



## Planning Commission Report

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**Meeting Date:** December 16, 2010

**Subject:** **9230 Wilshire Boulevard  
Jim Falk Lexus**

Request for a General Plan Amendment, Zone Change, Conditional Use Permit, Encroachment Permit and Alley Vacation to allow the demolition of the existing Jim Falk Lexus Dealership and construction of a new 56-foot tall (60-feet to top of parapet and 69-feet to top of stair tower), 103,746 square foot dealership containing 147 parking spaces and 102 vehicle storage spaces within a four-level building with one level of subterranean parking. The new Lexus Auto Dealership is proposed to have 72 service bays and 3 detail bays.

PROJECT APPLICANT: Jim Falk

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony;
  2. Continue the Public Hearing to a date uncertain;
  3. Provide direction to staff as appropriate.
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### REPORT SUMMARY

There are two items that the Planning Commission is asked to consider in the context of this report:

1. Has the additional environmental analysis requested by the Planning Commission been adequately identified and appropriately addressed; and
2. Do the key land use and policy issues identified within this report warrant revisions to the project as proposed.

A Draft Environmental Impact Report ("DEIR") was prepared for the project (previously provided under separate cover) that identified two impacts that are significant and unavoidable: 1) construction vibration; and 2) cumulative traffic noise. The required 45-day public review period of the DEIR began on September 3, 2010 ended on October 18, 2010. The Final Environmental Impact Report, which includes responses to public and Commission comments on the DEIR will be completed prior to the next public hearing on this project.

**Attachment(s):**

- A. September 16, 2010 Staff Report (with Attachments)
- B. Revised Traffic Assessment dated December 7, 2010
- C. Traffic Calming Assessment dated December 7, 2010
- D. Revised Alley Study dated December 9, 2010
- E. Applicant letter dated October 25, 2010
- F. Comment Letters

**Report Author and Contact Information:**

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## **BACKGROUND**

A brief project description is provided for convenience here. A complete project description can be found in the September 16, 2010 staff report (Attachment A).

The project proposes the demolition and replacement of the existing Jim Falk Lexus ("Lexus") dealership (the existing building is approximately 34-feet in height and 24,069 square feet in area) with a new 103,746 square foot automobile dealership (169,812 gross square feet, including parking and circulation areas). The new building would be approximately 56-feet to the roof level, 60-feet to the top of the parapet and 69-feet to the top of the stair tower. The portion of the project located on the residentially zoned parcel at 121 Maple Drive would not exceed 35-feet in height. The building would have a floor area ratio of 3.17:1 and proposes 250 parking spaces, including one level of subterranean parking. One hundred forty-seven (147) of the parking spaces would be utilized to satisfy the City's zoning code requirement, the remainder would be utilized for automobile storage. The applicant proposes to maintain the parking of employees off-site, at the ICM building. In addition, the project proposes 72 service bays and 3 detail bays. The hours of the operation for the Dealership would be as follows:

Service Department: Monday through Friday, 7 AM to 7 PM; Saturday, 7 AM to 6 PM.

Sales Department: Monday through Friday, 9 AM to 9PM; Saturday, 9 AM to 8 PM; and Sunday, 10 AM to 7 PM.

### Requested Permits

Establishment of the project as proposed would require approval of the following (each of this is more fully addressed in the previous staff report):

- General Plan Amendment;
- Zone Change/Text Amendment;
- Conditional Use Permit;
- Development Plan Review Permit;
- Alley Vacation/Amendment to Streets and Highways Master Plan; and
- Encroachment Permit.

## **ENVIRONMENTAL ASSESSMENT**

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>1</sup>, and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. The Draft EIR was released for the required 45-day public review period on September 3, 2010 and the comment period closed on October 18, 2010.

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<sup>1</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

As identified in Draft EIR (see Table ES-1, Summary of Environmental Impacts, page ES-3), the project would result in the following Significant and Unavoidable Impacts in the areas of Noise and Construction Impacts.

### **ADDITIONAL ENVIRONMENTAL ASSESSMENT REQUESTED BY THE PLANNING COMMISSION**

At the Planning Commission meeting of September 16, 2010, a significant amount of additional environmental analysis was requested by the Planning Commission. Technical studies have been completed and *no new environmental impacts have been identified as a result of the additional analysis.* The City has overseen the preparation of the additional analysis and a summary is provided below:

**Project Description.** Section 2.0, *Project Description*, of the Final EIR has been updated pursuant to comments received by Planning Commissioners, including the following: clarifying the designation of entrance and exit lanes on the project site, clarifying that operations would not be under one roof, clarifying that the alley on the project site is used by the Nessah Synagogue; and clarifying temporary operations of the Lexus dealership during construction of the project.

**Aesthetics.** Section 4.1, *Aesthetics*, of the Final EIR has been updated pursuant to comments received by Planning Commissioners, including revising the captions on Figure 4.1-1 and describing the material of the proposed building. Graphics will be replaced with new applicant provided simulations that show the setback on the R-4 parcel once the simulations are received.

**Land Use.** Section 4.6, *Land Use and Planning*, has been revised to reflect the correct number of service bays in Table 4.6-1 and to clarify that the additional tax revenue would result from the increased size of the facility and the increased amount of cars that could be accommodated in the facility.

**Traffic.** The updates regarding traffic and transportation are included below and will be discussed in Section 4.9, *Transportation and Circulation*. A Revised Traffic Impact Assessment was completed by Fehr and Peers on December 7, 2010 (Attached). For this Assessment, weekday AM peak period (7:00 – 9:00 AM), PM peak period (4:00 – 6:00 PM), weekday midday (noon – 2:00 PM) and Saturday midday (1:00 – 3:00 PM) traffic counts were conducted in October 2010 at the 14 intersections analyzed in the draft traffic study.

***Compared to the impact analysis conducted in the draft traffic study, this analysis found no new intersection impacts.***

### **Street Segments**

To analyze street segment effects, 24-hour machine counts were conducted on six new street segments in October 2010 (on a weekday and Saturday). The neighborhood street segments are shown on Figure 1 in the Revised Traffic Impact Assessment include the following:

- 100 South Block of Elm Drive
- 100 South Block of Oakhurst Drive
- Gregory Way between Elm Drive and Rexford Drive
- Gregory Way between Rexford Drive and Maple Drive
- Gregory Way between Maple Drive and Palm Drive
- Gregory Way between Palm Drive and Oakhurst Drive

The results of the neighborhood traffic impact analysis are shown in Table 3 of the Revised Traffic Impact Assessment. As shown on Table 3, the proposed project would not affect any of the newly analyzed street segments during either the weekday or weekend. These street segments do not provide a direct route to the project site. Therefore, it should be expected that only nominal project traffic would utilize these newly analyzed street segments.

***Compared to the impact analysis conducted in the draft traffic study, this analysis found no new street segment impacts.***

**Revised Evaluation of Alley Closure.** Fehr & Peers has prepared a Proposed Alley Closure Memorandum dated December 9, 2010 (Attachment D). This memo is discussed below.

*Existing Alley Uses.* Based on field observations, vehicles currently utilizing the east-west alley can be classified into one of the following categories:

- ***Jim Falk Lexus:*** A portion of the vehicles traveling to/from Jim Falk Lexus use the east-west alley to access the service facilities at the dealership. The primary entrance to Jim Falk Lexus is on Maple Drive.
- ***Nessah Synagogue:*** Vehicles parking in the lot adjacent to Nessah Synagogue utilize the east-west alley when exiting the parking lot. The parking lot entrance is on Rexford Drive. The Nessah parking lot has approximately 50 striped parking spaces and can accommodate approximately 65 vehicles when valet parking is in operation.
- ***Other Uses Adjacent to Alley:*** The office building located north of the east-west alley has its primary parking access on Rexford Drive with a minimal number of vehicles utilizing the alley network. The residential uses on Maple Drive access their parking from the north-south alley. These vehicles can access the north-south alley from the east-west alley or Charleville Boulevard. Delivery vehicles and garbage trucks travel on the east-west alley to serve these uses.
- ***Through Vehicles:*** A minimal number of vehicles were observed to travel along the east-west alley from Rexford Drive to Maple Drive without a destination along the alley.

In addition to auto trips, pedestrians were observed utilizing the alley to travel between the Nessah Synagogue and the temporary overflow parking lot on the corner of Wilshire Boulevard and Maple Drive occupied during special events at the Synagogue. During the data collection effort conducted in November, 75 pedestrians utilized the east-west alley during the peak hour on a Saturday, 10 pedestrians during the a.m. peak hour, 15 pedestrians midday, and 15 pedestrians during the weekday p.m. peak hour.

*Weekday Peak Hour Traffic Volumes.* Figure 2 in the Proposed Alley Closure Memorandum displays the number of vehicles entering and exiting the east-west alley during the peak hours on a typical weekday. As shown, approximately 20 to 30 vehicles are entering the east-west alley from Rexford Drive and approximately 20 to 35 vehicles are exiting the east-west alley onto Maple Drive during the peak hours. Fewer than 5 vehicles are traveling between the east-west alley and north-south alley during the weekday peak hours.

In addition to counting the total number of vehicles utilizing the east-west alley, the number of vehicles traveling to/from the Jim Falk Lexus Dealership was tracked separately from all other vehicles. Figure 3 in the Proposed Alley Closure Memorandum displays the number of “non-Lexus” vehicles entering and exiting the east-west alley during the peak hours on a typical weekday. As shown, approximately 5 to 15 “non-Lexus” vehicles are entering the east-west alley from Rexford Drive and approximately 5 to 10 “non-Lexus” vehicles are exiting the east-west alley onto Maple Drive during the peak hours. Fewer than 5 “non-Lexus” vehicles are traveling between the east-west and north-south alley during the weekday peak hours.

*Weekday Evening & weekend (Special Event) Traffic Volumes.* Figure 4 of the Proposed Alley Closure Memorandum shows weekday evening and weekend (special event) traffic volumes. As shown in Figure 4, approximately 55 to 60 vehicles are traveling along the east-west alley and exiting onto Maple Drive during the weekday evening peak hour following an event at the Synagogue. On a Saturday, approximately 35 to 40 vehicles are traveling along the east-west alley and exiting onto Maple Drive.

With the proposed expansion of Jim Falk Lexus and the closure of the alley, the vehicles currently traveling along the east-west alley and exiting onto Maple Drive (5 to 10 vehicles during each peak hour) would be rerouted. These vehicles would either use a parallel route, such as Wilshire Boulevard or Charleville Boulevard to travel east/west, or exit the alley network utilizing the north-south alley at Charleville Boulevard.

*Proposed Project Alley Operations.* With the proposed closure of the east-west alley adjacent to the Lexus dealership, the alley network could operate under one of the following three options, which are described in detail in the Proposed Alley Closure Memorandum.

- **Option 1:** Vacate Alley as Proposed
- **Option 2:** Vacate Alley & Construct New Alley just South of Dealership
- **Option 3:** Vacate Alley & Reverse Traffic Flow to Westbound Direction

*Recommendation.* Based on the data collection effort and field observations, **Option 2 Vacate Alley and Construct New Alley just South of Dealership** is the preferred option with the expansion Jim Falk Lexus. This recommendation is consistent with the City’s Transportation Division recommendation. The key features of this option are as follows:

- **Vehicle Access:** Vehicle access would be very similar to current conditions. Vehicles would continue to enter the east-west alley at Rexford Drive and could exit onto Maple Drive utilizing the new alley. The north-south alley would continue to operate as a two-way facility.
- **Nessah Development/Expansion:** Future development on the Nessah parking lot, such as a potential school, would be better served by the new alley than the existing alley configuration. The activity of the Lexus dealership results in vehicles traveling between the service facilities on the north side of the alley and the Lexus parking lot on the south side of the alley. Vehicles often maneuver between these two uses and cause delays to other vehicles that are traveling on the alley to exit at Maple Drive. The new alley would provide a direct connection between the north-south alley and Maple Drive. If subterranean parking was provided beneath the potential Nessah school (or other development), driveways could be provided on Rexford Drive and the east-west or north-south alley to maximize access to the site.

- **Residential Access:** The north-south alley would continue to serve two-way vehicular traffic resulting in minimal disruptions to Maple Drive residents that have access to parking along the north-south alley.
- **Pedestrians:** Pedestrian access would be provided by the new alley. The new alley would be wider than the existing east-west alley (20 feet compared to 15 feet under existing conditions) and would contain a 5-foot landscaped area.
- **Trucks:** The north-south alley would need to be widened to approximately 23 feet and 2.5 feet of the northeast corner of the Nessah parking lot would be needed to provide a turn radius to accommodate the truck movement from the east-west alley to the north-south alley (see Figure A2). To enter the new east-west alley the garbage truck would have to first turn onto the north-south alley and then back-up to the northern edge of the alley to begin the turn into the new east-west alley. In addition, approximately 3 feet of the southwest corner of Jim Falk Lexus would be needed to provide a turn radius to accommodate the truck movement. If a garbage truck was not able to turn into the new alley, the driver could continue southbound utilizing the north-south alley (as a worst-case scenario).
- **Signage:** Signing would need to be provided to alert vehicles traveling northbound along the north-south to exit onto Maple Drive utilizing the new east-west alley. The portion of the north-south alley between the east-west alley and new alley would be restricted to southbound only travel.

**South Maple Drive Traffic Calming.** Fehr and Peers performed a qualitative assessment of implementing traffic calming on South Maple Drive between Wilshire Boulevard and Charleville Boulevard to address the neighborhood resident's desire to keep Lexus-affiliated traffic out of the surrounding neighborhood. The South Maple Drive Traffic Calming Assessment, dated December 7, 2010 (Attachment C), includes measures considered, advantages and disadvantages of those measures considered, and recommendations of preferred measures for implementation. With traffic calming needing to occur at the midblock point on South Maple Drive between Wilshire Boulevard and Charleville Boulevard, a few context-sensitive solutions were developed.

**Additional Traffic Revisions.** Section 4.9, *Transportation and Circulation*, has been revised to clarify how peak parking demand estimates were derived and the project traffic distribution. Additionally, pursuant to Planning Commission comments, Section 4.9 includes an addition to Mitigation Measure T-4(d) regarding employee parking within 1/3 mile of the project site and a table that quantifies the total tandem parking spaces for each floor of the project.

**Construction Effects.** In Section 4.10, *Construction Effects*, operations of the Lexus dealership during construction of the proposed project have been clarified pursuant to Planning Commissioner comments. The discussion of vibration effects will be expanded. Feasible mitigation measures to reduce vibration effects are being explored; however, it appears that even with mitigation intended to reduce vibration impacts, impacts would remain significant and unavoidable due to the close proximity of the project site to sensitive receptors.

**Alternatives.** The alternatives are in progress and will clearly show how each alternative reduces impacts as compared with the project that is currently proposed, including the characterization of subterranean parking, alternative loading, and height reduction on the South Maple Drive parcel. A

typographical error in Section 6.0, *Alternatives*, has been corrected pursuant to Planning Commission comments.

**Responses to Comments.** Written responses to written and verbal public comments as well as verbal comments given during the Planning Commission meeting on September 16, 2010 are in progress. Comments related to the Project Description, Aesthetics Section, Construction Effects Section, Traffic Section, and Alternatives Section will be addressed in the responses and will have any applicable supporting documentation attached.

**Outstanding Items.** The current outstanding items are listed in the table below.

<b>Outstanding Item</b>	<b>Status</b>
Replacing graphics with new applicant provided simulations	Applicant to provide simulations
Preparing written responses to public comments and comments given during the Planning Commission meeting on September 16, 2010	In progress
Revising Alternatives	In progress
Providing additional information on vibration effects	In progress

**Statement of Overriding Considerations**

Pursuant to CEQA regulations, when a public agency decides to approve a project that will cause one or more significant environmental effects, the agency shall prepare a statement of overriding considerations (SOC) which reflects the ultimate balancing of competing public objectives. Specifically, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. If the project were approved as proposed, the Planning Commission or City Council on appeal, would need to adopt a resolution supporting the statement of overriding considerations.

**ANALYSIS/POLICY ISSUES**

The project exceeds allowable height and density standards applicable to commercial properties. Additionally, a portion of the new building would span across the east/west alley and extend into the R-4 residentially zoned parcel abutting the alley to the south. The project requires changes to the development standards and land use patterns identified in the City's Zoning Code and General Plan.

**Noteworthy Business.** Jim Falk Lexus has been an important business in the City as both an employer and tax revenue generator. The Applicant has indicated this project is the result of requirements of Lexus Corporate management to construct a new modern facility to accommodate the local customer base (Attachment E). The size, number of service bays and vehicle display area proposed by the project are a direct result of Lexus Corporate requirements. According to the Applicant, Lexus contributes approximately **\$750,000** to the City in annual sales taxes and that annual post-construction revenue to the City could be an additional **\$500,000**. Staff has reviewed tax receipts and confirmed existing sales tax revenue, but no information has been provided to verify future revenue projections.

The project requires approval of a Zone Change and General Plan Amendment. Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-3908, if the Planning Commission finds that the *public interest, health, safety, morals, peace, comfort, convenience, or general welfare* requires the reclassification of the property involved they shall so recommend to the council. Historically such requests have been accompanied by a Development Agreement, including clearly defined public benefits.

The applicant should be encouraged to identify aspects of the project that support the required Statement of Overriding Considerations findings and approval of the requested General Plan and Code Amendments.

An analysis of key elements of the project is provided below. Measures have been identified in the Draft EIR to mitigate significant operational impacts associated with the project. However, the increased intensity of the proposed project compared to the existing operations at this location may result in compatibility issues with surrounding residential uses. In its initial deliberation on the project, the Planning Commission may want to consider:

- Land Use Policy associated with the proposed General Plan and Zoning Text Amendments
- Neighborhood Compatibility
- Alley Vacation
- Dealership Operation (loading, employee parking, noise, etc)

**Height/Mass.** The project is proposed to have more square footage and be taller than allowed by the City's existing Zoning Code and General Plan. There are taller buildings in the vicinity of the project, including both commercial and residential land uses. The Commission should consider whether the proposed mass and bulk is appropriate at this location.

**Traffic.** The existing dealership generates 1,115 traffic trips per day, based on actual field collection data by the City's environmental consultant. The proposed project is expected to result in a total of 1,935 daily trips. The proposed project would result in a significant impact at the intersection of Wilshire Boulevard and South Maple Drive. A mitigation measure would require the prohibition of left turns from South Maple Drive to Wilshire from 7:00 AM to 7:00 PM Monday through Saturday. This would reduce the impact to a less than significant level. Additional traffic into the residential area could also result from patrons exiting the site and heading south on Maple Drive. Operational and physical measures are available to address this issue as identified in the traffic calming report.

**Parking/Internal Circulation.** The project proposes 250 parking spaces spread throughout building, including in one-level of subterranean parking and roof-top. The proposed parking spaces include compact and tandem spaces. The Zoning Code requires 1 parking space for every 350 square feet of floor area (not including parking areas). The amount of floor area which requires parking for the project is 51,299 square feet and results in the need for 147 parking spaces. This leaves 103 parking spaces for car storage or other needs, including test drive vehicles and vehicle delivery. The peak demand for the proposed use, including employee parking, has a range of between 308 and 323 parking spaces. As such, the applicant is proposing to provide off-site parking for its employees at the ICM site. Ensuring this arrangement through a lease agreement or other legal instrument could address this issue, but, based on previous similar conditions of approval, could present some practical difficulties involving verification of such off-site spaces. An alternative solution could be to provide additional level(s) of

subterranean parking. Few new commercial buildings have been proposed within the City that provide only one level of subterranean parking. However, it should be noted that the newly constructed Mercedes Benz Dealership and Service Facility (completed in 2008) only has one-level of subterranean parking.

**Consolidation of Satellite Locations.** As indicated above, Lexus currently utilizes several off-site locations to provide parking, service and storage needs. The new project would consolidate and expand the operation, resulting in an intensification of traffic and land use at the site, but still result in the need for off-site locations to support the dealership. The new dealership would have 72 service bays, compared to the 25 that are currently split between the existing Lexus dealership site and the Robertson Site. This would eliminate the need for the Robertson Site. However, the ICM Site is still proposed to be utilized for employee parking and the former Hilton Headquarters site (or other future site) would still be utilized for vehicular storage. The consolidation and expansion of these off-site services increases the intensity of the use at this site, and results in additional traffic at this location, which could impact the residential uses to the south.

**Vehicle Storage/New Car Inventory.** The new building proposes 103 parking spaces for the storage of new and used automobiles. However, the project proposes to utilize the former Hilton Headquarters building or a future unknown location for storage along with other locations to be determined as necessary.

**Loading.** No loading area is proposed on-site. Delivery trucks would utilize South Maple Drive as they currently do to make deliveries. The trucks would park in the proposed loading area adjacent to South Maple Drive to unload/load parts into the dealership. The loading zone would also be used for oversized trucks that purchase wholesale parts from the dealership. According to the Applicant, vehicle delivery would occur at the Former Hilton Headquarters site along with overflow storage at an as of yet to be determined location. The proposed loading area would require approval of an encroachment permit to utilize portions of the public right-of-way. The proposed loading zone would be approximately 8-feet by 80-feet and would maintain an approximate 4-foot wide sidewalk in this area of the project site.

**Service Bays.** The consolidation and expansion of the JFL Dealership would result in 72 service bays within the project compared to the existing 12 on-site and 13 and the Robertson Site. While this eliminates the need for the Robertson Site service bays, it concentrates activity at this location, which results in increased trips to the area and a significant traffic impact at the project intersection of Wilshire Boulevard and South Maple Drive. While the prohibition against left turns during peak hours mitigates this impact, the prohibition could result in a change to the general circulation pattern of area residents and present practical enforcement challenges.

**Alley Vacation.** The applicant proposes to vacate the portion of the alley that bisects the Wilshire and Maple parcels. A study of the alley was conducted by the City's Transportation Division. Based on the results of the study and consistent with past practice, the Transportation Division is recommending replacement of the alley within the 20-foot wide area identified as a landscape buffer that separates the proposed building from the adjacent residential uses.

## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Newspaper Notice*	10 days	12/06/10	12/03/10	13 days
Mailed Notice (Owners & Residents - 300' Radius)*	10 days	12/06/10	12/03/10	13 days
Website	N/A	N/A	9/03/10	N/A

### Public Comment

The City has received three formal letters commenting on the DEIR. In addition, the City has received an opposition letter from a neighbor and an analysis of the traffic report prepared by Coco Traffic Planners (Attachment F). The letters and responses, will be included in the Final EIR for the project

### **NEXT STEPS**

It is recommended that the Planning Commission open the public testimony, provide direction to staff and continue the item to a date uncertain. Since certification of the EIR is not before the Commission at this time, the project may not be approved at this meeting.

Alternatively, the Planning Commission may consider the following actions:

- Direct staff to prepare a resolution denying the project based on articulated findings

Report Reviewed By:

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David Reyes, Principal Planner

**ATTACHMENT A**

**September 16, 2010 Planning Commission Staff Report**



## Planning Commission Report

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**Meeting Date:** September 16, 2010

**Subject:** **9230 Wilshire Boulevard** Request for a General Plan Amendment, Zone Change, Conditional Use Permit, Encroachment Permit and Alley Vacation to allow the demolition of the existing Jim Falk Lexus Dealership and construction of a new 56-foot tall (60-feet to top of parapet and 69-feet to top of stair tower), 103,746 square foot dealership containing 147 parking spaces and 102 vehicle storage spaces within a four-level building with one level of subterranean parking. The new Lexus Auto Dealership is proposed to have 72 service bays and 3 detail bays.  
PROJECT APPLICANT: Jim Falk

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project and the Draft Environmental Impact report;
  2. Continue the Public Hearing to October 28, 2010; and
  3. Provide direction to staff as appropriate.
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### REPORT SUMMARY

The proposed project involves the demolition of the existing Lexus Dealership and construction of a new Lexus Dealership that would consolidate some operations from other existing off-site locations. The new building would provide sales, service and storage on-site. A Draft Environmental Impact Report ("DEIR") was prepared for the project (previously provided under separate cover) that identified two impacts that are significant and unavoidable: 1) construction vibration; and 2) cumulative traffic noise. The required 45-day public review period of the DEIR began on September 3, 2010 and will end on October 18, 2010.

The project exceeds allowable height and density standards applicable to commercial properties. Additionally, a portion of the new building would span across the east/west alley and extend into the R-4 residentially zoned parcel abutting the alley to the south. The project would require changes to the development standards and land use patterns identified in the City's Zoning Code and General Plan.

**Attachment(s):**

- A. [Zoning Compliance Table](#)
- B. [Required Findings](#)
- C. [Public Notice](#)
- D. Public Works Memorandum
- E. Architectural Plans

**Report Author and Contact Information:**

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## BACKGROUND

File Date	March 21, 2007
Application Complete	April 17, 2009
Subdivision Deadline	N/A
Permit Streamlining	Not Applicable to projects requiring a legislative actions
Applicant(s)	Mitchell Dawson
Owner(s)	Jim Falk Properties, LLC and JF Wilshire Properties, LLC
Representative(s)	Mitchell Dawson and Tom Levyn
Prior Project Previews	Planning Commission previews on November 19, 2009, February 11, 2010 and March 25, 2010. The Commission stated concerns about noise, the use and height of the building on the R-4 Lot, a buffer for the residential building to the south and the loading operations.
Prior PC Action	Denied a requested zone text amendment related to allowing a vehicle receiving area on the R-4 portion of the site on March 24, 2004
Prior Council Action	None

## PROPERTY AND NEIGHBORHOOD SETTING

### Property Information

Address	9230 Wilshire Boulevard; 121 Maple Drive
Legal Description	Lots 1264, 1265, 1266 and 1267 of Tract No. 6380
Zoning District	C-3 and R-4
General Plan	Low Density General Commercial and Multiple Family Medium Density
Existing Land Use(s)	Car dealership and vehicular parking/storage
Lot Dimensions & Area	Approx. 154' x 158' (Wilshire fronting); 121' x 50' (Maple fronting); and 15' x 121' (Portion of Alley). Total site area: 32,643 square feet.
Year Built	1928/29
Historic Resource	Property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North (across Wilshire)	C-3, Commercial Uses
South	R-4, Multiple Family Residential Uses
East	C-3, Commercial Uses
West	C-3, Commercial Uses

### Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard, Maple Drive
Adjacent Alleys	East/West and North/South, 15-foot in width
Parkways & Sidewalks	Wilshire Blvd: 15-foot sidewalk, no parkway. Maple Dr.: 5-foot sidewalk, 7.5-foot parkway
Parking Restrictions	No parking anytime on Maple Drive adjacent to the project
Nearest Intersection	Wilshire Boulevard/Maple Drive
Circulation Element	Wilshire Boulevard is an arterial street/Maple Drive is a local street

Estimated Daily Trips<sup>1</sup> The portion of Wilshire Boulevard adjacent to the site (eastbound):  
PM Peak Hour trips: 2,054; AM Peak Hour trips: 1,330; Midday: 1,495.  
The Maple Drive street segment between Wilshire Boulevard and Charleville  
Boulevard: 1,950 Daily Trips

### Neighborhood Character

The Project site is located two blocks to the southeast of the Business Triangle on Wilshire Boulevard, a heavily traveled regional corridor. Adjacent buildings in the vicinity fronting along Wilshire Boulevard include a variety of commercial uses ranging in height from 1 to 6 stories. High density multi-family residential development is situated to the south of the Project site, which are generally separated from the Wilshire fronting commercial properties by an east/west alley. However, behind the existing Lexus Dealership, directly south of the alley is an R-4 residentially zoned parcel that is owned and utilized by Lexus for the parking of vehicles. Lexus is a primary but not sole user of the alley. Other notable development in the vicinity includes the Nessah Synagogue located south of the site and Beverly Vista Elementary School, one block to the southwest. An existing vacant lot is located opposite the Project site on the southeast corner of the intersection of Wilshire Boulevard and South Maple Drive (9200 Wilshire Boulevard). This currently vacant lot is approved for development of up to 53 dwelling units, 8,400 square feet of retail, and 5,600 square feet of restaurant.

Pictures of the site and vicinity are provided on the next page.

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<sup>1</sup> See DEIR Section 4.9



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Front of Lexus



Site View from Maple Drive



Apartment building on South Maple Drive



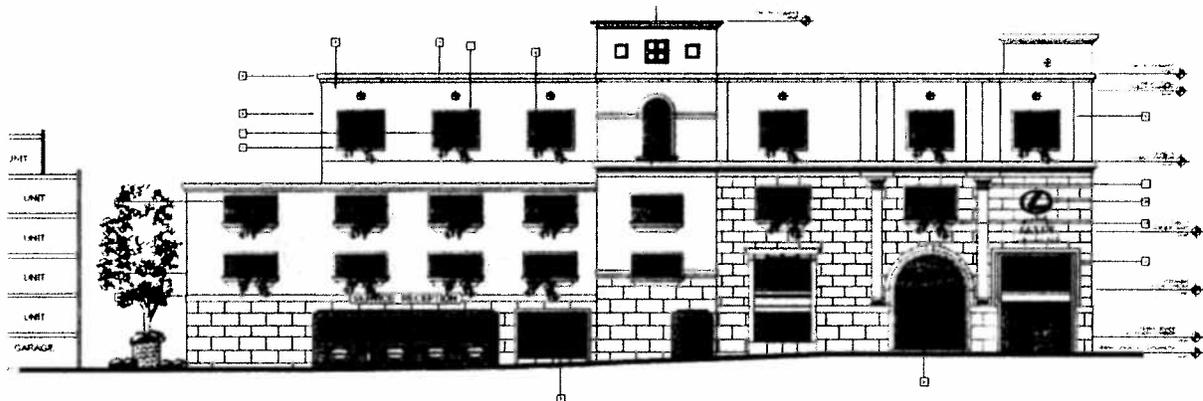
Back of dealership and parking lot

## PROJECT DESCRIPTION

The project involves the proposed demolition and replacement of the existing Jim Falk Lexus ("Lexus") dealership (the existing building is approximately 34-feet in height and 24,069 square feet in area) with a new 103,746 square foot automobile dealership (169,812 gross square feet, including parking and circulation areas). The new building would be approximately 56-feet to the roof level, 60-feet to the top of the parapet and 69-feet to the top of the stair tower. The portion of the project located on the residentially zoned parcel at 121 Maple Drive would not exceed 35-feet in height. The building would have a floor area ratio of 3.17:1 and proposes 250 parking spaces, including one level of subterranean parking. One hundred forty-seven (147) of the parking spaces would be utilized to satisfy the City's zoning code requirement, the remainder would be utilized for automobile storage. The applicant proposes to maintain the parking of employees off-site, at the ICM building. In addition, the project proposes 72 service bays and 3 detail bays. The hours of the operation for the Dealership would be Monday through Friday 7:00 a.m. to 9:00 p.m.; Saturday 8:00 a.m. to 9:00 p.m.; and Sunday 10:00 a.m. to 7:00 p.m.



VIEW OF PROPOSED PROJECT LOOKING SOUTHWEST FROM WILSHIRE BOULEVARD AT MAPLE DRIVE  
(DOES NOT INCLUDE REVISED PROJECT WITH REDUCED HEIGHT AND SETBACK AT R-4 PARCEL – THIS IS SHOWN IN ELEVATION, BELOW)



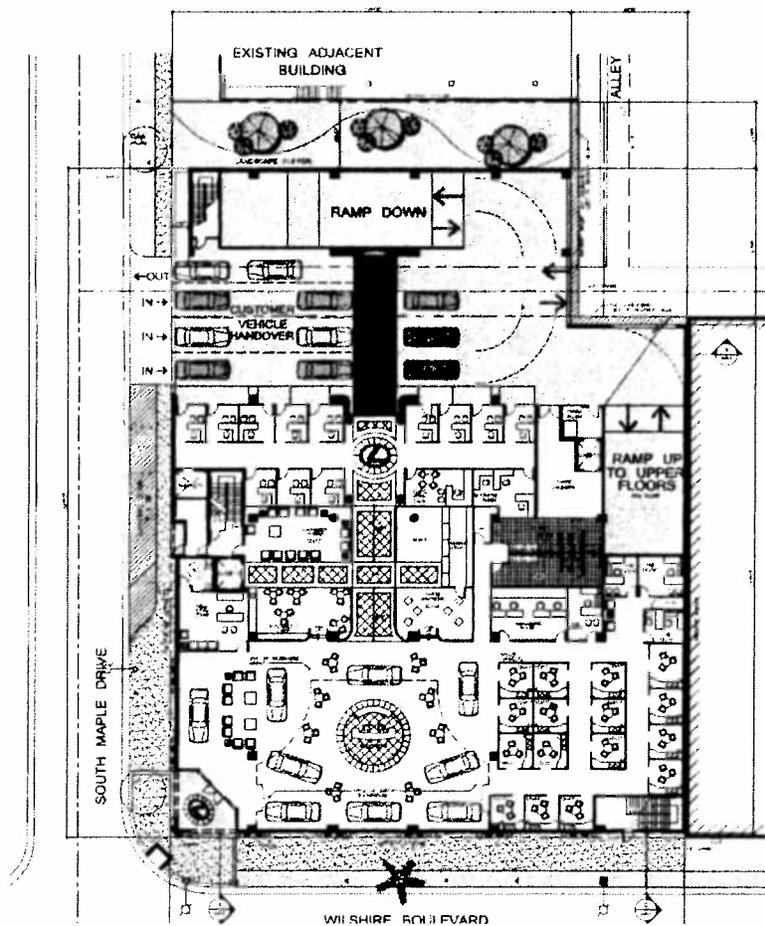
ELEVATION ALONG MAPLE DRIVE IDENTIFYING 20-FOOT SETBACK FOR R-4 PARCEL AND MAXIMUM 35-FOOT HEIGHT

Vehicular access to the site is provided along Maple Drive, in the general vicinity of the existing alley, while pedestrian access would be from Wilshire Boulevard. The proposed building includes a 20-foot landscape buffer between the building and abutting multi-family residential building to the south. The building also steps down in height at this location, from 56-feet to a maximum height of 35-feet abutting the landscaped area. The plans do not specifically differentiate required parking from vehicle storage, but seek to provide the greatest number of vehicles within the building. Parking is spread throughout the building, including on the roof-deck, except that no vehicles are proposed to be parked on the roof of the portion of the building that is within the existing R-4 Zone.

Loading areas are not proposed to be on-site. Instead, delivery trucks would utilize South Maple Drive as they currently do to make deliveries. The trucks would park in the proposed loading area adjacent to South Maple Drive to transfer parts into and out of the dealership. The loading zone would also be used

for oversized trucks that purchase wholesale parts from the dealership. The proposed loading area would require approval of an encroachment permit to utilize portions of the public right-of-way. The proposed loading zone would be approximately 8-feet by 80-feet and would maintain an approximate 4-foot wide sidewalk in this area of the project site on Maple Drive. Vehicle delivery would continue to occur at the former Robinson's May site at 9900 Wilshire Boulevard, after which they would be driven to the new dealership outside of peak hours. The rooftop area is anticipated to be used exclusively for the inventory storage.

Customers coming into the site would enter at Maple Drive where a 4-lane vehicle handover area is proposed. Depending on the customer's needs, a valet attendant would then drive the car to a parking stall or to a service bay. A site plan is provided below.



### Existing Operations

The Jim Falk Lexus dealership currently houses its new car sales, leasing, and about half of the automobile service functions (12 service bays) within the main building at 9230-9242 Wilshire Boulevard; however, it also utilizes three satellite facilities for parking and servicing cars. These sites are the ICM site, the Robertson site, and the former Robinsons May site.



ICM Site. The ICM site is located at 8942 Wilshire Boulevard, about six blocks east of the Lexus dealership. This site is used by the dealership for employee parking and to store cars that have been serviced or are waiting to be serviced. There are 155 parking spaces at the ICM site, which are reportedly leased by Jim Falk Lexus under current conditions. This site would continue to be used with the new Lexus Dealership.

Robertson Site. The Robertson site is located about 11 blocks northeast of the project site at 186 Robertson Boulevard. This site is reportedly leased by the dealership and is utilized for car servicing and parts storage. The Robertson site has 13 service bays. This location would no longer be used in conjunction with the new Lexus Dealership.

Robinsons May Site. The Robinsons May site is located at 9900 Wilshire Boulevard, approximately 18 blocks southwest of the project site. This site is used for storage of new and used cars. The dealership also utilizes this site for examining cars prior to delivery. This site would continue to be used with the new Lexus Dealership.

#### Requested Permits

Establishment of the project as proposed would require approval of the following:

- **General Plan Amendment:** The site is currently designated for commercial and multi-family uses. In conjunction with a proposed overlay zone, the City's General Plan would be amended to provide consistency between the proposed zoning classification and the site's General Plan Designation. In addition, the General Plan Land Use Map limits on the maximum height of the Wilshire fronting properties to 45-feet and a maximum FAR of 2.0:1, would be amended.
- **Zone Change/Text Amendment:** to amend the Municipal Code to establish a new overlay zone, the New Car Dealership Planned Development Overlay Zone (C-3-NCD). The overlay would establish new development standards to allow the project to:

- Exceed the existing maximum floor area ratio of 2:1;
  - Exceed the existing maximum height limit of three-stories and 45-feet;
  - Allow parking to be provided in a compact and tandem configuration;
- 
- Conditional Use Permit: to establish a new car dealership (existing use pre-dates the requirement of a CUP).
  - Development Plan Review Permit: to construct the new building.
  - Alley Vacation/Amendment to Streets and Highways Master Plan: to vacate a portion of a public alley south of Wilshire Boulevard, adjacent to the site.
  - Encroachment Permit: to allow loading activities to be located within the public right-of-way, on Maple Drive, abutting the project site.

### **ZONING CODE<sup>2</sup> COMPLIANCE**

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

The project seeks alternative development regulations governing height, mass and parking layout. This is proposed through the creation of an overlay zone, which would establish site specific regulations consistent with the proposed project. Overlay zones have been established in other areas of the City in conjunction with specific development projects including several Mixed Use Overlays, the Commercial Retail Overlay, the Entertainment Office Overlay and Transportation Overlay.

### **Agency Review<sup>3</sup>**

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

- TRANSPORTATION DIVISION. Transportation Division studied the alley vacation and, if approved, recommends that a replacement alley be provided in the 20-foot wide area proposed for a landscape buffer.
- CIVIL ENGINEERING. Civil Engineering Division reviewed the project and provided conditions of approval, if the project is approved. These conditions are intended to ensure that the public right-of-way and infrastructure adjacent to the project site remains in an acceptable condition.

The complete memorandum, including proposed conditions of approval is contained in Attachment E.

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<sup>2</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>3</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

## GENERAL PLAN<sup>4</sup> POLICIES

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

- Land Use Policy 1.1 *The Scale of the City*. Although implicit in any discussion of the future of the City, the importance of scale must be underscored. As long as the City is able to regenerate itself within the general framework of the existing scale, it will offer an environment which is becoming increasingly unique in the Westside.
- Land Use Policy 5.1 *Neighborhood Conservation*. Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life
- Land Use Policy 12.2 *Building, Parking Structure and Site Design*. Require that buildings, parking structures and properties in commercial and office districts be designed to assure compatibility with abutting residential neighborhoods, incorporating such elements as setback, transitional building heights and bulk, architectural treatment of all elevations, landscape buffers, enclosure of storage facilities, air conditioning, and other utilities, walls and fences, and non-glare external lighting.
- Land Use Policy 15.1 *Economic Vitality and Business Revenue*. Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high paying jobs.
- Land Use Policy 15.3 *Revitalization of Vacant and Underutilized Buildings*. Promote the revitalization of distressed, underutilized, and vacant buildings to sustain economic viability, activity, and provide income for City services.
- Economic Sustainability Policy 1.3 *Tax Base*. Consistent with future economic sustainability plans, identify opportunities to enable the expansion of the City's tax base.
- Circulation Policy 9.1 *Truck Routes*. Continue to designate truck routes to minimize the impacts of truck traffic on residential neighborhoods.

## ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>5</sup>, and the environmental regulations of the City. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the "EIR") for the Project to analyze the Project's potential impacts on the environment. The Draft EIR was released for the required 45-day public review period on September 3, 2010 and the comment period remains open until October 18, 2010.

As identified in Draft EIR (see Table ES-1, Summary of Environmental Impacts, page ES-3), the project would result in the following Significant and Unavoidable Impacts:

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<sup>4</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

<sup>5</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

- **Noise:** Traffic noise impacts from cumulative development and traffic growth would exceed the 1 dB threshold on Wilshire Boulevard between Rexford Drive and Maple Drive. This traffic noise could result in impacts to residential uses along these streets. The project's contribution to this significant impact would not be cumulatively considerable;
- **Construction Impacts:** Project construction activities could generate intermittent levels of ground-borne vibration exceeding thresholds for sensitive receptors in the vicinity of the project site, including residential, institutional, and medical uses. Although mitigation measures are required to reduce construction vibration levels, they would remain unavoidably significant;

In addition to the above, the project would result in the following impacts, which could be mitigated:

- **Cultural Resources:** There are no known archaeological or paleontological resources. However, there is potential to unearth previously unknown archaeological or paleontological resources. Mitigation Measure for this impact are identified as CR 2(a) and (b) and basically involve notification of appropriate agencies in the event an artifact or fossil is unearthed during excavation;
- **Geology:** The proposed Project includes demolition of existing improvements and construction of a four story building with a subterranean parking garage within the developed portion of Beverly Hills. Area soils have a low potential for liquefaction, subsidence, and seismically-induced settlement; however, expansive soils are present. With implementation of Mitigation Measure GEO-2, impacts relating to secondary seismic and soil hazards would be significant but mitigable.
- **Hazards and Hazardous Materials:** Three recognized environmental conditions (RECs) that could pose a risk of upset hazard are present onsite. Potential hazard impacts associated with these conditions would be mitigated with Mitigation measures HAZ-2(a-d).
- **Noise:** Operational noise from rooftop and within the building could be audible from existing residential uses to the south. Requiring parapets to be installed around the rooftop parking area would mitigate this potential impact.
- **Public Service – Wastewater:** Existing wastewater conveyance infrastructure may require an upgrade to meet the projected flows of the project. Applicant shall pay a fair share contribution as necessary to ensure the cost of any required upgrades to the City's existing infrastructure.
- **Traffic:** The proposed Project would generate traffic exceeding significance thresholds at the intersection of South Maple Drive and Wilshire Boulevard during the weekday AM and midday peak hours. Mitigation Measure T-1 requires the prohibition of left turns from South Maple Drive to Wilshire from 7:00 AM to 7:00 PM Monday through Saturday. With implementation of Mitigation Measure T-1, impacts would be significant but mitigable.
- **Parking:** The proposed Project would provide 250 parking spaces onsite. This would fulfill the City of Beverly Hills parking code requirement of 143 spaces; however, the parking demand study completed for the Project estimates that peak demand would require up to 323 spaces, including employee parking spaces, which need to be provided on site. Provision of off-site parking would reduce the impact to less than significant.
- **Internal Circulation:** Valet coordination would ensure that no two vehicles are passing each other on the curved portion of the drive ramps.
- **Alley Vacation:** In addition to the relocation of any required utilities, a replacement alley would offset potential impacts resulting from the loss of the proposed portion of the alley to be vacated. This is specified in Mitigation Measure T-6(d).
- **Construction Impacts:** A construction management plan, including a parking management plan is required to ensure construction related activities do not significantly impact surrounding streets or

land uses. Additional Mitigation Measures are identified in CON-2(a) –(e) mitigate noise during construction and CON-4(a) – (c) to address air quality during construction.

The project’s potential impact on other environmental areas studied was found to be less than significant.

Statement of Overriding Considerations

Pursuant to CEQA regulations, when a public agency decides to approve a project that will cause one or more significant environmental effects, the agency shall prepare a statement of overriding considerations (SOC) which reflects the ultimate balancing of competing public objectives. Specifically, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. If the project were approved as proposed, the Planning Commission or City Council on appeal, would need to adopt a resolution supporting the statement of overriding considerations.

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Newspaper Notice*	10 days	9/06/10	9/03/10	13 days
Mailed Notice (Owners & Residents - 300' Radius)*	10 days	9/06/10	9/03/10	13 days
Website	N/A	N/A	9/03/10	N/A

\*Due to an error in publishing, two mailings were sent out – one stating the hearing would occur at 1:30 PM and a corrected notice indicating the proper 7 PM start time.

Applicant Outreach Efforts

The applicant has held several meetings with surrounding residents to discuss the proposed project.

Public Comment

No correspondence has been received as of this writing.

**ANALYSIS**

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The findings required for approval of the project are included with this report in Attachment B.

Summary

The purpose of the subject meeting is to provide the public an opportunity to offer comments on the project and environmental analysis during the public comment period. It also provides the Planning Commission an opportunity to provide direction to staff or the applicant team with regard to the project itself or the environmental analysis currently being reviewed.

A staff recommendation along with a complete project analysis will follow the close of the draft EIR public comment period and after staff has had an opportunity to consider public input and prepare its response to comments.

In its initial deliberation on the project, the Planning Commission may want to consider:

- Land Use Policy associated with the proposed General Plan and Zoning Text Amendments
- Neighborhood Compatibility
- Alley Vacation
- Dealership Operation (loading, employee parking, noise, etc)

### **NEXT STEPS**

It is recommended that the Planning Commission open the public testimony, provide direction to staff and continue the item to a date certain. Since the public review period for the Draft EIR remains open, the Commission may not certify the EIR at this time, and therefore, may not approve the project at this meeting.

Alternatively, the Planning Commission may consider the following actions:

- Direct staff to prepare a resolution denying the project based on articulated findings

Report Reviewed By:



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David Reyes, Principal Planner