



STAFF REPORT
CITY OF BEVERLY HILLS

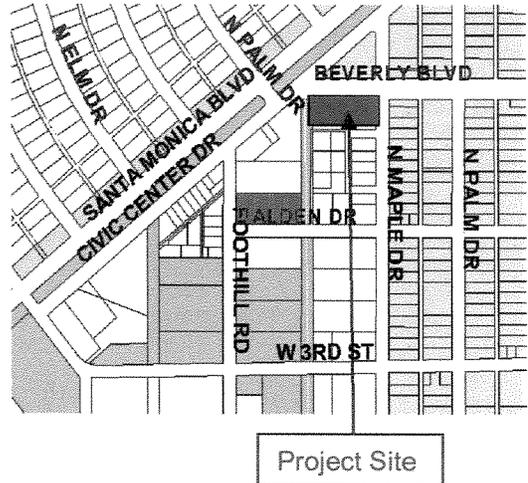
**For the Planning Commission
Meeting of April 16, 2009**

TO: Planning Commission

FROM: Michele McGrath
Senior Planner

THROUGH: Jonathan Lait, AICP, *Mc for*
Assistant Director of Community
Development/City Planner

SUBJECT: A request for Modification of a
Conditional Use Permit to allow
expansion of an automobile
showroom within the existing
Mercedes Benz building at **9250
Beverly Boulevard**



RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution approving the proposed modification to a Conditional Use Permit (CUP) with conditions as stated in this report.

EXECUTIVE SUMMARY

A request for modification of a Conditional Use Permit (CUP) has been submitted for expansion of the approved vehicle showroom space at the existing Mercedes Benz automobile dealership located at 9250 Beverly Boulevard and 400 Foothill Road. The applicant is proposing additional vehicle showroom area of 1,407 square feet at 9250 Beverly Boulevard in the unused canopy service drive area within the existing footprint of the building to create additional exhibit space for Mercedes Benz vehicles. No changes are proposed at the Mercedes Benz service facility located at 400 Foothill Road. An area on the ground floor of the 9250 Beverly Boulevard building that is currently used for vehicle service will be converted to six parking spaces to provide additional parking to accommodate the new floor area. Customers will continue to use the Maple Drive driveway and parking in the subterranean garage as they have since the facility opened in 1990.

The Planning Commission opened the public hearing on March 24, 2009, and took public testimony but did not deliberate in order to address an inadvertent public notice oversight which has since been remedied by publishing an announcement of the April 16, 2009 public hearing in two local newspapers. Issues raised during public comment at the March meeting include:

- unloading of vehicles on Beverly Boulevard;
- vehicles parked in the curb cut and cut-out on Beverly Boulevard;
- sales activity taking place in the building loading area on Maple Drive; and,
- the possibility of additional signs for the Mercedes dealership.

The previous staff report describing the project is attached and the additional issues raised at the March 24, 2009 meeting are discussed below.

ANALYSIS

Unloading of vehicles on Beverly Boulevard

Staff informed the Planning Commission that residents called to express concern about large trucks unloading vehicles on Beverly Boulevard. The Beverly Hills Mercedes Benz Manager told the Commission that trucks are forbidden from unloading vehicles on Beverly Boulevard but the truck drivers may ignore these instructions, particularly when they arrive after business hours. The Manager wrote a letter to all Mercedes employees (attached) instructing that all trucks must load/unload in commercial loading areas designated for Mercedes Benz and this is a proposed condition of project approval.

Vehicles parked in the curb cut and cut-out on Beverly Boulevard

The unused service drive area on Beverly Boulevard that is proposed to be enclosed as additional showroom area is currently open and has a sign directing customers to the new service drive. This set-up has apparently encouraged customers to pull into the curb cut, sometimes affecting traffic on Beverly Boulevard. If the proposed project is approved and the service drive is enclosed, this should discourage customers from parking in this curb cut area. In addition, the Mercedes Benz Manager has included in the letter to employees, a statement that the curb cut should not be used to park vehicles. It is noted that the curb cut area is sometimes used by Mercedes Benz for a valet parking service for its customers on weekends.

Sales activity taking place in the building loading area on Maple Drive

An existing loading area on Maple Drive near Beverly Boulevard has, according to public testimony, sometimes been used for Mercedes sales activity. There was discussion at the March 24, 2009 Planning Commission meeting about blocking off this loading area. The applicant explored this possibility; however, Mercedes is not the sole building tenant and the loading area needs to remain available to other tenants. The Mercedes Benz Manager has included prohibition on sales activity in the Maple Drive loading area in the letter to Mercedes Benz employees and such a prohibition is a proposed condition of project approval. Sales activity should take place in the showroom and on test drives on commercial streets.

Additional Signs

The Planning Commission inquired about the possibility of additional business identification signs as well as parking directional signs for the dealership. Staff and the applicant are exploring whether additional signage could be allowed pursuant to the Zoning Code and will present any additional signage to the Architectural Commission.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on March 13, 2009 to all property owners and residential occupants within a 300-foot radius of the property, and all single-family zoned properties within a 500-foot radius of the exterior boundaries of the subject property. Notice of the hearing was published in the *Beverly Hills Courier* on Friday, April 3, 2009 and in the *Beverly Hills Weekly* on Thursday, April 9, 2009. As of the date of preparation of this staff report, staff has received one additional telephone inquiry.

RECOMMENDATION

Based on the foregoing analysis and analysis in the attached staff report, staff recommends that the Planning Commission adopt the attached resolution, adopt an Addendum to the Negative Declaration and approve a modification to the CUP, subject to conditions. Conditions in all four previous Planning Commission resolutions for this site have been consolidated in the attached draft resolution. Conditions that can be eliminated because they have been completed or superseded are indicated in grey highlight on the draft resolution and would be deleted from the final resolution. New and modified conditions (shown in redline as modified from conditions in earlier resolutions) are shown below:

- A. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this project. Except as modified herein,

Resolution 1365 remains in full force and effect. Resolution Nos. 468, 1015 and 1113 are hereby superseded by this Resolution.

- B. Except as expressly modified by this Resolution, the Project at 9250 Beverly Boulevard shall be constructed and maintained in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its meeting of March 24, 2009.
- C. Except as expressly modified by this Resolution, the vehicle service center at 400 Foothill road shall be constructed and maintained in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its meeting of February 23, 2005.
- D. The new showroom space on the Beverly Boulevard Site shall provide a maximum of ~~2,900~~ 4,400 square feet of new show room space. All previous unused floor area entitlements including that ~~When constructed, the show room space shall be in lieu of an unused entitlement for a 2,070 square foot mezzanine space from Resolution No. 1113 and shall be superseded said approval by this condition.~~ The new showroom shall not increase the net total floor area of the existing facility by more than ~~1,793~~600 square feet.
- E. The project shall provide and maintain three off-site loading spaces on the strip of property to the east as shown on the ~~approved plans~~ reviewed by the Planning Commission at its meeting of February 23, 2005. All loading and unloading activities shall be conducted on private property only. No loading or unloading activity shall be permitted on public streets, including Aiden Drive and Beverly Boulevard.
- F. No sales or sales-related activities are permitted at the Maple Drive loading dock.

Conditions #7 and #8 below have been applied to recent approvals of vehicle sales/service uses for general health and safety reasons:

- G. The final layout of vehicles to be displayed in the new showroom area shall be approved by the City's Building and Safety Division to ensure the provision of appropriate emergency pedestrian egress from the site and other applicable building code regulations.
- H. No idling shall be permitted in the tenant space to prevent any impact from automotive exhaust. The Project plans shall be reviewed by the Building and Safety Division to ensure that the tenant space contains adequate ventilation for such an operation.

- I. Six months after a Certificate of Occupancy is granted by the Building and Safety Division for the expanded showroom area approved by this resolution, the City's Code Enforcement Division will review the operation and any record of complaints for the site. The cost of this review shall be borne entirely by the applicant. Code Enforcement will report its findings to the Community Development Director or his/her designee who will make a determination as to whether additional staff or Planning Commission review is required pursuant to the Condition above (Condition #6 in the Resolution). The applicant would be required to pay the fees to cover any additional reviews.

Condition #10 below has been a standard condition for projects that could have traffic or parking issues in the future:

- J. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director of Community Development determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand and/or traffic analysis. After reviewing the parking demand and/or traffic analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 19.5 of Chapter 3 or Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.



Michele McGrath
Senior Planner

Attachments:

1. Planning Commission Staff Report, 3/24/09
2. Draft Resolution – Revised from March 24, 2009 meeting
3. Environmental Checklist (Negative Declaration)
4. Addendum to Negative Declaration
5. Planning Commission Resolution #s 468, 1015, 1113, and 1365 conditionally approving a CUP and CUP modifications for an automobile dealership
6. Letter from Mercedes Benz Manager to Employees, 4/1/09

Attachment 1
Staff Report, 3/24/09



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CITY OF BEVERLY HILLS

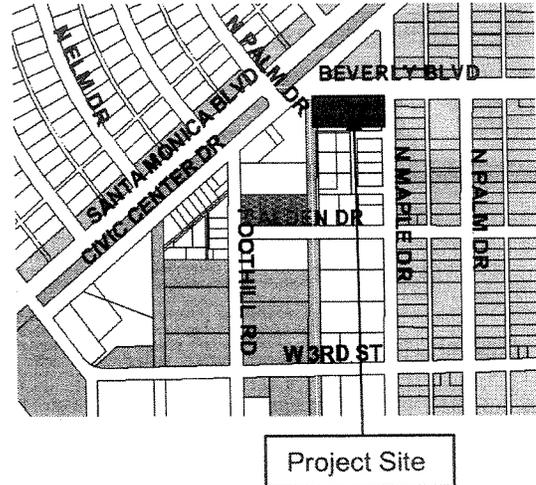
**For the Planning Commission
Meeting of March 24, 2009**

TO: Planning Commission

FROM: Michele McGrath
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THROUGH: Jonathan Lait, AICP,
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SUBJECT: A request for Modification of a
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showroom within the existing
Mercedes Benz building at **9250
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RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution approving the proposed modification to a Conditional Use Permit (CUP) with conditions as stated in this report.

EXECUTIVE SUMMARY

A request for modification of a Conditional Use Permit (CUP) has been submitted for expansion of the approved vehicle showroom space at the existing Mercedes Benz automobile dealership located at 9250 Beverly Boulevard and 400 Foothill Road. The applicant is proposing additional expansion of the vehicle showroom at 9250 Beverly Boulevard into the unused canopy service drive area within the existing footprint of the building to create additional exhibit space for Mercedes Benz vehicles. No changes are proposed at the Mercedes Benz service facility located at 400 Foothill Road. An area on the ground floor of the 9250 Beverly Boulevard building that is currently used for vehicle service will be converted to six parking spaces to provide additional parking to accommodate the new floor area. Customers will continue to use the Maple Drive driveway and parking in the subterranean garage as they have since the facility opened in 1990.

| GENERAL INFORMATION | |
|---|--|
| Applicant | Whitfield Associates, Inc (Project Architect) |
| Project Owner | Group 1 Automotive |
| Zoning District | Commercial (C-5) Vehicle Sales Use allowed pursuant to Conditional Use Permit |
| Permit Streamlining Act Deadline | May 22, 2009 |

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

Site Background

The Mercedes Benz site currently consists of the buildings at 9250 Beverly Boulevard and 400 Foothill Road and includes a former railroad right-of-way strip of property connecting the two parcels (used as a service drive). The site operates under a Conditional Use Permit (CUP) that was originally granted in 1987. Subsequent expansions of the operation in 1997, 1999 and 2005 were granted as modifications to the 1987 CUP. The current 2005 CUP (Resolution #1365, approved on March 23, 2005) included construction of a 68,076 square-foot, three-story (45 feet in height) vehicle service facility at the 400 Foothill Road site, with a single level of subterranean parking which was completed in 2008. A new vehicle service entrance drive was approved at Foothill Road with four interior drive aisles to accommodate up to 22 vehicles for queuing, replacing the old entrance at Beverly Boulevard. Egress from the new service facility is at Alden Drive. The old service drive at Beverly Boulevard has not been used for vehicle service since the new facility was completed. The 2005 CUP also approved construction of a 2,900 square foot showroom facility within that existing canopy service drive at Beverly Boulevard. Parking for the existing and approved showroom areas is provided beneath the building (276 standard spaces plus 87 tandem spaces) and is accessed from Maple Drive.

With completion of the new vehicle service center and the new vehicle driveways approved in 2005, the applicant is prepared to complete the expansion of the existing showroom and other slight revisions approved for the 9250 Beverly Boulevard building and described later in this report.

Area Characteristics

The proposed project is located in the C-5 (Commercial) zone. The surrounding properties include a five-story residential building to the north across Beverly Boulevard, a four-story commercial office building to the south (407 North Maple), residential properties to the east across Maple Drive (R-4 zone), and a parking lot that serves the Pacific Bell building to the west.

Project Description

The 9250 Beverly Boulevard site consists of the existing Mercedes Benz dealership. The main offices, parts storage, showrooms, vehicle storage, and 34 service bays are located on the first floor, a portion of the second floor, and three subterranean levels. A service drive and attached canopy structure exists at the west end of the building. The proposed changes include:

- Expansion of the existing showroom facility by 1,407 square feet beyond the 2,900 square feet of showroom space approved by the Planning Commission in 2005 and not yet built. This would result in total showroom area of 4,307 square feet within the existing canopy service drive at the 9250 Beverly Boulevard site (that service drive was vacated as part of the 2005 CUP approval). This area is adjacent to the existing showroom space and would result in a continuous vehicle showroom space along the Beverly Boulevard facade of the building. This area would be used to display Mercedes Benz vehicles. The showroom display vehicles will access the site through the service alley or from the remaining curb cut on Beverly Boulevard as they do now. The service drive façade will be remodeled to match the existing Beverly Boulevard façade and is subject to Architectural Review;
- Retention of 1,107 square feet of service advisor offices that were to be demolished under the 2005 CUP approval;
- Conversion of 1,996 square feet of the existing vehicle service shop area on the first floor into parking for six vehicles. The new parking area would no longer be considered floor area pursuant to the Zoning Code, resulting in an effective increase of 518 square feet in total floor area for the Mercedes Benz tenant space (1,407 square feet of new showroom, plus 1,107 square feet of service advisor offices, minus 1,996 square feet of space converted to parking = 518 square feet). Two new parking spaces are required by Code for additional floor area of 518 square feet but the applicant is providing six parking spaces; and,
- Minor changes to the configuration of the parts department, office space and a customer waiting area consistent with the project approved by the Planning Commission in 2005.

PROJECT SUMMARY TABLE

| Category | Existing | Approved 2005 CUP | Proposed | Code Requirement |
|--------------------------------|----------------------------------|--|--|--|
| Use | Vehicle sales and service | Vehicle Sales and Service | Vehicle sales and service | Vehicle sales and service allowed if authorized by a CUP |
| Lot Size | | | | |
| 400 Foothill: | 49,489 square feet | No Change | No Change | N/A |
| 9250 Beverly: | 57,525 square feet | No Change | No Change | N/A |
| Building Floor Area | | | | |
| 400 Foothill: | 68,076 sq. ft. (1.37 FAR) | 68,076 sq. ft. | No Change | 98,978 sq.ft. max (2.0 FAR) |
| 9250 Beverly: | 98,350 sq. ft. (1.71 FAR) | 101,250 sq. ft. ^{1/} (1.76 FAR) | 101,768 sq.ft. ^{2/} (1.77 F.A.R.) | 115,050 sq.ft. (2.0 F.A.R.) |
| Stories/Building Height | | | | |
| 400 Foothill: | 3-stories/45 feet | 3-stories/45 feet | No Change | 3-stories/45 feet |
| 9250 Beverly: | 3-stories/45 feet | 3-stories/45 feet | No Change | 3-stories/45 feet |
| Parking | | | | |
| 400 Foothill: | 262 parking spaces ^{3/} | 262 spaces | No Change | 195 spaces |
| 9250 Beverly: | 276 parking spaces ^{4/} | 276 spaces | 282 spaces ^{5/} | 278 spaces ^{6/} |

^{1/} Approved 2,900 square-foot showroom addition per Resolution #1365

^{2/} Addition of 518 square feet in floor area

^{3/} 185 standard spaces provided onsite, ten spaces in the strip of property east of the new service center and 67 additional tandem and other non-standard spaces for total effective parking of 262 spaces. This figure is used in the table since it is the figure used in Resolution #1365

^{4/} 276 standard spaces provided onsite below grade and 87 tandem spaces for total effective parking of 363 spaces. The more conservative figure representing only standard parking spaces is used in the table

^{5/} Six (6) spaces provided on the ground floor; converted from service bays

^{6/} Two parking spaces required for the additional 518 s.f. of floor area

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on March 13, 2009 to all property owners and residential occupants within a 300-foot radius of the property, and all single-family zoned properties within a 500-foot radius of the exterior boundaries of

the subject property. As of the date of preparation of this staff report, staff has received no inquiries or comments regarding the project.

ENVIRONMENTAL DETERMINATION

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The Planning Commission adopted a negative declaration for dealership expansion on March 23, 2005. The proposed project has been analyzed to determine if any impacts would result from the proposed 1,407 square foot expansion of showroom area. Pursuant to CEQA Guidelines section 15162, a new negative declaration is not required for this modest expansion because: 1) the proposed project does not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) there are no changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and 3), no new information of substantial importance identifies a significant effect, and no significant effects or mitigation measures were associated with the previously prepared negative declaration. Therefore, Pursuant to CEQA Guidelines Section 15164, an addendum to the negative declaration has been prepared to document the additional 1,407 square feet of showroom floor area.

ANALYSIS: ZONING AND GENERAL PLAN

The Zoning Code permits expansion of the Mercedes Benz dealership operation in the C-5 zone pursuant to a CUP and with the condition that the expansion is limited to property that is contiguous to the site. The proposed expansion of the showroom is within the footprint of the existing building and therefore meets this condition.

CUP Criteria. To approve the project, the Planning Commission must make the finding that the proposed location will not be detrimental to adjacent property or the public welfare. Additionally, pursuant to BHMC Section 10-3-1613, the Planning Commission shall make the findings identified below. The Planning Commission may impose such conditions as are deemed necessary to preserve the integrity and character of the area, the utility and value of adjacent property, and the general welfare of the neighborhood.

Findings

The location of the proposed expansion of 1,407 square feet of showroom area within the existing building footprint of the Mercedes Benz building at 9250 Beverly Boulevard will not be detrimental to adjacent property or the public welfare because the proposal represents a negligible increase in showroom area and does not introduce a new use to the site. The property has been used for automobile sales for nearly 20 years and has operated harmoniously with surrounding land uses.

The additional criteria that the Planning Commission shall consider regarding a Conditional Use Permit for vehicle sales are as follows:

- (A) Whether the proposed use is compatible with the area and surrounding uses;
- (B) Whether the proposed use will have adequate buffering between the use and residential areas;
- (C) Whether the proposed use will create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking;
- (D) Whether the proposed use will 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.

(A) Compatibility with the area and surrounding uses.

This proposed use is an expansion of the existing approved use and is currently allowed by the Zoning Code and is in conformance with the General Plan. The use was originally approved on the site in 1987, completed in 1990 and has been in operation for 20 years on the same site. The proposed addition of 1,407 square feet of showroom area would continue this use under the same conditions approved in 2005 including CUP conditions related to free employee parking at all times and directing all test driving of vehicles away from residential streets and on to an approved test drive routes. As a result of these conditions, the proposed use should be compatible with the area and surrounding uses.

(B) Adequate buffering between the use and residential areas.

The service drive area that is proposed to be fully enclosed to accommodate showroom space is buffered from the multi-family residential neighborhood to the north by Beverly Boulevard, a major thoroughfare. In addition, enclosing what had been a service drive should reduce impacts that might have been felt as a result of vehicle activity at the service drive. The proposed project has no residential uses within hundreds of feet of the project to the west and the south as these areas are occupied by commercial uses

and public streets. To the east of the project across Maple Drive is a multi-family residential area that would not be impacted by the project itself since the expanded showroom would be at the northwest end of the site; however, parking for showroom customers is accessed from a driveway on Maple Drive. That driveway has existed in its current configuration since 1990. The conditions of operation of the facility including the hours of operation will remain the same as approved in the 2005 CUP. No additional employees are expected to be hired for the showroom expansion and the number of additional customers generated would be minimal since the expansion is for the purpose of showing Mercedes Benz vehicles that are already featured onsite. As a result, it is not expected that activity on the Maple driveway would increase perceptibly. It is concluded that adequate buffering exists between the use and residential areas.

(C) Any adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including traffic circulation or parking;

The 2005 traffic analysis concluded that there would be no significant impacts from the project which included a 2,900 square-foot expansion of the showroom in the same location as the proposed 4,307 square-foot expansion. A new traffic circulation plan was approved at that time with the intent of moving vehicle service activity to the commercial streets of Foothill Road and Alden Drive and away from Beverly Boulevard and Maple Drive. Showroom customer parking remained below grade at the 9250 Beverly Boulevard location with access from Maple Drive as it had been since 1990 and no changes to this are proposed as part of the project. No changes are proposed to the project conditions approved in 2005 except for a change to Condition #13 to allow the showroom expansion and some additional floor area. Since the new vehicle service center has been in operation, the City has received no traffic complaints with regard to the Mercedes Benz site. No adverse traffic, parking or pedestrian impacts are foreseen to be generated by this project.

(D) Will the use create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses.

The proposed showroom expansion should not increase noise, fumes or lighting from the location. No new vehicle servicing is proposed for the site. Some noise impacts are possible during the indoor tenant improvement and outdoor façade remodel but these will be short-term in nature and after completion noise at the project site should be reduced by enclosure of the old service drive. The unused service drive has been blocked by temporary barriers to prevent its use and enclosure of the service drive to match the existing showroom storefront along Beverly Boulevard should improve the appearance of the site.

General Plan. The subject property is designated "*Low Density General and Municipal*" with a 45 foot maximum height and a 2.0 maximum floor area ratio (FAR) in the City's Land Use Element of the General Plan. The proposed project is permitted subject to a Conditional Use Permit according to current zoning, proposes no change in

height and is well under the maximum 2.0 FAR. The project is therefore consistent with the low density commercial designation in the General Plan. .

RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission adopt the attached resolution, adopt an Addendum to the Negative Declaration and approve a modification to the CUP, subject to the following conditions:

1. The Project shall be improved and maintained in substantial conformance with the plans submitted to the Planning Commission for its meeting of March 24, 2009.
2. Condition #13 in the current Resolution #1365 regulating the site shall be revised to allow a maximum of 4,400 square feet of new showroom space (the existing approval of 2,900 square feet, plus the addition of 1,407 square feet, and an additional 93 square feet to allow some flexibility should issues arise during construction) and the new showroom area shall not increase the net total floor area of the existing facility by more than 600 square feet (the 518 square-foot increase requested by the applicant plus 72 square-feet to allow flexibility). All previous unused floor area entitlements, including that for a 2,070 square-foot mezzanine space from Resolution No. 1113, shall be superceded by this condition.
3. The final layout of vehicles to be displayed in the new showroom area shall be approved by the Department of Building and Safety to provide for appropriate emergency pedestrian egress from the site and other applicable building code regulations.
4. No idling shall be permitted in the tenant space to prevent any impact from automotive exhaust. The Project plans shall be reviewed by the Building and Safety Division to ensure that the tenant space contains adequate ventilation for such an operation.
5. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this project. Except as modified herein, all conditions in Resolution Nos. 468, 1015, 1113 and 1365 shall remain in full force and effect.



Michele McGrath
Senior Planner

Attachment 2

Draft Planning Commission Resolution

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY GRANTING A MODIFICATION TO A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE DEALERSHIP AT 9250 BEVERLY BOULEVARD (MERCEDES BENZ)

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

Section 1. Whitfield Associates, on behalf of Group 1 Automotive (the “Applicant”), has submitted an application for a modification to a Conditional Use Permit (“C.U.P.”) for expansion of the approved vehicle showroom space at the existing Mercedes Benz automobile dealership located at 9250 Beverly Boulevard and 400 Foothill Road. The applicant is proposing additional expansion of the vehicle showroom at 9250 Beverly Boulevard into the unused canopy service drive area within the existing footprint of the building to create additional exhibit space for Mercedes Benz vehicles. No changes are proposed at the Mercedes Benz service facility located at 400 Foothill Road. An area on the ground floor of the 9250 Beverly Boulevard building that is currently used for vehicle service will be converted to six parking spaces to provide additional parking to accommodate the new floor area.

The Project is located in the C-5 Zone which allows vehicle sales and service uses if authorized by a CUP.

Section 2. The automobile dealership at this property (Mercedes-Benz) was issued a C.U.P. for vehicle sales and service uses in 1987 by Resolution No. 468. A modification to those uses was approved in 1997 by Resolution No. 1015, and an expansion to

those uses to include a vehicle service area at the Foothill Site was approved in 1999 by Resolution No. 1113. In 2005, the Planning Commission adopted Resolution #1365 approving a new vehicle service center at 400 Foothill Road and minor changes at the 9250 Beverly Boulevard building including 2,900 additional square feet of showroom area within the existing building footprint. The proposed C.U.P. requests the following ~~additional expansion~~changes to vehicle sales and service uses at the project site:

- Expansion of the existing showroom facility by 1,407 square feet beyond the 2,900 square feet of showroom space approved by the Planning Commission in 2005 and not yet built. This would result in total showroom area of 4,307 square feet within the existing canopy service drive at the 9250 Beverly Boulevard site (that service drive was vacated as part of the 2005 CUP approval). This area is adjacent to the existing showroom space and would result in a continuous vehicle showroom space along the Beverly Boulevard facade of the building. This area would be used to display Mercedes Benz vehicles. The showroom display vehicles will access the site through the service alley or from the remaining curb cut on Beverly Boulevard as they do now. The service drive façade will be remodeled to match the existing Beverly Boulevard façade and is subject to Architectural Review;
- Retention of 1,107 square feet of service advisor offices that were to be demolished under the 2005 CUP approval;
- Conversion of 1,996 square feet of the existing vehicle service shop area on the first floor into parking for six vehicles. The new parking area would no longer be considered floor area pursuant to the Zoning Code, resulting in an effective increase of 518 square feet in total floor area for the Mercedes Benz tenant space (1,407 square feet of new showroom,

plus 1,107 square feet of service advisor offices, minus 1,996 square feet of new parking = 518 sf). Two new parking spaces are required by Code for additional floor area of 518 square feet but the applicant is providing six parking spaces; and,

- Minor changes to the configuration of the parts departments, office space and a customer waiting area consistent with the project approved by the Planning Commission in 2005.

Section 3. This Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The Planning Commission adopted a negative declaration for dealership expansion on March 23, 2005. The proposed project has been analyzed to determine if any impacts would result from the proposed 1,407 square foot expansion of showroom area. Pursuant to CEQA Guidelines section 15162, a new negative declaration is not required for this modest expansion because: 1) the proposed project does not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) there are no changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and 3), no new information of substantial importance identifies a significant effect, and no significant effects or mitigation measures were associated with the previously prepared negative declaration. Therefore, Pursuant to CEQA Guidelines Section 15164, an Addendum to the Negative Declaration has been prepared to document the additional 1,407 square feet of showroom floor area.

Section 4. On March 13, 2009, notice of the hearing was mailed to all property owners and residential occupants within 300 feet and ~~single-family-zoned properties~~residents within 500 feet of the Project site. Notice of the hearing was published in the Beverly Hills Courier on April 3, 2009 and in the Beverly Hills Weekly on April 9, 2009. On March 24, 2009 and April 16, 2009, the Planning Commission held a duly noticed public hearing to consider the Project. Evidence, both written and oral, was presented at said hearing.

Section 5. In reviewing the request for a CUP, the Planning Commission evaluated whether the proposed location of the use will be detrimental to adjacent property or the public welfare. Additionally, pursuant to BHMC Section 10-3-1613, the Planning Commission shall make the findings identified below.

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

Section 6. The location of the proposed expansion of 1,407 square feet of showroom area within the existing building footprint of the Mercedes Benz building at 9250 Beverly Boulevard will not be detrimental to adjacent property or the public welfare because the

proposal represents a negligible increase in showroom area and does not introduce a new use to the site. The property has been used for automobile sales for nearly 20 years and has operated harmoniously with surrounding land uses. Based upon the evidence presented, the Planning Commission hereby finds as follows with respect to the additional findings that must be made for an application for a CUP:

6.1. As proposed and conditioned, the showroom is compatible with the area and surrounding uses. The project site is located within the C-5 Zone. The development standards for the C-5 Zone expressly allow vehicle sales and service uses in existence on September 1, 1991. This proposed use is an expansion of the existing approved use and is currently allowed by the Zoning Code and is in conformance with the General Plan. The use was originally approved on the site in 1987, completed in 1990 and has been in operation for 20 years on the same site. The proposed addition of 1,407 square feet of showroom area would continue this use under the same conditions approved in 2005 including CUP conditions related to free employee parking at all times and directing all test driving of vehicles away from residential streets and on to an approved test drive routes. As a result of these conditions, the proposed use should be compatible with the area and surrounding uses.

6.2. As conditioned, the proposed use will have adequate buffering between the use and residential areas. The service drive area that is proposed to be fully enclosed to accommodate showroom space is buffered from the multi-family residential neighborhood to the north by Beverly Boulevard, a major thoroughfare. In addition, enclosing what had been a service drive should reduce impacts that might have been felt as a result of vehicle activity at the service drive. The proposed project has no residential uses within hundreds of feet of the project

to the west and the south as these areas are occupied by commercial uses and public streets. To the east of the project across Maple Drive is a multi-family residential area that would not be impacted by the project itself since the expanded showroom would be at the northwest end of the site; however, parking for showroom customers is accessed from a driveway on Maple Drive. That driveway has existed in its current configuration since 1990. The conditions of operation of the facility including the hours of operation will remain the same as approved in the 2005 CUP. No additional employees are expected to be hired for the showroom expansion and the number of additional customers generated would be minimal since the expansion is for the purpose of showing Mercedes Benz vehicles that are already featured onsite. As a result, it is not expected that activity on the Maple driveway would increase perceptibly. It is concluded that adequate buffering exists between the use and residential areas.

6.3. As conditioned, the proposed use will not create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including but not limited to, any adverse impact on traffic circulation or parking. The 2005 traffic analysis concluded that there would be no significant impacts from the project which included a 2,900 square-foot expansion of the showroom in the same location as the proposed 4,307 square-foot expansion. A new traffic circulation plan was approved at that time with the intent of moving vehicle service activity to the commercial streets of Foothill Road and Alden Drive and away from Beverly Boulevard and Maple Drive. Showroom customer parking remained below grade at the 9250 Beverly Boulevard location with access from Maple Drive as it had been since 1990 and no changes to this are proposed as part of the project. No changes are proposed to the project conditions approved in 2005 except for a change to Condition #13 to allow the showroom expansion and some additional floor area. Since the new vehicle service center has been in operation, the City

has received no traffic complaints with regard to the Mercedes Benz site. As a result, no adverse traffic, parking or pedestrian impacts are foreseen to be generated by this project.

6.4 The proposed showroom will not increase noise, fumes or lighting from the location. No new vehicle servicing is proposed for the site. Some noise impacts are possible during the indoor tenant improvement and outdoor façade remodel but these will be short-term in nature and after completion noise at the project site should be reduced by enclosure of the old service drive. The unused service drive has been blocked by temporary barriers to prevent its use and enclosure of the space consistent with the rest of the Beverly Boulevard storefront and removal of the barriers should improve the appearance of the site.

Section 7. Conditions of Approval. Because all of the conditions imposed on the previously approved Conditional Use Permit and modifications thereto, as set forth in Resolutions Nos. 468, 1015 1113 and 1365 (collectively the “Previous Resolutions”) have been reviewed and revised in light of the proposed project and are incorporated into the list of conditions set forth below, it is the intention that these conditions of approval supersede all the prior conditions that may have been adopted in the Previous Resolutions. Based upon the foregoing, the Planning Commission hereby approves the CUP for the Project, subject to the following conditions:

1. The conditions set forth in this Resolution shall run with the land and shall remain in full force and effect for the duration of the life of this Project. Except as modified herein, Resolution 1365 remains in full force and effect. Resolution Nos. 468, 1015 and 1113 are hereby superseded by this Resolution.

2. Except as expressly modified by this Resolution, the project at 9250 Beverly Boulevard shall be constructed and maintained in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its meeting of March 24, 2009.

3. Except as expressly modified by this Resolution, the ~~project-vehicle service center at 400 Foothill Road~~ shall be constructed and maintained in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its meeting of February 23, 2005.

(Slightly modified from Condition #1 in Resolution #1365)

Traffic, Parking and Loading Conditions

4. Prior to issuance of a building permit, applicant shall develop a traffic circulation plan, acceptable to the City Department of Transportation, which will minimize traffic congestions in the area. Said traffic circulation plan shall also include traffic signage, routing of trucks for delivery or pick up of vehicles or other materials, a delivery schedule for loading and unloading, and the design and location of driveways from public streets. Said traffic circulation plan shall be subject to modifications by the ~~Department of Community Development Department Transportation~~ as circumstances may warrant. Traffic signage shall be subject to Architectural Review.

~~Parking shall be provided on site and without charge for all employees~~ *(Superseded by Condition #2 in Resolution #1365, shown as Condition #5 below)*

5. The applicant shall submit to the Director of Community Development an employee parking plan that includes provisions for free employee parking at all times. Said parking may be provided through any combination of on-site and off-site parking spaces approved by the Director. Off-site parking shall not be provided in any publicly-owned parking facility unless the

City determines that it has surplus parking available for monthly rentals. The applicant shall review the employee parking plan bi-annually with the Director to ensure that it adequately provides for the employee parking needs generated by the project site.

Test driving of vehicles shall be prohibited on Commercial Center Street and on all residential streets. *(Superseded by Condition #3 in Resolution #1365, shown as Condition #6 below)*

6. The applicant shall restrict all test drives – both customer and service related – to non-residential streets to avoid impacts on adjacent residential properties. Prior to the issuance of building permits, the applicant shall submit a map of proposed test drive routes to the Directors of ~~Transportation and Community Development~~ for ~~their~~ review and approval. The Planning Commission expressly reserves jurisdiction relative to impacts associated with test drive routes and the right to impose additional conditions as necessary to mitigate any unanticipated impacts caused by the proposed project as they arise.

Vehicle traffic generation for any retail uses shall be based on the current Institute of Traffic Engineers publication entitled “Trip Generation” or if not specified therein, as designated by Director of Transportation of the City of Beverly Hills, and retail uses exceeding either of the following per one thousand (1,000) gross square feet of floor area shall be prohibited:

Sixteen (16) vehicle trips per hour

Two hundred (200) vehicle trips per day. *(This Condition is from Resolution #468*

adopted in 1987 and no longer applies.)

7. Six months after a Certificate of Occupancy is granted by the Building and Safety Division for the expanded showroom area approved by this resolution, the City's Code Enforcement Division will review the operation and any record of complaints for the site. The cost of this review shall be borne entirely by the applicant. Code Enforcement will report its findings to the Community Development Director or his/her designee who will make a determination as to whether additional staff or Planning Commission review is required pursuant to Condition #8 in this Resolution. The applicant would be required to pay the fees to cover any additional reviews. Requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of the Resolution of the Beverly Hills Municipal Code.

8. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director of Community Development determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand and/or traffic analysis. After reviewing the parking demand and/or traffic analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and/or traffic issues and may impose additional or different conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

9. The project shall provide and maintain three off-site loading spaces on the strip of property to the east as shown the approved plans. All loading and unloading activities shall be

conducted on private property only. No loading or unloading activity shall be permitted on public streets, including Alden Drive and Beverly Boulevard.

10. All ingress to the service facility (400 Foothill Road) shall be provided from Foothill Road.

11. All egress from the service facility (400 Foothill Road) shall be provided via the driveway exit on Alden Drive.

12. Vehicles exiting the service facility on Alden drive shall be restricted to right-turns only. The applicant shall design the driveway to restrict turning movements to right turns only and shall install "Right Turn Only" signs and arrow markings on the pavement, or such other restrictive devices as required by the City Traffic Engineer.

13. Queuing for vehicle service shall be prohibited on Foothill Road. The applicant shall implement measures reasonably satisfactory to the Director of Community Development and the City Traffic Engineer to ensure that no vehicle queuing occurs on Foothill Road.

14. At such time as the service use at 400 North Foothill Road site authorized by this C.U.P. is discontinued or converted to another use, the applicant shall install three on-site loading spaces as shown on the plans reviewed and approved by the Planning Commission at its meeting of February 23, 2005.

15. The project shall provide and maintain ten off-site parking spaces on the strip of property to the east as shown on the ~~approved plans~~ approved February 23, 2005 pursuant to Planning Commission Resolution #1365.

Floor Area

16. The new showroom space on the Beverly Boulevard Site shall provide a maximum of ~~2,900~~ 4,400 square feet of new show room space. ~~When constructed, the show room space shall be in lieu of an unused entitlement for a 2,070 square foot mezzanine space from Resolution No. 1113 and shall supersede said approval. All previous unused floor area entitlements, including that for a 2,070 square-foot mezzanine space from Resolution No. 1113, shall be superseded by this condition.~~ The new showroom shall not increase the net total floor area of the existing facility by more than ~~1,793~~ 600 square feet.

Conditions Related to Vehicle Uses in General

17. The final layout of vehicles to be displayed in the new showroom area shall be approved by the Department of Building and Safety to ensure for the provision of appropriate emergency pedestrian egress from the site and other applicable building code regulations.

18. No idling shall be permitted in the tenant space to prevent any impact from automotive exhaust. The Project plans shall be reviewed by the Building and Safety Division to ensure that the tenant space contains adequate ventilation for such an operation.

19. Any public address or loudspeaker system shall be restricted to fully enclosed areas.

20. Interior and exterior lighting shall be designed to minimize visual intrusion into adjacent residential and public areas.

21. Automobile body repair work and automobile painting shall be prohibited.

Other Conditions

22. All newly installed project utilities shall be installed underground.

23. The loading spaces located along Maple Drive shall be screened from the street by gates.

24. The ground floor retail display windows for lease space located on the southwest corner of Beverly Boulevard and Maple Drive shall not front on any street except Beverly Boulevard.

25. The parapet wall surrounding the rooftop parking area (on the building at 400 Foothill Road) shall be constructed at a maximum height of 60 inches.

Dedications/Use of Rights-of-Way

26. Applicant shall irrevocably offer to dedicate to City of Beverly Hills an easement for street and alley purposes on that real property described as:

- (i) the easterly ten feet (10') of Lot 8 excepting there from the northerly one hundred and forty-seven and one-half feet (147 ½'); and
- (ii) the northerly seven and one-half feet (7-1/2') of Lot 5 subject to existing cross-easement held by a third party; and
- (iii) the southerly two and one half feet (2-1/2') of Lot 4.

Applicant shall post a bond in the amount of the cost of improvement to City street and alley standards that property required to be dedicated under subsection (a) above, the amount of said bond to be determined by the City Engineer; and provided further, applicant shall construct the required street improvements on said property after dedication and within six (6) months of written notification by City to improve said property.

Applicant may use the property described in (a)(i) above for the surface parking of vehicles, until such time as the City serves written notification to construct the street improvements designated herein.

27. No building or structure shall be constructed on the southerly four hundred and fifty foot (450') portion of Lot 8, and use of this portion shall be limited to surface use, except that with Architectural Commission approval, shelters may be constructed to afford protection for necessary functions to receive vehicles for service, and for vehicles parked on the surface thereof.

28. Except for that northerly portion of Commercial Center Street which lies in an east/west direction, Commercial Center Street shall not be used for ingress or egress to the project. When the east-west alley referred to in (a)(i) and (a)(ii) is dedicated and improved as a public right-of-way, the required traffic circulation plan may be modified to permit such ingress/egress.

Street Improvements

Applicant shall reimburse City for a portion of the cost of design and construction and landscaping of a median divider on Beverly Boulevard in the vicinity of the project site, provided further, the amount reimbursed by Applicant shall be one-half the cost of designing and construction and landscaping per lineal foot for each lineal foot that said median extends along the project site. *(According to the City's Public Works Department, the City waived this requirement many years ago because it became infeasible due to other development in the area such as the condominium project across the street on Beverly Boulevard. A median would have disrupted traffic movements.)*

Applicant shall reimburse City for a portion of the cost of designing and constructing a traffic signal in the vicinity of the project site, provided further, the amount reimbursed by Applicant shall be nine and eight tenths percent (9.8%) of the total design and construction cost of said traffic signal. *(The traffic signal was installed years ago at Maple Drive and Beverly Boulevard.)*

The following conditions are from Resolution #468 adopted in 1987 and have been completed and can be deleted:

Existing fire hydrants Nos. 213 and No. 214 shall be upgraded by Applicant to size 6" x 4" x 4" x 2.5".

The existing 4" main on Commercial Center Street shall be upgraded by Applicant to size 8".

The existing Magnolia tree on the parkway fronting Beverly Boulevard may require removal from its present location to facilitate access to the premises, and if removal is required shall be relocated or replaced as directed by the Department of Recreation and Parks.

STANDARD CONDITIONS

29. Secure and comply with all necessary permits and conditions from the Public Works and Community Services Departments prior to commencement of any Project related work; this includes the protection and maintenance of all street trees during construction. A copy of the Public Works/Community Services Department Standard Conditions is attached as Exhibit A.

30. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed Project. No street trees shall be removed and/or relocated unless approval from the Community Services Department is obtained. Removal and/or replacement, if approved, shall be accomplished in accordance with the requirements of the Community Services Department street tree mitigation plan regarding the removal and replacement of such trees. A copy of the street tree mitigation is attached hereto as part of Exhibit A and incorporated herein by this reference. Removal and/or replacement of any street tree shall not commence until the

Applicant has provided the City with an improvement security, in an amount to be determined by the City, and in a form approved by the Public Works Department and the City Attorney, to ensure satisfactory regrowth of any relocated or replacement street trees.

29. This Resolution approving a CUP shall not become effective until the Applicant signs a statement, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this Resolution. The statement shall include a copy of this Resolution as an exhibit. The Applicant shall deliver the executed statement to the Department of Community Development within sixty (60) days of the Planning Commission's adoption of this Resolution. If the Applicant fails to deliver the executed statement within the required sixty (60) days, this Resolution approving a CUP shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning and Community Development may, upon a request by the Applicant, grant a waiver from the sixty (60) day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the CUP.

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

Adopted:

Nanette H. Cole
Chair of the Planning Commission
City of Beverly Hills, California

ATTEST:

Secretary

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

Exhibit A

CITY OF BEVERLY HILLS
STANDARD CONDITIONS LIST
FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.
3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of \$5,638.80*, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (*The tax figure is adjusted annually.)
4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

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

Standard Conditions List
for the Planning Commission

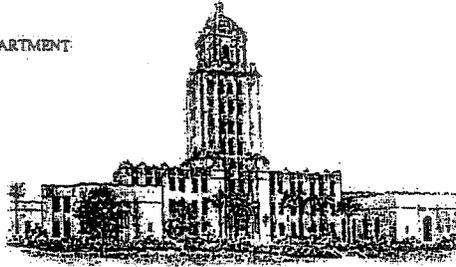
6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

Standard Conditions List
for the Planning Commission

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

RECREATION AND PARKS DEPARTMENT
455 N. Roxford Drive
Beverly Hills, CA 90210-4817
(310) 285-2536
FAX: (310) 385-0840

STEVE MILLER, DIRECTOR



CITY OF BEVERLY HILLS

Trees and Construction

The City of Beverly Hills and its Residents hold our urban forest in high regard. We appreciate your regard for our City trees as you contemplate your project. We look forward to reviewing your mitigation plan as it relates to City trees that may be impacted by the proposed activities included in this project.

The applicant should identify any City and/or protected tree or trees within the proposed area of construction, and/or like tree or trees in close proximity to the construction site, that may be impacted. The location of these trees should be noted on the initial plan submittal. A plan that works to alleviate, or minimize, the potential that the health and vigor of a City and/or protected tree or trees will be affected during the construction process (a mitigation plan) should accompany the original plan submittal.

A mitigation plan should focus on retaining and protecting an existing City and/or protected tree or trees. This plan should include a valuation of the tree or trees that may be impacted by the proposed project. If more than one tree is involved, each tree should be valued in a separate treatment. This valuation should be performed by an International Society of Arboriculture (ISA) Certified Arborist using the standard valuation method recognized by the ISA.

Elements of the mitigation plan should include:

1. Definition of what can be done to avoid any impact on the tree or trees, as well as what steps will be taken to protect the tree or trees that may be impacted by construction activities, for the duration of the project.
2. If the well being of the tree or trees is suspected to be impacted or deemed unavoidable; a proposal to box, maintain and re-install the tree or trees after construction activities have been completed should be submitted. Any proposal for the boxing, care and re-installation of any tree or trees should include a resume of experience specific to tree moving from the firm submitting the plan. This proposal should include a contingency plan to replace the tree(s) with the installation of a forty-eight (48) inch box size should the tree or trees decline within twenty four (24) months after the time the tree or trees are re-installed into the site.
3. An offer of bond that is consistent with the value of the tree or trees based upon the previously described valuation of the tree or trees by an ISA Certified Arborist.
4. The ISA certification number and contact information for the ISA Certified Arborist assisting with the project mitigation plan.

To access a listing of ISA Certified Arborists in your area, visit:

<http://www.isa-arbor.com/arborists/arbsearch.html>

To learn more about the valuation of trees, visit:

<http://www2.champaign.isa-arbor.com/consumer/values.html>

Contact the Department of Recreation and Parks Urban Forest Supervisor at (310) 550-4638 or at kpfalzgraf@ci.beverly-hills.ca.us if you are in need of further assistance.

Attachment 3
Environmental Checklist

PL0504007

Environmental Checklist Form

1. Project title: Mercedes Benz Expansion 2005
2. Lead agency name and address:

City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210
3. Contact person and phone number: Danny Castro, Senior Planner, at 310.285.1123.
4. Project location: 400 Foothill Road and 9250 Beverly Boulevard, Beverly Hills, CA
5. Project sponsor's name and address:

Stephen H. Smythe
Miller-DM, Inc.
9250 Beverly Boulevard
Beverly Hills, CA 90212
6. General Plan designation: Commercial
7. Zoning: C-5
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

An application to modify an existing Conditional Use Permit for the expansion of the existing **Mercedes Benz** vehicle sales and service operation, located on contiguous properties at **9250 Beverly Boulevard** and **400 Foothill Road**. The proposed expansion includes the following:

- o Construction of a 68,076 square-foot, three-story (45 feet in height) vehicle service facility at the 400 Foothill Road site, with a single level of subterranean parking. Mercedes Benz currently provides service operation at this site, and the project entails demolition of the existing buildings to be replaced with a new facility consisting of service consultant offices, customer reception area, parts warehouse, and employee lunch and training area. The facility would hold 76 service bays, 262 parking spaces, which include rooftop parking, and two car wash bays located on the subterranean level. A new service entrance drive on Foothill Road would provide inbound access to the facility, and the exit from the facility would be via a new driveway onto Alden Drive. With the new project, the Beverly Boulevard service entrance would no longer be used for this purpose.
- o Construction of a showroom facility located within the existing canopy service drive at the 9250 Beverly Boulevard site, resulting in a net addition of 1,798

Environmental Initial Study
EVALUATION OF ENVIRONMENTAL IMPACTS (CONTINUED):
February 11, 2005

square feet. Changes to the Mercedes Benz tenant space in the existing building include removal of the service advisor offices to be replaced with the new showroom, converting portions of the parts and service departments into office space, and converting a portion of the existing service shop area into vehicle storage.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The Foothill property contains two single-story service buildings and an asphalt parking lot, which would be demolished for the construction of the new facility. The existing landscaping will be protected in place. Surrounding properties in this area known as the "Industrial Area" is a Pac Bell Utility company building (multi-story) to the north, a City parking lot to the south, a two-story commercial building to the east, and a one-story commercial (animal hospital) to the west.

The Beverly property consists of the existing Mercedes Benz facility located on the first floor and portions of the second floor of an existing three-story building with 3 levels of subterranean parking. A service drive and attached canopy structure exists at the west end of the building. The surrounding properties include a five-story residential building to the north across Beverly Boulevard, a four-story commercial office building to the south (407 North Maple), residential properties to the east across Maple Drive, and a parking lot that serves the Pac Bell building to the west.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None .

Environmental Initial Study

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED (Continued):

February 11, 2005

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Danny Castro

Signature

February 11, 2005

Date

Environmental Initial Study

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED (Continued):

February 11, 2005

Danny Castro

Printed Name

City of Beverly Hills

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

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- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorpor- ated | Less Than Significant Impact | No Impact |
|---|------------------------------------|---|---|-------------------------------------|
| I. AESTHETICS -- Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an option model to use in assessing impacts on agriculture and farmland. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------|--|------------------------------|-------------------------------------|
| III. <u>AIR QUALITY</u> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| IV. <u>BIOLOGICAL RESOURCES</u> -- Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------|--|------------------------------|-------------------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. CULTURAL RESOURCES -- Would the project:

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS -- Would the project:

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|--------------------------|--|------------------------------|-------------------------------------|
| ii) | Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) | Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) | Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project: | | | | | |
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------|--|------------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| VIII. <u>HYDROLOGY AND WATER QUALITY</u> -- Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------|--|------------------------------|-------------------------------------|
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm-water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| IX. LAND USE AND PLANNING - Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 EVALUATION OF ENVIRONMENTAL IMPACTS (CONTINUED):
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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| X. MINERAL RESOURCES -- Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| XI. NOISE -- Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 EVALUATION OF ENVIRONMENTAL IMPACTS (CONTINUED):
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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------|--|------------------------------|-------------------------------------|
| XII. POPULATION AND HOUSING -- Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| XIII. PUBLIC SERVICES -- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| XIV. RECREATION -- | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| XV. TRANSPORTATION/TRAFFIC -- Would the project: | | | | |
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Issues: | | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---|--------------------------|--|------------------------------|-------------------------------------|
| b) | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| XVII. MANDATORY FINDINGS OF SIGNIFICANCE -- | | | | | |
| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Issues: | Potentially Significant | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|----------------------------|--|------------------------------------|-------------------------------------|
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION OF ENVIRONMENTAL EVALUATION:

I. AESTHETICS.

a.-c. The project has been designed to meet height, density and other municipal code requirements to ensure that it will be aesthetically compatible with the existing surrounding commercial development. The project is also subject to review and approval by the City's Architectural Commission which helps ensure that development in the City is maintained to a high standard of visual quality. Therefore, any potential for adverse aesthetic impacts by the project would be substantially reduced so as not to degrade the visual character of its setting.

The project may generate some light at night but not to a significant degree. The applicant for the project has agreed, and a condition will be imposed on the project, to shield the rooftop lighting to be positioned to cast downwards, low level lighting so as not to create glare or spillover lighting onto the adjacent neighborhood. The project must

d. comply with community ordinances that limit the amount of spillover light relative to the ambient. Use of reflective building materials is generally discouraged in the community, particularly when they might be oriented toward residential areas. In general, there are no aspects of the project that would result in substantial new light or glare that would adversely affect daytime or nighttime views in the area to a significant degree.

II. AGRICULTURE RESOURCES.

Since the City is an urbanized area and there are no significant plots of rural land in the vicinity; therefore, the project is not expected to have any significant impacts to agricultural resources.

III. AIR QUALITY.

- a. The project is consistent with all local and regional planning standards on which the air quality plan was based. As such, the project does not appear to conflict with or obstruct the implementation of the AQMP.
- b. c. Recent monitoring data show recurring violations of both the federal and State hourly standard for ozone and State standard for PM₁₀. First-stage smog alerts have been rare in recent years at nearby monitoring stations. While the summer ozone levels are occasionally unhealthful for all receptor populations, they are lower than inland communities. Levels of primary automobile pollutants, such as CO, have rarely exceeded their standards in recent years. In general, data shows that improvement has occurred throughout the 1990s in the western coastal portions of the Los Angeles Basin. However, desirable levels have not yet been attained for some pollutants.

The proposed project is a fully enclosed vehicle service facility and would not exceed any of the SCAQMD's thresholds of potential significance. It is therefore not expected to violate any air quality standard, contribute substantially to any air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant in the South Coast Air Basin.

- d. The proposed project is not located in the vicinity of any heavy stationary sources, nor would the project introduce any new, heavy stationary air emission sources.
- e. The proposed project is a fully enclosed vehicle service facility and does not propose or facilitate uses that are significant sources of objectionable odors.

IV. BIOLOGICAL RESOURCES.

- a., b., d. The proposed project location is in a fully developed urban area, where there are no sizable, vacant tracts of land. No significant habitats or migratory wildlife corridors would be directly affected by the project, and the project does not propose any policy changes that present significant impacts to endangered, threatened, or rare species or their habitats.
- c. The proposed project involves no development in a federally protected wetland and involves no improvements that would impair or interrupt hydrological flow into such a wetland.

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- e. The proposed development has been reviewed by the City's urban forester and it was determined that it would not conflict with any local policies or ordinances protecting biological resources such as the City's tree preservation ordinance.
- f. There are no natural habitats or natural biological communities in the vicinity of the City's commercial areas. As the proposed development is minor in scope, and does not pose a significant, wide-ranging effect on the natural environment, it appears to be consistent with all habitat conservation plans and natural community conservation plans that may be applicable to the area.

V. CULTURAL RESOURCES.

- a.,b. The proposed project entails demolition of an existing structure that is not considered historic by the City; nor is it listed in any local or state registers or inventories of historic resources. The project site does not contain any known historical or archeological resources of any architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural significance.
- c. The proposed project is located in a developed setting that does not contain any unique geologic features or any identified paleontological resources.
- d. There is no evidence of any human remains on the project site.

VI. GEOLOGY AND SOILS.

- a. Seismic hazards.
 - i. There are no State designated Alquist-Priolo fault zones in Beverly Hills. There is no substantial evidence of any earthquake fault on or close to the project site. Therefore, there does not appear to be any significant potential for surface rupture.
 - ii. Southern California is a seismically active region and prone to earthquakes, which may result in hazardous conditions to people within the region. Earthquakes and ground motion can affect a wide-spread area. Nineteen individual faults or fault zones within 50 miles of the area, including the three local faults, are capable of generating earthquakes of Richter magnitude 6.25 to 8.5. The potential severity of ground shaking de-

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depends on many factors, including the distance from the originating fault, the earthquake magnitude and the nature of the earth materials beneath the site. The most serious impacts associated with ground shaking would occur if the structures were not properly constructed according to seismic engineering standards. Buildings have been designed to withstand strong earthquakes. The proposed building will adhere to the applicable building codes and undergo engineering checks in compliance with State and City standards. These necessary compliance strategies will reduce potentially significant impacts to less than significant levels.

- iii. The proposed project is not expected to result in any new, potentially significant, adverse impact from seismic ground failure. Although the density would be increased on the project site, the project would not facilitate new development in the City that exceeds the allowable density for that location.
- iv. The City's commercial areas are located on relatively level terrain and there is no evidence of potential landslides in these areas. The City's commercial areas are not located in any mapped landslide area (1990 Seismic Hazards Mapping Act, Chapter 7.8 of Division 2 of the California Public Resources Code). Therefore, the proposed project is not expected to have any potentially significant, adverse impact from landslides.
- d. The proposed project is not anticipated to result in impacts involving expansive soils since the project involves the redevelopment of a site which is currently developed. The potential for expansive soils has not been identified and thus no significant impacts are anticipated.
- e. The community is served by a municipal waste water system and does not rely on septic tanks.

VII. HAZARDS AND HAZARDOUS MATERIALS.

- a. b. The proposed project will not involve the transport, use or disposal of hazardous materials.
- c.
- d. The proposed project will not facilitate new development on sites listed on the State's Hazardous Waste and Substances Sites List.
- e. f. The City's commercial areas are not located within two miles of any airport or private airstrip.

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- g. The proposed development poses no physical or operational barriers to City emergency plans as it would be located in a developed, urbanized area.
- h. There are no significant areas of flammable brush, grass, or trees in the vicinity of the project site.

VIII. HYDROLOGY AND WATER QUALITY.

- a. The proposed project involves no significant discharges beyond wastewater associated with ordinary institutional uses and will comply with all discharge requirements of State and Federal agencies.
- b. The proposed development is not expected to result in a significant increase in the amount of water used beyond current levels.
- c. d. The proposed development would not result in changes in currents or
e. the course or direction of water movements.
- f. The proposed development will not result in substantial degradation of water quality. (See "b" above.)
- g. The project site is not located within a 100-year flood hazard area.
- h. The project does not involve the construction of structures that may be placed in a flood hazard area.
- i. j. The proposed project will not increase nor create new potential for exposure to problems associated with water related hazards such as flooding, seiche, tsunami, or mudflows.

IX. LAND USE AND PLANNING.

- a. The proposed project would be located in an existing commercial zone and therefore would not have the effect of dividing an established community.
- b. The project is consistent with local zoning and General Plan policies. A vehicle service use in this zone is prohibited except for the existing Mercedes dealership and any expansion of such use that is contiguous to the existing site, subject to a Conditional Use Permit. The Planning Commission has the authority to place conditions on the project which

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they find necessary to protect the health, safety, and general welfare of the surrounding neighborhood.

- c. There is no habitat or natural community conservation plan areas associated with the project site.

X. MINERAL RESOURCES.

- a. b. No mineral resource of value to the region and the residents of the State are known to be within the City's commercial areas other than petroleum, and the project proposes no policies that would have any effect on the petroleum resources located in the vicinity.

XI. NOISE.

- a. b. There could be some high levels of noise during construction, however, construction noise is temporary and is restricted during the times of day when the area is most sensitive to noise by the City's construction noise ordinance.
- c.- d. There may be greater noise from an increased level of activity on the site, but not to a significant degree. Further, the proposed facility and its operations would be within an entirely enclosed structure. There would be a marginal increase in noise associated with the traffic to and from the site; the increase being largely in recurrence and/or duration rather than in loudness.
- e., f. The City's commercial areas are not located within two miles of any airport or private airstrip.

XII. POPULATION AND HOUSING.

- a.- c. The project would be located in a developed area and requires no significant changes to the local infrastructure to accommodate it.

XIII. PUBLIC SERVICES.

The proposed project is not anticipated to have any effect upon or result in a need for new or altered maintenance of public facilities or other government services.

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XIV. RECREATION.

The proposed project will not affect existing recreational opportunities.

XV. TRANSPORTATION/TRAFFIC.

- a. The proposed project is not expected to result in a substantial increase in the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections. The anticipated traffic to be generated by the project is considered to be minimal, particularly since the project meets the allowable development standards of the City's Municipal Code and General Plan. According to the traffic study prepared by Meyer Mohaddes Associates, the increases in the volume/capacity (V/C) ratio at the study intersections and street volume increases due to the Project generated traffic would fall below the maximum thresholds established by the City.
- b. The proposed project is not expected to result in any level of service standards being exceeded.
- c. The proposed project will not result in a change in air traffic patterns.
- d. The proposed project does not propose any physical circulation improvements or make recommendations directly affecting vehicular right-of-way.
- e. The proposed project neither proposes nor facilitates any physical improvements that affect access to emergency uses within or around the project area.
- f. The project will provide 262 on-site parking spaces for vehicle storage and sufficient capacity to accommodate employee parking, in accordance with zoning code parking standards. Due to the nature of the use as a service center, customers arrive and drop off their cars, and leave the premises. Only employees would park for an extended period of time and there is little need for other parking purposes other than for the storage of the vehicles being serviced.
- g. The proposed project is not expected to conflict with adopted policies, plans, or programs supporting alternative transportation.

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XVI. UTILITIES AND SERVICE SYSTEMS.

The proposed project would not result in the need for any new utilities or service systems.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. The proposed project does NOT have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threatened to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- b. The project does NOT have impacts that are individually limited, but cumulatively considerable.
- c. The project does NOT have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

SUPPORTING INFORMATION SOURCES:

Beverly Hills Municipal Code.

Beverly Hills General Plan.

Beverly Hills Official Zoning Map.

Traffic Study for the New Beverly Hills BMW Service Center, prepared by Katz, Okitsu & Associates, October 13, 2004.

Preliminary Emission Evaluation For Beverly Hills BMW Auto Facility, prepared by SWAPE, September 7, 2004.

Acoustical Analysis, prepared by Veneklasen Associates, August 19, 2004.

Guidelines for Implementation of the California Environmental Quality Act, prepared by the Governor's Office of Planning and Research, 1997; updated 1998.

Geotechnical Report for Seismic Safety Element for the City of Beverly Hills, prepared by Woodward-Clyde Consultants, 1987.

CEQA Air Quality Handbook, prepared by the South Coast Air Quality Management District, 1993.

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Hazardous Waste and Substances Sites List, prepared by the California Environmental Protection Agency Hazardous Materials Data Management Program, 1998.

The Congestion Management Plan for Los Angeles County, Prepared by the Los Angeles County Metropolitan Transportation Authority, adopted December 1995.

Endangered and Threatened Animals of California, California Department of Fish and Game, Resources Agency, October, 1996.

Endangered, Threatened and Rare Plants of California, California Department of Fish and Game, Resources Agency, January, 1996

The Beverly Hills Fire Department

Attachment 4

Addendum to Negative Declaration

ADDENDUM TO NEGATIVE DECLARATION

SITE: 9250 Beverly Boulevard, Beverly Hills, CA 90210
PROJECT TITLE: Mercedes Benz Modification of CUP
PROJECT APPLICANT: Whitfield Associates for owner Group 1 Automotive

PROJECT DESCRIPTION: A request for modification of a Conditional Use Permit (CUP) for expansion of the approved showroom space at the existing Mercedes Benz automobile dealership located at 9250 Beverly Boulevard and 400 Foothill Road. The applicant is proposing to expand the vehicle showroom on 9250 Beverly Boulevard by 1,407 square feet into the unused canopy service drive area within the existing footprint of the building to create additional exhibit space for Mercedes Benz vehicles. No changes are proposed at the Mercedes Benz service facility located at 400 Foothill Road. A 1,996 square-foot area on the ground floor of the 9250 Beverly Boulevard building that is currently used for vehicle service will be converted to six parking spaces to serve the building. Customers will continue to use the Maple Drive driveway and parking in the subterranean garage as they have since the facility opened in 1990. No changes are proposed to the building height or footprint.

PURPOSE: This Addendum to the Negative Declaration is being prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines which allows for the lead agency to prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to CEQA Section 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

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

FINDINGS ON THE PROJECT:

1. The original Project was environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study (attached) and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts.
2. On March 23, 2005, the City of Beverly Hills Planning Commission adopted a negative declaration as part of Planning Commission Resolution #1365 conditionally approving a modification to a CUP for an automobile dealership at 9250 Beverly Boulevard allowing construction of a new vehicle service center at 400 Foothill Road and changes to the existing building at 9250 Beverly Boulevard including expansion of the vehicle showroom by 2,900 square feet.
3. An application was submitted on March 2, 2009 to further modify the CUP to allow additional expansion of the vehicle showroom by 1,407 square feet, along with other changes summarized in the Project Description above.
4. Staff analyzed the proposed Project to determine if any impacts would result from the proposed changes including the 1,407 square foot expansion of showroom area. Pursuant to CEQA Guidelines Section 15162, a new negative declaration is not required for this modest expansion because:
 - 1) The proposed project does not involve any new significant environmental effects and the original project previously identified no significant effects. The proposed project proposes slight expansion of a vehicle showroom use which already exists on the site and has been operating with little impact for 20 years. The addition of 518 square feet

in floor area for the building represents a half percent increase which will not involve any new significant effects.

(2) There are no changes with respect to the circumstances under which the project is undertaken that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects and there were no previously identified significant effects. Some new development has occurred in the vicinity of the project (City office building at Foothill and Third, Religious Institution on Alden Drive) but those projects did not identify any significant unmitigable impacts and there have been no other changes with respect to the circumstances under which the project is undertaken that would require revisions of the previous negative declaration.

3) Staff has identified no new information of substantial importance identifying a significant effect, and no significant effects or mitigation measures were associated with the previously prepared negative declaration.

Therefore, Pursuant to CEQA Guidelines Section 15164, an Addendum to the Negative Declaration has been prepared to document the additional 1,407 square feet of showroom floor area.

For any questions regarding this matter, please contact Senior Planner Michele McGrath in the Beverly Hills Community Development Department at 310.285.1135.

By: 
Michele McGrath, Senior Planner

DATE: March 12, 2009

HEARING DATE: March 24, 2009

Attachment 5

Planning Commission Resolution #1365

Attachment 5

Planning Commission Resolutions

#468, #1113, #1025 and #1365

RESOLUTION NO. 468

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS APPROVING
A CONDITIONAL USE PERMIT FOR A NEW AND
USED CAR FACILITY AND COMMERCIAL
DEVELOPMENT.

WHEREAS, RGMB Corporation has submitted a revised application for a Conditional Use Permit for development of a new and used car facility and commercial development on a site in the vicinity of Beverly Boulevard, Commercial Center Street and Civic Center Drive, more specifically described as Lot 4 of Block 14 of Tract 5647, and Lot 5 of Tract 9796 excepting the southerly 92.5 feet thereof, and Lot 8 of Block 14 of Tract 5647 in the City of Beverly Hills.

WHEREAS, an Environmental Impact Report was prepared on the original project, and the revised project was granted a Council waiver of a mandatory EIR which was duly processed through the Environmental Review Board and a negative declaration was issued; and

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law and received oral and documentary evidence and has considered the revised application; and

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

Section 1. The Commission finds that subject to the conditions herein, the use of the site for a new and used car facility and integrated commercial development will not have a

significant adverse impact and will not be detrimental to adjacent property or the public welfare.

Section 2. The Commission hereby grants a Conditional Use Permit for the proposed new and used car facility and integrated commercial development, in accordance with the revised plans and specifications on file with the Planning Department, subject to the following conditions and limitations:

a) Applicant shall irrevocably offer to dedicate to City of Beverly Hills an easement for street and alley purposes on that real property described as:

(i) the easterly ten feet (10') of Lot 8 excepting therefrom the northerly one hundred and forty-seven and one-half feet (147 1/2'); and

(ii) the northerly seven and one-half feet (7-1/2') of Lot 5 subject to existing cross-easement held by a third party; and

(iii) the southerly two and one half feet (2-1/2') of Lot 4.

b) Applicant shall post a bond in the amount of the cost of improvement to City street and alley standards that property required to be dedicated under subsection (a) above, the amount of said bond to be determined by the City Engineer; and provided further, applicant shall construct the required street improvements on said property after dedication and within six (6) months of written notification by City to improve said property.

Applicant may use the property described in (a)(i) above for the surface parking of vehicles, until such time as the City serves written notification to construct the street improvements designated herein.

c) No building or structure shall be constructed on the southerly four hundred and fifty foot (450') portion of Lot 8, and use of this portion shall be limited to surface use, except that with Architectural Commission approval, shelters may be constructed to afford protection for necessary functions to receive vehicles for service, and for vehicles parked on the surface thereof.

d) Except for that northerly portion of Commercial Center Street which lies in an east/west direction, Commercial Center Street shall not be used for ingress or egress to the project. When the east-west alley referred to in (a)(i) and (a)(ii) is dedicated and improved as a public right-of-way, the traffic circulation plan required under subsection (1) may be modified to permit such ingress/egress.

e) Any public address or loudspeaker system shall be restricted to fully enclosed areas.

f) Test driving of vehicles shall be prohibited on Commercial Center Street and on all residential streets.

g) Parking shall be provided on site and without charge for all employees.

h) All newly installed project utilities shall be installed underground.

i) Interior and exterior lighting shall be designed to minimize visual intrusion into adjacent residential and public areas.

j) Automobile body repair work, and automobile painting shall be prohibited.

k) Prior to issuance of a building permit, applicant shall develop a traffic circulation plan, acceptable to the City Department of Transportation, which will minimize traffic congestion in the area. Said traffic circulation plan shall also include traffic signage, routing of trucks for delivery or pick up of vehicles or other materials, a delivery schedule for loading and unloading, and the design and location of driveways from public streets. Said traffic circulation plan shall be subject to modification by the Department of Transportation as circumstances may warrant.

l) Applicant shall reimburse City for a portion of the cost of design and construction and landscaping of a median divider on Beverly Boulevard in the vicinity of the project site, provided further, the amount reimbursed by Applicant shall be one-half the cost of design and construction and landscaping per lineal foot for each lineal foot that said median extends along the project site.

m) Applicant shall reimburse City for a portion of the cost of designing and constructing a traffic signal in the vicinity of the project site, provided further, the amount reimbursed by Applicant shall be nine and eight tenths percent (9.8%) of the total design and construction cost of said traffic signal.

n) The loading spaces located along Maple Drive shall be screened from the street by gates.

o) The ground floor retail display windows for lease space located on the southwest corner of Beverly Boulevard and Maple Drive shall not front on any street except Beverly Boulevard.

p) Vehicle traffic generation for any retail uses shall be based on the current Institute of Traffic Engineers publication entitled "Trip Generation" or if not specified therein, as designated by Director of Transportation of the City of Beverly Hills, and retail uses exceeding either of the following per one thousand (1,000) gross square feet of floor area shall be prohibited:

i) Sixteen (16) vehicle trips per hour

ii) Two Hundred (200) vehicle trips per day.

q) Existing fire hydrants No. 213 and No. 214 shall be upgraded by Applicant to size 6" x 4" x 4" x 2.5".

r) The existing 4" main on Commercial Center Street shall be upgraded by Applicant to size 8".

s) The existing Magnolia tree on the parkway fronting Beverly Boulevard may require removal from its present location to facilitate access to the premises, and if removal is required shall be relocated or replaced as directed by the Department of Recreation and Parks.

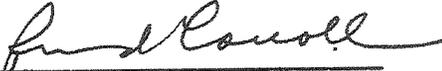
Section 3. Release of those certain parking covenants, specifically identified in Instrument No. 3335 recorded April 9, 1958; and Instrument No. 3302 recorded May 6, 1960, is hereby granted, subject to and contingent upon an equivalent number of parking spaces provided on this project site.

Section 4. The conditional approval of this proposed project and used car facility shall not be construed as approval of any matter not set forth in the plans dated March 4, 1987, submitted to the Planning Commission or which is not expressly set forth in this resolution; nor shall approval of this project be construed as approval of any matter which does not or will not conform with any law or regulation in effect at the time of issuance of any building permit for construction of any building or structure subsequent to granting this conditional use permit.

Section 5. The Secretary of the Planning Commission shall cause this resolution and his certification to be entered

in the Book of Resolutions of the Planning Commission of this City.

Adopted: April 27, 1987


Chairman of the Planning
Commission of the City of
Beverly Hills, California

ATTEST:


Secretary

Approved as to form:


JOHN O'CONNOR
Acting City Attorney

Approved as to content:


IRWIN MOSS KAPLAN
Director of Planning and
Community Development

Applicant hereby agrees that any delay in the City's acceptance of property required to be dedicated by Applicant for street/alley purposes shall not constitute a waiver or defense to such dedication.

Dated:

RGMB CORPORATION

By _____

wjorespc
r4/28/87

RESOLUTION NO. 1113

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BEVERLY HILLS CONDITIONALLY APPROVING
A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE
DEALERSHIP AT 9250 BEVERLY BOULEVARD
(MERCEDES BENZ)

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

Section 1. Jardine Motors Beverly Hills, Ltd., (the
"applicant"), has submitted an application for a Conditional Use
Permit ("C.U.P.") for additional vehicle sales and service uses
at 9250 Beverly Boulevard (Mercedes Benz) (the "project"). The
automobile dealership at this property was issued a C.U.P. for
vehicle sales and service uses in 1987 by Resolution No. 468. A
C.U.P. to expand those uses was approved in 1997 by Resolution
No. 1015. The proposed C.U.P. requests the following expansion
of vehicle sales and service uses:

(1) A showroom expansion which includes moving into a
currently vacant 5,552 square foot ground floor space. The new
showroom will necessitate modifications to the public right-of
way adjacent to the property by removing a portion of the street
parkway to accommodate a temporary ramp needed to move vehicles
into the new showroom. An encroachment permit will be required
from the City in order to permit the ramp;

(2) A mezzanine addition which includes construction
of a 2,070 square foot mezzanine above the back portion of the
new showroom area which will be built at a height of 11 feet
above the ground level. This addition requires an amendment to

that the negative declaration prepared for the project represents the independent judgment of the City and that there is no substantial evidence that the approval of the project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Planning and Community Development and are in the custody of the Director of Planning and Community Development.

Section 3. The Planning Commission held a duly noticed public hearing on July 28, 1999 to consider evidence relating to the application.

Section 4. The Planning Commission evaluated whether the proposed location of the use, as modified, will be detrimental to adjacent property or the public welfare. The Planning Commission also considered:

- (1) Whether the proposed use is compatible with the area and surrounding uses;
- (2) Whether the proposed use will have adequate buffering between the use and residential areas;
- (3) Whether the proposed use will create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including but not limited to, and adverse impact on traffic circulation or parking;
- (4) Whether the proposed use will create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or

resolution, the car wash system shall be self-contained in order to minimize potential noise or other impacts to neighboring properties. The project as situated and conditioned contains adequate buffering from adjacent neighboring properties.

Section 6. Based upon the foregoing, the Planning Commission hereby approves the negative declaration and approves the Conditional Use Permit for the project subject to the following conditions:

1. The project shall be improved and maintained in substantial conformance to the plans submitted to the Planning Commission for its meeting of July 28, 1999, except as expressly modified by this resolution.

2. This resolution approving the C.U.P. shall not become effective unless and until the City Council adopts amendments to the Municipal Code permitting the mezzanine addition and automated car wash set forth in the plans referenced in the previous condition, and further grants an encroachment permit in order to permit the temporary ramp necessary to move vehicles into the new showroom at the site, also set forth in said plans.

3. All conditions in Resolution Nos. 468 and 1015 shall remain in full force and effect.

4. The car wash shall be complimentary to patrons receiving other permitted vehicle services at the site. The car wash shall not serve customers or vehicles that are not

shall be by right turn only. Signage satisfactory to the City shall be posted at the site requiring right turn exiting only onto Beverly Boulevard.

9. Construction parking and hauling shall comply with a construction parking and hauling plan approved by the City Engineer and Director of Building and Safety. Construction parking shall not be allowed on residential streets.

10. Any violation of the conditions of this resolution, or operation of the project in a manner that constitutes a nuisance may result in revocation of the underlying conditional use permit pursuant to the procedures set forth in Title 10, Chapter 3 of the Beverly Hills Municipal Code.

11. Within three working days after approval of this resolution, the applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game determines that this project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.

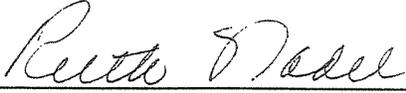
12. This resolution conditionally approving the C.U.P. shall not become effective until the applicant presents to the City a covenant, signed by the applicant and the property owner and satisfactory to the City Attorney, and in a form recordable by the Los Angeles County Recorder, accepting these conditions of approval.

Adopted: 8-25-99



LINDA J. BRISKMAN
Chairman of the Planning
Commission of the City of
Beverly Hills

ATTEST:



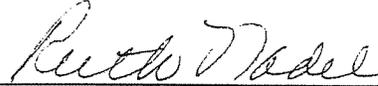
Secretary *DC*

Approved as to form:



DAVID R. DANIELS
Assistant City Attorney

Approved as to content:



RUTH NADEL *DC*
Director of Planning and
Community Development

8/20/99

RESOLUTION NO. 1015

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BEVERLY HILLS APPROVING MODIFICATIONS
TO A PREVIOUSLY APPROVED CONDITIONAL USE
PERMIT FOR AN AUTOMOBILE DEALERSHIP AT 9250
BEVERLY BOULEVARD

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

Section 1. Beverly Hills, Ltd., Mercedes Benz, (the "applicant"), has submitted an application to modify a conditional use permit ("C.U.P."). The C.U.P. was issued in 1987 by Beverly Hills Planning Commission Resolution No. 468. The proposed modification would allow the existing vehicle sales and service use to expand by: (1) adding 350 square feet of office area to the ground floor of an existing three-story commercial structure at 9250 Beverly Boulevard and (2) authorizing parking for the vehicle sales and service use on a surface parking lot along Alden Drive (the "Project"). The location of the surface parking lot is shown in Exhibit "A".

The Project is located in the C-5 Zone. Pursuant to Beverly Hills Municipal Code Section 10-3.2003, vehicle sales and vehicle service are conditionally permitted uses in the C-5 Zone.

Section 2. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no

lot for storage of vehicles being serviced. Additionally, landscaping will screen the surface parking lot to avoid adverse visual impacts.

Section 6. Based upon the foregoing, the Planning Commission hereby approves the negative declaration and approves the proposed modifications to the previously issued conditional use permit for the Project subject to the following conditions:

1. The Project shall be improved and maintained in substantial conformance to the plans submitted to the Planning Commission for its meeting of April 30, 1997, except as expressly modified by this resolution.

2. The surface parking lot shown on Exhibit A shall be used only for vehicle parking and shall not be used for storage of any vehicle for more than one month. No sales or service activity shall be conducted on this parking lot.

3. The applicant shall prepare and implement a landscaping plan for the surface parking lot satisfactory to the Director of Planning and Community Development.

4. The applicant shall prepare and implement an employee parking plan which prohibits parking on residential streets, satisfactory to the Director of Transportation.

5. The proposed addition shall be accessible to the physically disabled as required by law.

6. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed in furtherance of the Project.

by the Los Angeles County Recorder, accepting these conditions of approval.

This resolution shall be attached as an exhibit to the covenant.

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.

Section 7. This approval of the proposed C.U.P. modification shall not become effective unless and until the City Council adopts the Code amendments to allow expansion of the vehicle sales and service use and to extend the C-5 zone area of the site as authorized by this resolution.

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

Adopted: May 28, 1997



JULIE OLIVER KAHN
Chairman of the Planning
Commission of the City of
Beverly Hills

ATTEST:



Secretary *DC*

RESOLUTION NO. 1365

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE DEALERSHIP AT 9250 BEVERLY BOULEVARD (MERCEDES BENZ)

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

Section 1. Stephen H. Smythe, on behalf of Miller-DM, Inc. (the "applicant"), has submitted an application for a modification to a Conditional Use Permit ("C.U.P.") for additional vehicle sales and service uses at contiguous properties at 9250 Beverly Boulevard (the "Beverly Boulevard Site") and 400 Foothill Road (the "Foothill Site") (the "project"). The automobile dealership at this property (Mercedes-Benz) was issued a C.U.P. for vehicle sales and service uses in 1987 by Resolution No. 468. A modification to those uses was approved in 1997 by Resolution No. 1015, and an expansion to those uses to include a vehicle service area at the Foothill Site was approved in 1999 by Resolution No. 1113 . The proposed C.U.P. requests the following additional expansion to vehicle sales and service uses at the project site:

- (1) The project involves the construction of a 68,076 square foot vehicle service facility at the Foothill Site. The proposed facility will be three stories and forty-five feet (45') in height with a single level of subterranean parking. The project entails the demolition and replacement of the existing buildings on the Foothill Site with a new facility that will house service consultant offices, a customer reception area, a parts warehouse and an employee lunch

and training area. The facility will hold 76 service bays, 262 parking spaces (including rooftop parking), and two car wash bays located on the subterranean level. In addition, the project proposes a 60-inch parapet wall around the rooftop parking area to screen any parked vehicles from the view of adjacent properties. A new service entrance drive on Foothill Road will provide inbound access to the facility, and a new driveway on Alden Drive will provide the exit from the facility (the Beverly Boulevard entrance will no longer be used as a service entrance).

The Foothill Site currently contains two single-story buildings and an asphalt parking lot. These structures, which were formerly occupied by the Gas Company, are used to support the Mercedes service operation and contain 12 service bays, as approved by the 1999 C.U.P. The existing improvements on the Foothill Site will be demolished to accommodate the construction of the proposed service facility. With implementation of the project, 15 service bays will be removed from the Beverly Boulevard Site to accommodate vehicle storage, resulting in a net total of 95 service bays. Two car wash bays will be located on the subterranean parking level. The project includes a new service entrance drive on Foothill Road to provide inbound access to the proposed facility. The service entrance drive will have four interior drive aisles to accommodate up to 22 vehicles for queuing. The project provides a service queuing entrance at Foothill Road, replacing the old entrance at Beverly Boulevard. Egress from the facility will be provided via a new driveway onto Alden Drive, which will be restricted to right-turn only, directing vehicles onto Foothill Road and away from residences on Maple Drive.

(2) The project additionally involves the construction of a 2,900 square foot showroom facility within the existing service drive canopy at the Beverly Boulevard Site, resulting in a net addition of 1,793 square feet. Changes to the Mercedes Benz tenant space in

the existing building include the removal of 1,107 square feet of service advisor offices to be replaced with the new showroom, the conversion of portions of the existing parts and service departments into office space, and the conversion of a portion of the existing service shop into vehicle storage.

The Beverly Boulevard Site houses the existing Mercedes Benz dealership. The main offices, parts storage, showrooms, vehicle storage and 34 service bays occupy the first floor, a portion of the second floor and three subterranean levels. A service drive and attached canopy structure exists at the west end of the building. The proposed 2,900 square foot showroom facility will replace the existing service drive canopy. When constructed, the new showroom will be used to house the new Smart Car franchise if the applicant is awarded the franchise. In the event the applicant is not awarded the Smart Car franchise, the new showroom space will be utilized as a showroom for the existing pre-owned sales operation. With the removal of 1,107 square feet of space currently occupied by service advisor offices, the proposed addition to the Beverly Boulevard Site will result in a net increase of 1,793 square feet to the building. Resolution No. 1113 adopted in 1999 provided for an addition of 2,070 square feet of mezzanine that was not constructed. The applicant is requesting a modification to the 1999 C.U.P. to allow the unused 2,070 entitlement proposed as a mezzanine by Resolution No. 1113, for the new show room facility.

The project is located in the C-5 Zone. Pursuant to Beverly Hills Municipal Code Section 10-3.2003, vehicle sales and service uses in existence on September 1, 1991, are conditionally permitted uses in the C-5 Zone and expansions of such uses are permitted with the issuance of a conditional use permit, provided such expansion is limited to property that is

contiguous to the site area occupied by the existing vehicle sales and service use (BHMC § 10-3-2003). In addition, pursuant to Beverly Hills Municipal Code Section 10-3-3801, the Planning Commission may grant additional height as part of its approval of the C.U.P.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts. Accordingly, the City prepared a negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On February 23, 2005, and March 23, 2005, the Planning Commission held a duly noticed public hearings to consider the application. Evidence, both written and oral, was presented at said hearings.

Section 4. The Planning Commission evaluated whether the proposed modification of the use will be detrimental to adjacent property or the public welfare. The Planning Commission also considered:

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

Section 5. Based upon the evidence presented, the Planning Commission hereby finds that, as conditioned, the location of the use, as modified, will not be detrimental to adjacent property or the public welfare.

5.1 The proposed use is compatible with the area and surrounding uses. The project site is located within the C-5 Zone. The development standards for this area were adopted as part of the City's Industrial Area Plan. These standards set forth a comprehensive development scheme for the area. Although new vehicle sale and service uses are expressly prohibited by the Industrial Area Plan, the development standards expressly encompassed the existing Mercedes Benz dealership at the project site and provided for its future expansion. (BHMC § 10-3-2003.) The applicant has conducted vehicle sales and service uses at the Beverly Boulevard site for approximately eighteen years and has conducted service uses at the Foothill site for approximately six years without adversely impacting the surrounding area. The existing dealership is a valuable asset to the City's tax base, and its continued viability depends upon its ability to expand to meet the future needs of its customers. As provided in Beverly Hills Municipal Code Section 10-3.2003, the proposed expansion is limited to property that is contiguous to the existing site area occupied by the dealership. Moreover, the design of the proposed expansion will actually improve traffic circulation conditions in the area by directing project-related traffic away from adjacent residential development and improving vehicle queuing conditions into the service area. Thus, implementation of the project will be compatible with the area and surrounding uses.

5.2 The proposed expansion will consolidate all of the existing service facilities for Mercedes Benz into a single new facility at the Foothill Site. This includes the existing service bays from the Beverly Boulevard Site and the Foothill Site, as well as the off-site service bays currently on Sawtelle Avenue (the "Sawtelle Facility") in the City of Los Angeles. The queuing lanes for service and all service activities will be fully enclosed within the new

facility, thereby minimizing both noise and visual impacts to nearby residential uses. Moreover, the consolidation of the service facilities into a single site will actually improve conditions for adjacent residential uses. Under existing conditions, all vehicles to be serviced are currently dropped off at the Beverly Boulevard Site in Beverly Hills and shuttled to the appropriate facility for servicing. The consolidation of all of the applicant's service facilities in one on-site location will eliminate the need to shuttle vehicles between the project site and the Sawtelle Facility, thereby reducing noise impacts associated with current trips on Foothill Boulevard generated by the applicant's existing service facilities. In addition, the proposed project has been designed to divert traffic from adjacent residential areas by providing ingress and egress from Foothill Boulevard and Alden Drive, respectively, thereby providing an additional buffer between the project and adjacent residential areas. This design feature will actually reduce traffic that currently uses Maple Drive to access the project site, making the project more compatible with adjacent residential uses. Further, the project is required to utilize low-level exterior lighting to minimize visual intrusion onto adjacent properties, and, as modified by this approval, the project will construct a 60-inch high parapet wall around the rooftop parking area to buffer noise and visual impacts from vehicles parked on the rooftop of the proposed service facility. As amended, the Planning Commission finds that the project is adequately buffered from residential uses.

5.3 The proposed expansion will improve the existing Mercedes Benz operation with regard to traffic circulation, on-site parking for vehicle storage, consolidation of the sales and service functions within the site, as well as meeting the demand for convenient customer service for Beverly Hills customers and surrounding communities. The traffic study prepared in connection with the project concludes that the project will result in less than

significant impacts to traffic circulation and parking in the area. Implementation of the project will reduce reliance on off-site vehicle storage and service at the Sawtelle Facility and traffic trips to and from off-site locations will be substantially reduced. The redistribution of traffic and diversion of the service entrance from Beverly Boulevard to Foothill Road will reduce potential traffic impacts to Beverly Boulevard and Maple Drive. The proposed building architecture will be in keeping with the contemporary design and scale of recent project developments in the C-5 District. The Municipal Code requires 195 on-site standard parking spaces for the new service facility at the Foothill Site. The project provides 185 standard spaces on-site, and the applicant will provide an additional ten off-site spaces along the adjacent strip of property to the east to make up the difference. In addition, it should be noted that, when tandem, non-standard spaces are accounted for, the effective on-site parking capacity for the proposed service facility is 262 spaces, well in excess of Code requirements. The project has space to accommodate three loading spaces at the Foothill Site, as required by Code. However, the applicant has indicated that it is important to the function and operation of the facility to utilize this area instead for parking spaces and has, therefore, proposed three off-site loading spaces along the same strip of property to the east. As conditioned by this resolution, the three off-site loading spaces will be permitted to satisfy the project's loading needs; however, in the event the applicant ceases to use the Foothill Site and the Beverly Boulevard Site as a single, unified operation, the applicant will be required to install the three loading spaces at the Foothill Site substantially as reflected on the plans reviewed and approved by the Planning Commission.

5.4 The proposed project will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses

due to activities associated with the proposed use or its hours of operations. As previously noted, the applicant has operated a vehicle sales and service facility at this site for over eighteen years with no adverse impacts to adjacent properties. The proposed project will actually improve conditions in the area by consolidating all service operations into a single, enclosed facility which will reduce traffic, noise and odor impacts. The hours of operation for service will be from 7:30 a.m. to 7:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturday, similar to the facilities existing hours and well within the hours of operation permitted by Code for businesses adjacent to residential uses. There are no proposed changes to the hours of operation for the vehicle sales component. Finally, compliance with mandatory federal and state laws governing the handling and disposal of hazardous wastes will ensure that the service facility has no significant adverse impacts on adjacent land uses.

5.5 Except as expressly modified by this approval, all conditions of approval for the C.U.P. set forth in Resolution Nos. 468, 1015, and 1113 shall remain in full force and effect, including, but not limited to, the following conditions: 1) Test driving of vehicles on all residential streets shall be prohibited; 2) The project shall utilize low-level exterior lighting to minimize visual intrusion onto adjacent properties; and 3) No automobile body repair work or painting shall be allowed on site.

Section 6. Based upon the foregoing, the Planning Commission hereby approves the negative declaration and approves the Conditional Use Permit for the project subject to the following conditions:

1. Except as expressly modified by this Resolution, the project shall be constructed and maintained in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its meeting of February 23, 2005.
2. The applicant shall submit to the Director of Community Development an employee parking plan that includes provisions for free employee parking at all times. Said parking may be provided through any combination of on-site and off-site parking spaces approved by the Director. Off-site parking shall not be provided in any publicly-owned parking facility unless the City determines that it has surplus parking available for monthly rentals. The applicant shall review the employee parking plan bi-annually with the Director to ensure that it adequately provides for the employee parking needs generated by the project site.
3. The applicant shall restrict all test drives – both customer and service related – to non-residential streets to avoid impacts on adjacent residential properties. Prior to the issuance of building permits, the applicant shall submit a map of proposed test drive routes to Directors of Transportation and Community Development for their review and approval. The Planning Commission expressly reserves jurisdiction relative to impacts associated with test drive routes and the right to impose additional conditions as necessary to mitigate any unanticipated impacts caused by the proposed project as they arise.
4. Sales operations shall be prohibited at the 400 Foothill Road location. Notwithstanding the foregoing, the applicant may display a vehicle in the customer reception area as

shown on the plans submitted to and reviewed by the Planning Commission at its meeting of February 23, 2005.

5. All ingress to the service facility shall be provided from Foothill Road.
6. All egress from the service facility shall be provided via the driveway exit on Alden Drive.
7. Vehicles exiting the service facility on Alden drive shall be restricted to right-turns only. The applicant shall design the driveway to restrict turning movements to right turns only and shall install "Right Turn Only" signs and arrow markings on the pavement, or such other restrictive devices as required by the City Traffic Engineer.
8. Queuing for vehicle service shall be prohibited on Foothill Road. The applicant shall implement measures reasonably satisfactory to the Director of Community Development and the City Traffic Engineer to ensure that no vehicle queuing occurs on Foothill Road.
9. The project shall provide and maintain three off-site loading spaces on the strip of property to the east as shown the approved plans. All loading and unloading activities shall be conducted on private property only. No loading or unloading activity shall be permitted on public streets, including Alden Drive.
10. At such time as the service use at 400 North Foothill Road site authorized by this C.U.P. is discontinued or converted to another use, the applicant shall install three on-site loading spaces as shown on the plans reviewed and approved by the Planning Commission at its meeting of February 23, 2005.
11. The project shall provide and maintain ten off-site parking spaces on the strip of property to the east as shown the approved plans.

12. The parapet wall surrounding the rooftop parking area shall be constructed at a maximum height of 60 inches.
13. The new showroom space on the Beverly Boulevard Site shall provide a maximum of 2,900 square feet of new show room space. When constructed, the show room space shall be in lieu of an unused entitlement for a 2,070 square foot mezzanine space from Resolution No. 1113 and shall supersede said approval. The new showroom shall not increase the net total floor area of the existing facility by more than 1,793 square feet.
14. Except as modified by this resolution, all conditions in Resolution Nos. 468, 1015 and 1113 shall remain in full force and effect.
15. This Resolution approving the C.U.P. shall not become effective until the owner of the project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

The applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision on the C.U.P. At the time that the applicant delivers the covenant to the City, the applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the C.U.P. **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the applicant, grant a waiver from the 60-day time limit if, at the time

of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the C.U.P.

Section 7. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: 3-23-05

Kathy Reims
Kathy Reims
Chairman of the Planning Commission of
the City of Beverly Hills, California

ATTEST:
[Signature]
Secretary

Approved as to form:
[Signature]
Robert H. Pittman
Assistant City Attorney

Approved as to content:
[Signature]
Mahdi Aluzri
Director of Community Development

Attachment 6

Mercedes Letter, 4/1/09

Michele McGrath

From: Schulman, Bruce [schulman@bhbenz.com]
Sent: Wednesday, April 01, 2009 3:33 PM
To: BH Users
Cc: Michele McGrath
Subject: Good neighbor policies

Hi,

I would like to take a moment to recap three long established dealership policies that promote our positive image in the neighborhood:

1. The use of the Maple Avenue loading dock for any sales or sales related activities is strictly prohibited. The dock is only for the use of building tenants for deliveries. The neighbors on Maple do not want to see us selling, demonstrating or delivering cars. We do not want to upset them in any way. Please do not use the Maple Avenue loading dock at any time for any reason related to sales.
2. The driveway cut out on Beverly Blvd. where the service drive used to be is off limits for parking. Please never park there or allow your clients to do so. Parking or stopping at the old service drives is a safety hazard to those on Beverly Blvd. Only the valets stationed there on Saturday and Sunday may move cars at the old service drive location.
3. Loading and unloading of transports on Beverly Blvd. is strictly prohibited. Please insure that all dealer trades, pickups and deliveries are instructed to not use Beverly Blvd. There is sufficient space on our property in the alleys or in the commercial loading zone on Alden. If you see a transport stop on Beverly please ask them to move.

Lets be good neighbors and strictly adhere to these long established rules. I know I may count on each of you for your continued professionalism.

Sincerely,

Bruce Schulman
General Manager
Mercedes-Benz of Beverly Hills
smart center Beverly Hills
310 248-4255