTER

9001 AND 9031 OLYMPIC FACILITIES

The service center will be comprised of 2 locations: a reception center at 9001 Olympic Boulevard and a service facility at 9031 Olympic Boulevard, directly west of the reception center across Wetherly Drive. Both facilities will be located in existing buildings that are currently utilized in a similar manner.

The reception center at 9001 Olympic Boulevard will be the designated service customer drop-off/pick-up area. This area will house six service writers, an accessories boutique, a customer lounge area, an area for loaner cars, and parking. Anyone who desires service, Lexus boutique items, or retail parts will utilize this location. To obtain service, the customer will drive in to the service reception lane where they will be greeted by a service advisor. Thereafter, the vehicle will be taken by valet to a holding parking stall on site or directly to the service center. Customers not waiting in the lounge for the completion of their service will be provided a Lexus loaner vehicle and proceed off of the premises. The loaner vehicles will be parked on site at 9001 Olympic Boulevard. All customer parking shall be provided free of charge.

Vehicles received for service will be taken by valet to 9031 Olympic Boulevard. The valet will exit the property from the east side, taking Olympic Boulevard to Wetherly Drive and entering the service center where the vehicle will be placed in a service bay inside the building. Following service, a valet will return the vehicle to a holding area at 9001 Olympic Boulevard for customer pick-up. Customers shall be prohibited from taking vehicles from 9001 Olympic Boulevard to 9031 Olympic Boulevard.

When a customer is notified of the completion of their vehicle service, he/she will return to the service facility. The customer will meet with their advisor, pay at the cashier, and their serviced vehicle will be returned to them.

At 9031 Olympic Boulevard, in addition to the existing service stalls within the service center building, there is also a parts storage area. A lunch room and restroom facilities for the employees will limit the employees from coming and going at this location. The facility will not have any outdoor paging or loud speakers and both locations have been soundproofed to limit any noise directed toward the residential area.

Based upon the current level of service traffic at our 194 North Robertson Boulevard service facility, we anticipate 35-40 vehicles being serviced at 9031 Olympic Boulevard per service day. The majority of all service will be on an appointment basis which will limit the amount of vehicles coming to the site and will allow an orderly and controlled operation.

Vehicles requiring a road test will be prohibited from any residential street and will take place on previously approved City of Beverly Hills test drive routes which include Olympic Boulevard, Doheny Drive, Robertson Boulevard, and Wilshire Boulevard. Computer verified repairs will limit test drives. All employees will be parked off-site in free off-site facilities and will be shuttled to the facilities. All employees are provided with all company rules and regulations which include prohibitions against operating in any residential area and employees are subject to discipline if any of these operational rules are violated up to and including termination.

The operations comply with Resolution No. 1678.

SERVICE HOURS

Service hours at 9031 Olympic Boulevard will be from 7AM to 7PM Monday through Friday and 9AM to 5PM on Saturdays. The facility is closed Sundays.

PARTS DELIVERY

All parts deliveries will be dropped off on-site at the 9001 Olympic Boulevard location, and transported as needed to the parts area at the 9031 Olympic Boulevard service facility via company employees. No delivery parking will be permitted on City streets.

PARKING

The pick-up and drop-off area has been designed to provide a sufficient amount of parking for vehicles waiting for service or waiting for return to the customer. Lexus shall actively discourage vendors or other vehicles doing business with these facilities from parking on City streets. There are 64 parking stalls available.

LEXUS-OLYMPIC AND MAPLE

Movement of vehicles by employees or customers between the Olympic or Maple facilities is not a part of regular operations. Customers make telephone appointments through a central phone number which will direct the customer to the appropriate facility, i.e., Olympic or Maple based on the customer's requirements.

9000 OLYMPIC BOULEVARD

The property at 9000 Olympic Boulevard will be subleased to Infiniti ("Sublessee") for three years. The sublease shall include the following conditions:

1. Car Wash Days and Hours: Sublessee shall operate the car wash as follows: Monday through Friday from 8:00 am to 7:00 pm.; Saturday from 8:00 am to 7:00 pm but only for those

new or used cars within the inventory of the Sublessee and Sublessee branded cars serviced or to be serviced by Sublessee, and only for the purpose of delivering those cars to customers on that Saturday; and Sunday, no car washing, except those new or used cars within the Sublessee inventory and Sublessee branded cars and only for the purpose of delivering those cars to customers on that Sunday or the following Monday.

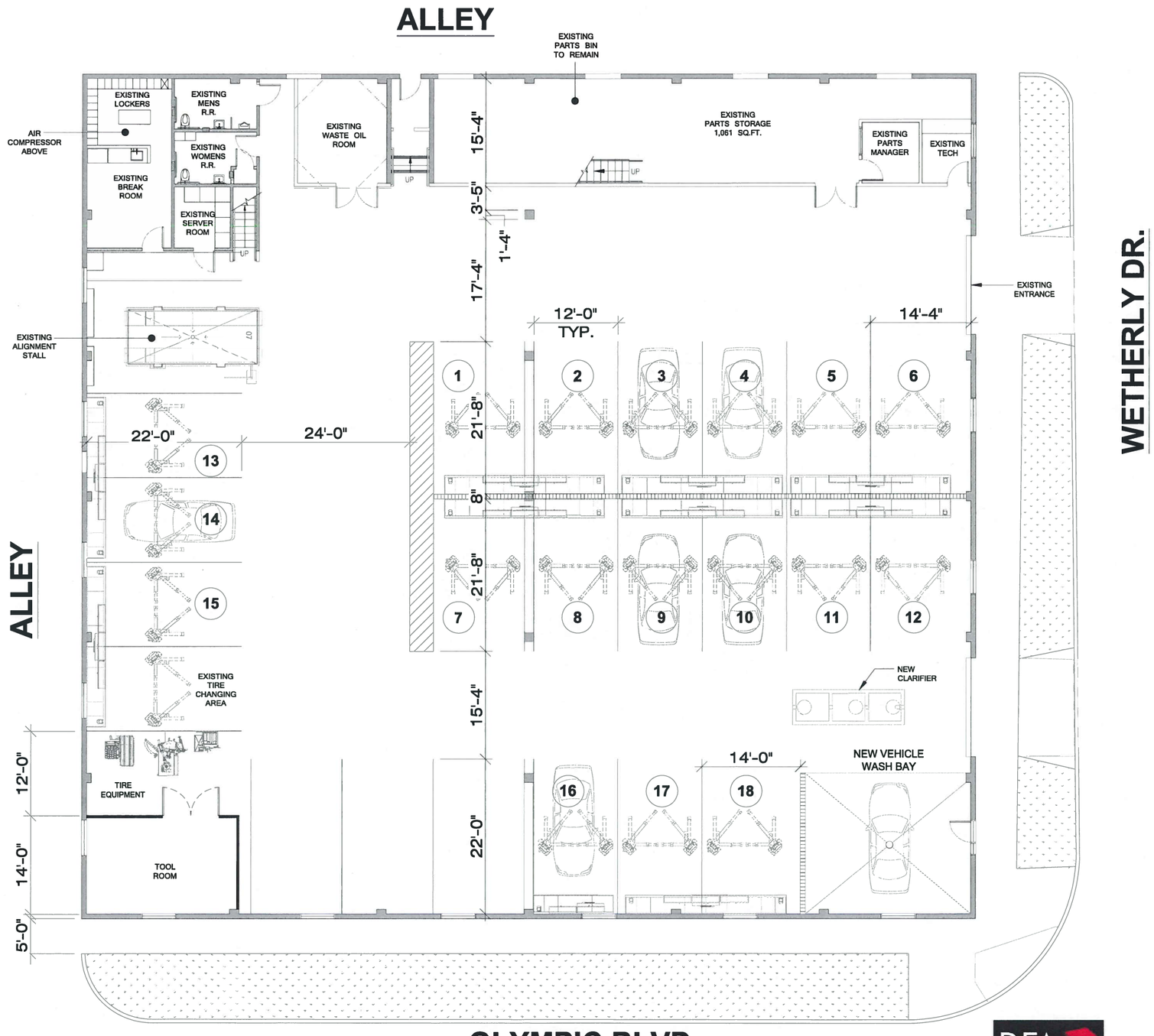
2. Types of Vehicles to be Washed: Only those new and used cars within the Sublessee inventory and Sublessee branded cars serviced or to be serviced by Sublessee.

3. Noise Restriction: In order to lessen the sound of car washing (but not to completely eliminate it) and to prevent, to the extent reasonably practicable, the sound from the car wash area from leaving the inside of the building, Sublessee may install within the Premises, without the pre-approval of the Sublessor, a sound or fabric curtain or series of sound or fabric curtains, and a vacuum system.

Jim Falk Lexus of Beverly Hills will impose these conditions on the Infiniti car wash parcel located at 9000 Olympic Boulevard and will agree that these conditions may be added as a condition under the existing CUP on 9001 Olympic Boulevard and 9031 Olympic Boulevard to allow enforcement by the City of Beverly Hills through the CUP.

ATTACHMENT 6

ARCHITECTURAL PLANS



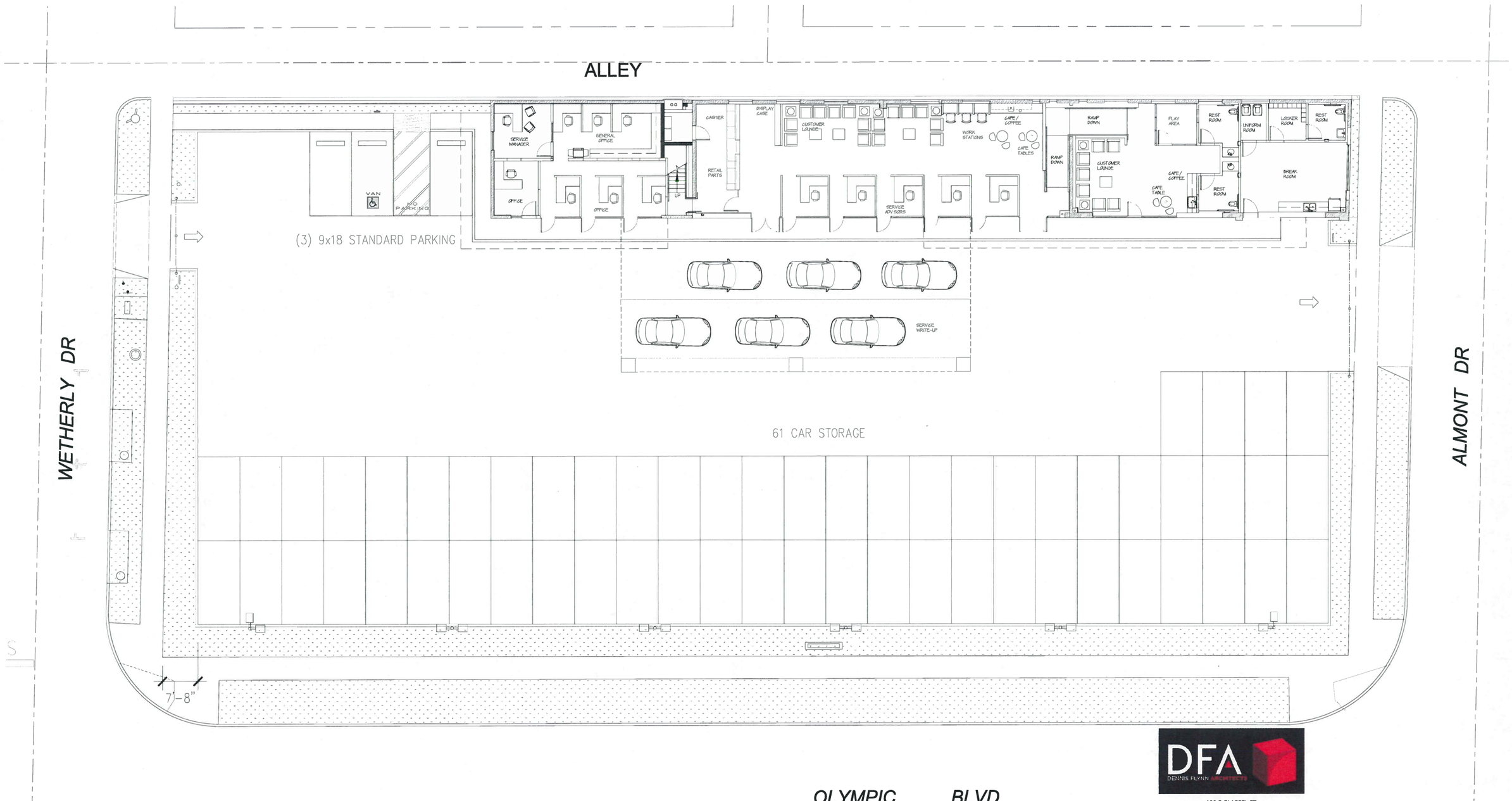
JIM FALK LEXUS OLYMPIC PROPOSED SERVICE SHOP
IN EXISTING INFINITY SERVICE FACILITY

11-19-15

9031 OLYMPIC BLVD

DFA
DEVANEY FLYNN ARCHITECTS
190 S GLASSEL ST
ORANGE, CALIFORNIA 92866
(714) 602-9300 FAX(714) 602-9309

© Copyright 2015 Devaney & Flynn Architects Inc. expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed or copied in any form or manner whatsoever, nor are they to be assigned to any third party without first obtaining the express written permission and consent of Devaney & Flynn Architects Inc.



DFA
DENNIS FLYNN ARCHITECTS
190 S GLASSEL ST
ORANGE, CALIFORNIA 92866
(714) 602-9300 FAX(714) 602-9309

© Copyright 2015 DENNIS J. FLYNN Architects Inc. expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed or copied in any form or manner whatsoever, nor are they to be assigned to any third party without first obtaining the express written permission and consent of Dennis J. Flynn Architects Inc.

FALK LEXUS SERVICE RECEPTION - OPTION '1'

11-19-15

9001 OLYMPIC BLVD