



# Planning Commission Report

**Meeting Date:** July 28, 2011

**Subject:** **9988 Wilshire Boulevard**  
**Union 76 Service Station Convenience Store**

Request for a Conditional Use Permit to allow expansion of an existing convenience store from 1,300 square feet to 2,145 square feet in area within an existing Union 76 Service Station.

PROJECT APPLICANT: John Janshai of Octagon Construction, Inc.

**Recommendation:** It is recommended that the Planning Commission adopt the attached resolution conditionally approving the requested Conditional Use Permit.

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## REPORT SUMMARY

This report transmits a request for the expansion of the existing convenience store associated with an existing service gas station. The report analyses the project under the City's recently adopted "High Impact Convenience Store" Ordinance and concludes that because of the project's minor scope, it's potential for impacts related to traffic, circulation or compatibility is not anticipated to be significant.

The proposal is to expand the existing convenience store by converting 845 square feet of existing auto service bays into a convenience store for a total square footage of 2,145 in area. The site plan includes 15 parking spaces and shared access from Wilshire Boulevard. The proposed hours of operation for the convenience store continue to be 7:00 a.m. to 10:00 p.m. per day, 7 days per week. The building exterior elevations would primarily remain the same, with the exception to the store front (north elevation) which would include replacing the existing auto bay roll up doors with new storefront and interior modifications.

Attachment(s):

- A. [Zoning Compliance Table](#)
- B. [Staff Recommended Findings and Conditions of Approval](#)
- C. [Public Notice](#)
- D. Draft Resolution
- E. Traffic Impact Analysis
- F. Applicant Letter
- G. Architectural Plans

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## **BACKGROUND**

File Date	4/13/2011
Application Complete	6/13/2011
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	10/13/2011 with extension request from applicant

Applicant(s)	Octagon Construction Inc.
Owner(s)	El Toro Wilshire LLC
Representative(s)	Shalom Gabbay

Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	9988 Wilshire Boulevard
Legal Description	Lot 5 in Block 10 of Beverly Tract
Zoning District	C-3
General Plan	General Commercial - Low Density
Existing Land Use(s)	Service gas station, repair shop and convenience store
Lot Dimensions & Area	210'X 258.96'X235.24' (triangular) - 23,522.4 s.f (0.54 Acre)

Year Built	1989, the service gas station was rebuilt in 1989. The convenience store was permitted in 2002.
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	S School (El Rodeo School)
South (across Wilshire)	9900 Wilshire Specific Plan
East	9900 Wilshire Specific Plan
West	City of Los Angeles/Los Angeles Country Club

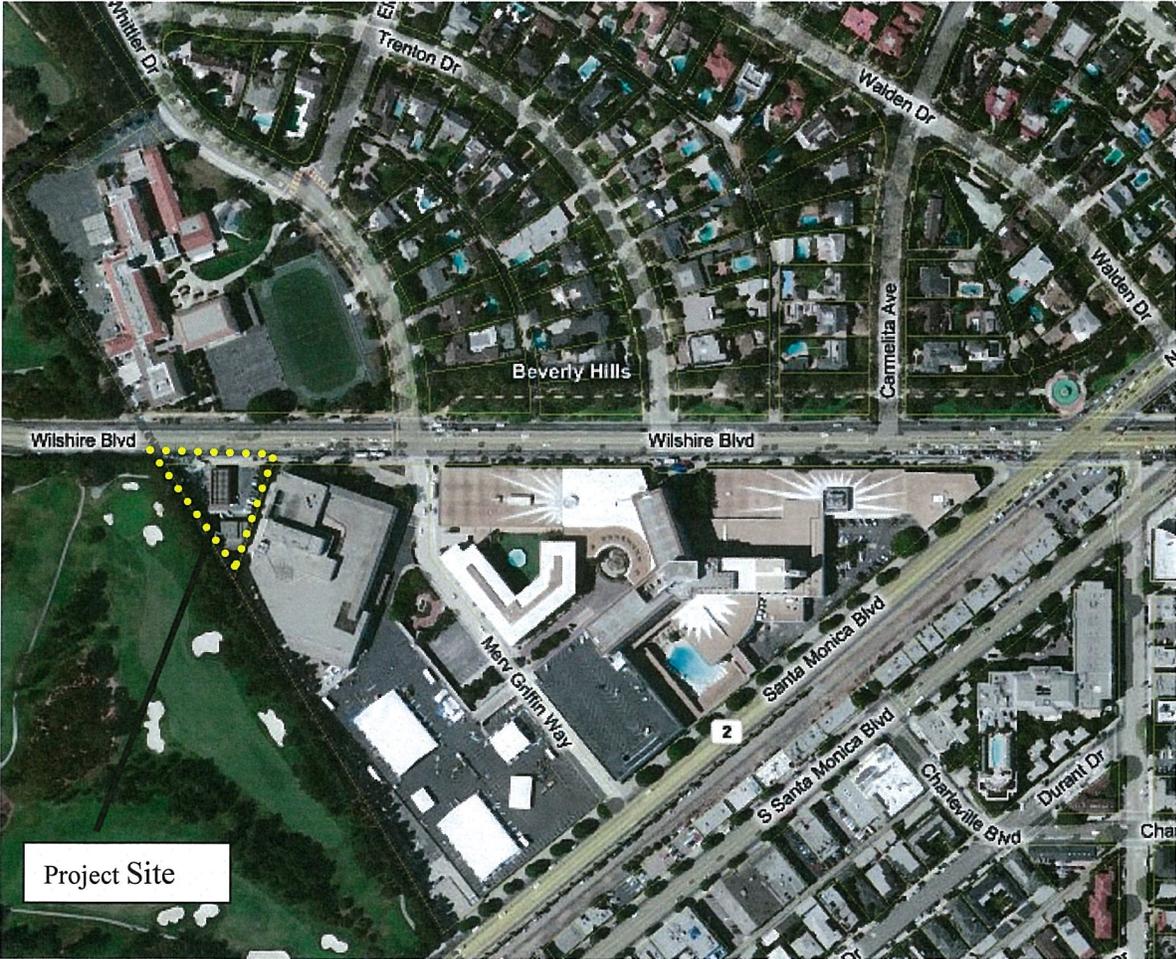
### Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard to the North
Adjacent Alleys	None
Parkways & Sidewalks	Northern sidewalk/parkway along Wilshire Boulevard - 15' from face of curb to property line.
Parking Restrictions	The project site is surrounded by commercial uses. On-street parking is prohibited at all times. "No stopping" signs are posted from 7:00 a.m. to 7:00 pm. On Wilshire Boulevard.
Nearest Intersection Circulation Element	Wilshire Boulevard, Whittier Drive and Merve Griffin Way Wilshire Boulevard serves as arterial street. Whittier Drive serves as local street. Merv Griffin Way is a private street connecting Wilshire to Santa Monica Boulevard.
Estimated Daily Trips	Wilshire Boulevard carries approximately 44,400 daily trips, Whittier Drive

carries 6,300 daily trips and Merve Griffin Way carries 9,100 trips daily.

Neighborhood Character

The project site is located on the south side of Wilshire Boulevard along the western border of the City. Wilshire Boulevard north of the project site is lined by Beverly Gardens Park, a public landscaped linear parkway along the north side of the roadway. El Rodeo School, a public elementary school, is located to the north of the project site on North Whittier Drive. North of Wilshire Boulevard and the Beverly Gardens Park, the residential neighborhoods are characterized by single-family residential developments. Properties located at south and east of the project site are developed with a commercial building, former location of Robinson –May company, Merve Griffin Way and the Beverly Hilton Hotel. Located west of the project site is the Los Angeles Country Club.





Project Site



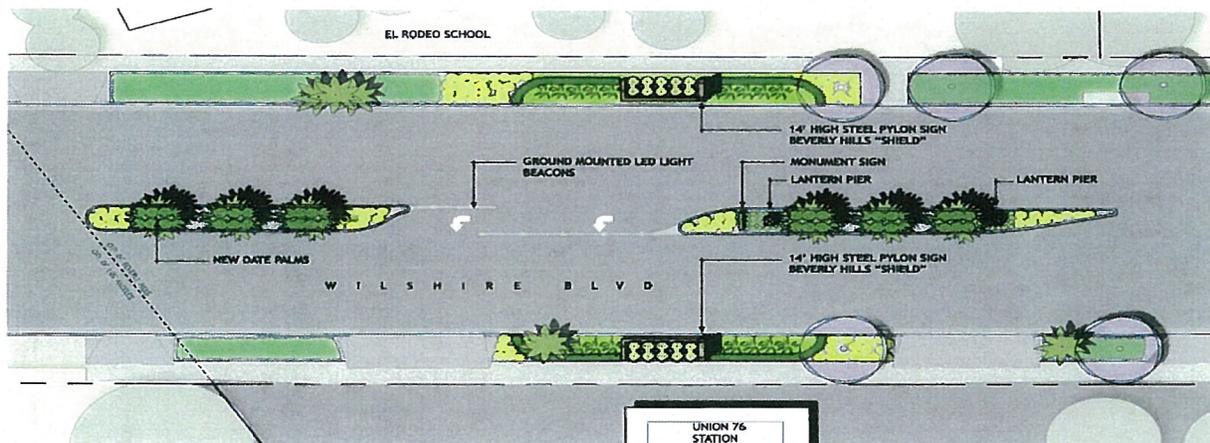
View of existing service bays



View of existing convenience store

#### Construction of a "Gateway" median

The Department of Parks and Recreation is administering a capital improvement project referred to as "Gateways", which would involve landscaping/artwork improvements at the entrances to the City, including the western boundary on Wilshire Boulevard next to the subject site. On August 31, 2010, the City Council approved conceptual changes to the median adjacent to the project site with direction to bring the design the Traffic and Parking Commission for a recommendation as to whether or not the median should retain access for left turn ingress to the project site. On November 4, 2010, the Traffic and Parking Commission reviewed the proposed median, favoring a design which included a left turn pocket into the service gas station, but prohibits left turn exits from the site. The Public Works Department is in the process of developing the construction plans for the median and it's anticipated that the construction of median will be completed within this calendar year.



ENLARGED STREETScape PLAN

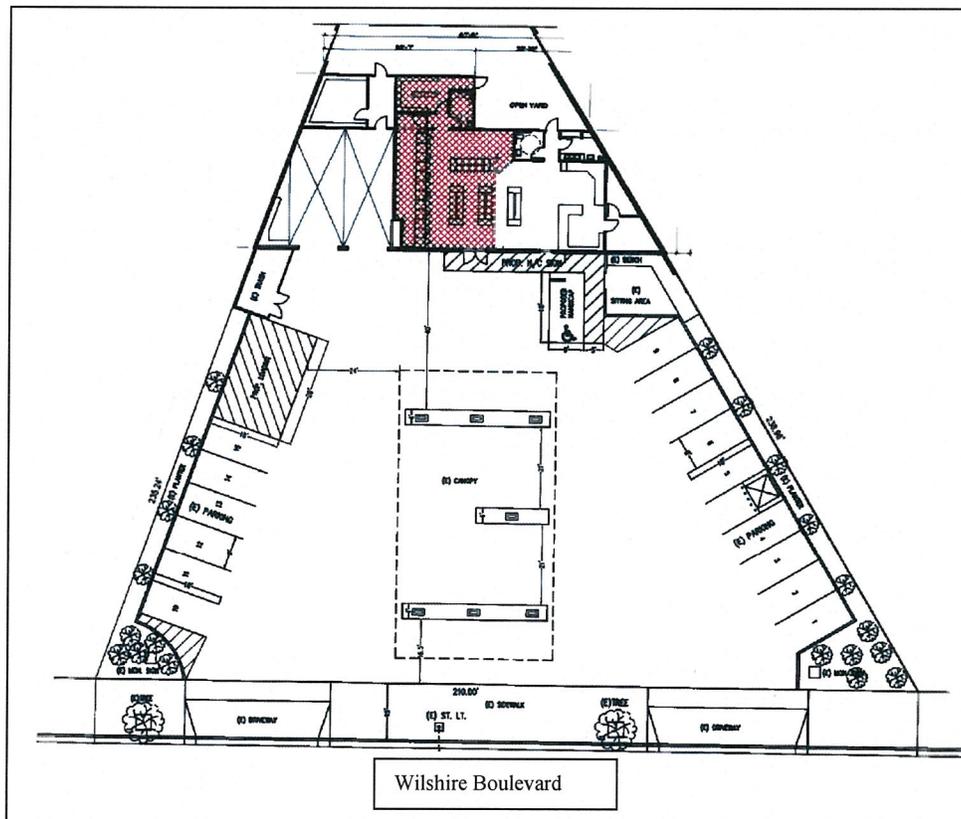


**GRUENASSOCIATES**  
ARCHITECTURE PLANNING INTERIORS

### PROJECT DESCRIPTION

The project site was first developed as a service station around 1952 and was rebuilt in 1989. Improvements on the property include a one story, 18-foot tall building that totals 3,410 square feet in area that is divided between a 1,300 square foot convenience store and four service bays. The site also includes 7 gasoline pumps covered by an approximate 25-foot tall canopy. The gas pumps are located at the front and center of the property while the convenience store/service bay building is oriented towards the rear.

The proposed project consists expanding the convenience store by 845 square feet (from 1,300 square feet to 2,145 square feet) by converting two of the existing four service bays within the existing building. No change to the existing building's footprint or square footage is proposed. The project will not modify the overall existing site layout, including the existing pump islands. The project is limited to the remodel and interior demolition of the existing structure, with some minor exterior work to replace roll-up doors with a new storefront. The current convenient store layout includes a restroom, storage areas, an office, cashier and retail/display aisles. The convenience store provides products such as soft drinks, coffee, packaged food and other similar items but no alcoholic beverages. The applicant notes that the reason for the request to expand the convenience store is to replace existing free standing coolers with walk-in coolers, provide additional cold storage retail space, and upgrade the existing accessible restroom for the customers. Below is the site plan showing the location of the proposed expansion.



### Requested Permits

The applicant is seeking approval of a Conditional Use Permit to allow the proposed expansion of the convenience store.

### **ZONING CODE<sup>1</sup> COMPLIANCE**

A detailed review of the proposed project to applicable zoning standards has been performed. The proposed project complies with all applicable codes, but its use is subject to approval of a Conditional Use Permit under two existing regulations.

Pursuant to BHMC 10-3-1604, the expansion of any activity within a fuel station requires approval of a Conditional Use Permit (CUP). The project site has operated as a fuel service station prior to establishment of CUP regulations requiring a CUP. The applicant is requesting a CUP to allow the expansion of the existing convenience store. Additionally, on May 24, 2011, the City Council adopted Interim Ordinance NO. 11-O-2609, which prohibits high impact convenience stores in commercial zones unless approved through a Conditional Use Permit.

The Urgency Ordinance No-11O-2609 defines a convenience store as any retail store with the following characteristics: (1) more than half the square footage is dedicated to the sale of general food and drink products not intended for home preparation and consumption, tobacco, magazines, and toiletries, (2) the store is open to customers before 7:00 a.m. or after 9:00 p.m., Monday through Friday or before 9:00 am or after 9:00 pm on Saturday or Sunday, and (3) meets one of the following – is served by on site surface parking or located within three hundred feet of a residential zone.”

- **Store Floor Area:** The existing 76 Gas Station building is 3,410 square feet in area including 1,300 square feet of a convenience store and storage. The proposed project includes converting of 845 square feet of service bays into a convenience store. The new store would have 2,145 square feet in area. As proposed, more than half of the square footage of the store is dedicated to the sale of general food and drink, tobacco, magazines and toiletries.
- **Hours of Operation:** The existing convenience store is open from 7:00 a.m. to 10:00 p.m. Monday through Sunday, seven days a week. The convenience store would keep the same operation hours.
- **Parking:** Parking for the existing 76 Gas Station is located above the ground on the westerly and easterly sides of the property and next to the store front. Based on the total number of parking spaces on site, all existing and proposed uses would comply with the City’s parking requirement. The subject site would have surplus parking of five spaces.

### Agency Review<sup>2</sup>

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<sup>1</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>2</sup> Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

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

- **TRANSPORTATION DIVISION**  
The Transportation Division has reviewed the traffic impact analysis submitted by the applicant, and is in agreement with the findings of the report. The proposed project is not anticipated to result in any substantial changes in trip generation or internal circulation of the project site; therefore, no significant traffic impact is anticipated. The applicant's traffic impact analysis is provided as Attachment D.
- **CIVIL ENGINEERING**  
The City's Engineering Department has reviewed the proposal and recommended conditions of approval. These conditions are provided under Attachment B, Project Specific Conditions and Public Works Conditions.
- **BUILDING AND SAFETY.** No comments on the proposal. No code enforcement cases during review period.
- **FIRE DEPARTMENT.** No comments on the proposal.
- **POLICE DEPARTMENT.** The Police Department has reviewed the proposal and noted that based on the number of calls for service received by the Police Department, the project site is not considered a high problem area. It was also noted that no complaints were received from the El Rodeo Elementary School regarding this business.
- **COMMUNITY SERVICES.** No comments on the proposal.

### **GENERAL PLAN<sup>3</sup> POLICIES**

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

- **Policy LU 2.7 City Gateways.** Require that buildings adjacent to the City's gateway explore opportunities for public improvements and private development to work together to enhance the sense and quality of entry key gateways into the City.
- **Policy LU 2.10 Development transitions and compatibility.** Require that sites and buildings be planned, located, and designed to assure functional and visual transitions between areas of differing uses and densities by addressing property and height, setbacks, window and entry placement, lighting, landscape buffers, and service access.
- **Policy 12.1 Function and Operational Compatibility.** Require commercial uses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulation hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, and other similar business activities.

### **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>4</sup>, and the environmental

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<sup>3</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)

regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project would result in operational changes within an existing commercial building without expanding the square footage of the building. The operational changes do not result in any significant environmental impacts, including traffic and parking, and are therefore exempt from further review under the provisions of CEQA.

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	10 Days	7/15/2011	7/15/2011	14 Days
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	7/15/2011	7/15/2011	14 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	7/18/2011	10 Days

Applicant Outreach Efforts

As of the date of the preparation of this report, staff is unaware of any outreach efforts undertaken by the applicant.

Public Comment

The City has not received any correspondence regarding the proposed project as of the date of the preparation of this report.

**ANALYSIS<sup>5</sup>**

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. This report recommends conditional approval of the project and may be used to guide the Planning Commission’s deliberation of the subject project.

The required findings for the Conditional Use Permit generally relate to compatibility of surrounding neighborhoods and uses, and an ability to show that the project will not result in any parking or traffic related impacts. Based on staff’s analysis the proposed project is not anticipated to result in any adverse impacts. Specific discussion related to key issues associated with the project is provided below, and draft findings in support of the project are provided as Attachment A.

**Conversion/Minor Expansion**

The existing Union 76 Service Station has an existing 1,300 square feet convenience store as part of its operation since 2005. The project proposal is to expand the existing convenience store by converting

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<sup>4</sup> The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

<sup>5</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

845 square feet of existing auto service bays into a convenience store for a total square footage of 2,145 in area. As proposed, only minor changes are proposed for the interior and exterior of the building. The parking area is slightly reconfigured to provide a loading space for delivery of the goods that will improve on-site circulation.

**Traffic.** The traffic impact analysis prepared for the proposed project indicates that the approval of the project will not result in any negative traffic impacts from the expansion of the existing convenience store.

As part of the capital improvement project called "Gateways", the City of Beverly Hills is in process to redesign the median in front of the subject site. The existing median was constructed in 2002 which controls the egress traffic from the eastern driveway of the service station. The new median design will prohibits any left egress turn from the western driveway of the service station toward the west into Wilshire Boulevard.

Pursuant to driveway counts conducted by Transportation staff over a period of 14 days measuring ingress to the service station from both west (making right turns) and east (making left turns), on an average weekday, about 1,420 vehicles arrive to the 76 service station. The following is the table showing the driveway average turning movement counts:

Eastbound Averages	1,045
Westbound Averages	375
East west Total	1,420
AM Peak Hour Counts (8:00 a.m.)	65(eastbound 43, west bound 22)
PM Peak Hours Counts (4:00 p.m.)	100(eastbound 83, westbound 17)

In order to evaluate the potential impact of the proposed expansion, the applicant provided a focused traffic impact analysis for the project. The report utilized the Institute of Transportation Engineers (ITE) and San Diego Associated of Government (SANDAG) trip generation rates to estimate the potential traffic impacts of the project. The report noted that the expansion of the convenience store does not generate any additional traffic based on ITE trip generation factors which uses the number of gasoline pumps as basis of calculations of trip generation. Based on staff recommendation, the report also utilized the guidelines of SANDAG (San Diego Association of Governments) and made additional trip estimation based on staff's existing count of ingress and egress of the service station that was conducted for a 14 day period in November of 2010. The results were the "worst case Scenario" estimation of total 13 trips (in and out) during morning peak hours, 6 fewer trips (in and out) during afternoon peak hours and a total increase of 167 trips for a typical 24hour period. Based on this estimation, it appears that the increase of traffic to and from the service station is negligible. The westbound left turns from Wilshire to the service station is estimated to increase by about 2 additional left turns during the morning peak hour (11:00 a.m.) which presently is 36 left turns per hour. Therefore, no significant traffic impact is anticipated to result by the proposed expansion and no mitigation measure is required.

Further, the proposed expansion would not have any impact with respect to the proposed Gateway project which would extend the existing median island toward the west and other landscaping features in that vicinity. That project will be implemented by the Division of Parks and Recreation.

Engineering/ Transportation Staff also studied the accident history within the vicinity of the project site after the installation of the existing median on Wilshire Boulevard in 2002. Eighteen accidents were reported within the eight year period in the vicinity of the service station. There were 12 accidents that are considered to be related to the traffic arriving to the service station. All 12 accidents occurred due to a westbound left turn colliding with eastbound approaching vehicles. This number of accidents is not considered significant compared to other intersections in the City of Beverly Hills. Accident analysis also showed one collision pertaining to exiting from the western driveway toward the west. The proposed median with additional striping and installation of no-left turn signs would further insure that this movement would be fully controlled. In addition, the applicant shall ensure that all traffic control signs and pavement markings remain in place with satisfactory conditions specially, signs relating to a "NO LEFT TURN" prohibition from the two driveways of the service station toward westbound direction of Wilshire Boulevard.

**On-site circulation and parking.** The applicant is not proposing any changes to on-site circulation. The current circulation pattern is for vehicles to enter at the westerly driveway and exit by easterly driveway. "No left-turn" signs are posted at each driveway to increase safety and to reinforce the one way circulation pattern. On-site parking will also remain unchanged. Parking is provided along eastern and western property lines with accessible parking adjacent to the store entrance. The proposed median expansion which will be implemented as part of the Gateway Project would provide a westbound left-turn pocket to accommodate storage space for two vehicles to enter the service station. Staff concluded that the internal circulation of the service station (counterclockwise flow) would not be impacted by this addition.

**Compatibility.** The subject site is located approximately 220 feet from the El Rodeo Elementary School and is adjacent to a future mixed use development containing residential condominiums. Staff believes that no impacts will result from the proposed expansion due to the project design and conditions that have been incorporated to avoid any impacts to the nearby school and residences, such as prohibition of sales of alcoholic beverages, limiting the hours of operation.

#### Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment A):

- The Conditional Use Permit (CUP) shall expire one year after the installation of the new median which includes the left-turn pocket. A comprehensive review of the project operation will be required prior to any extension of the CUP to ascertain if the convenience store is operating in a manner substantially same as described and approved by the Commission and without impacts to traffic. Unless the CUP is renewed, or a new CUP granted, the Applicant shall immediately cease operation of the fitness facility at this location. The Applicant shall have the right to submit requests for renewal of the CUP but shall have no right to renewal of the CUP. Any application for renewal of the CUP or a new CUP must be filed at least sixty (60) days prior to the expiration of these approvals. If the Planning Commission does not renew the CUP, the CUP shall expire and all rights possessed under the CUP shall be terminated. Provided, however, if the Applicant files an application for a

renewal, any existing CUP shall be extended until the City takes final action on the application. Any application for a renewal of this CUP shall be subject to the application fee established by Resolution of the City Council. Upon expiration of the renewal and any future renewal, the Applicant may apply for further extensions pursuant to the procedures set forth above. The length of any future renewals granted shall be governed by the provisions of the Beverly Hills Municipal Code. (Special Condition 1)

- Prior to the issuance of building permits for any exterior work, all exterior modifications to the building, as well as signage and landscape plan, shall be submitted to and approved by the Architectural Commission. (Special Condition 2)
- The convenience store shall operate between the hours of 7 a.m. to 10 p.m. daily, seven days a week. (Special Condition 3)
- The Applicant shall provide free on-site parking at all times for employees of the Project site to ensure that employees park on-site, and do not cause spillover into any nearby residential areas. (Special Condition 5)
- The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director 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 analysis. After reviewing the parking demand 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 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. (Special Condition 6)
- The proposed convenience store shall be prohibited to sell alcoholic beverages at the subject site. (Special Condition 7)
- The lighting on the subject site shall be so arranged as to be directed onto the parking area and to reflect away from the adjacent properties and sidewalk. (Special Condition 8)
- The applicant shall ensure that all traffic control signs and pavement markings remain in place with satisfactory conditions including signs relating to "NO LEFT TURN" prohibition from the two driveways of the service station toward westbound direction of Wilshire Boulevard (Special Condition 9).
- The applicant is required to remove and replace the sidewalks and pavement in the vicinity of the project. (Condition 10)
- All survey monuments, and underground utilities, and any existing off-site improvements affected by the construction shall be re-established according to the City standards, and shall be paid for by the applicant. (Condition 11)

- "NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare a resolution conditionally approving the requested Conditional Use Permit.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:

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David Reyes, Principal Planner

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**ATTACHMENT A**  
**Table - Zoning Compliance**

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b>Primary Building</b>			
Lot area	23,337 sq.ft.	No Change	
Height	45' [BHMC 10-3-2726]	18'	1-story building
Lot Coverage / Floor Area	46,674 sq.ft. 2.0 FAR [BHMC 10-3-2745]	3,410 sq.ft. 0.14 FAR	
<b>Parking &amp; Circulation</b>			
Parking Spaces	10 spaces [BHMC 10-3-2730]	17 spaces	
Loading Zones	1 truck loading spaces [BHMC 10-3-2741]	1 loading space	
Vertical Clearance	14'	14'	The canopy over the gasoline pumps has 14' clearance
Vehicle Access	12' Min. 14' Max.	Westerly Drive Way:40' wide Easterly driveway: 38' wide	

**ATTACHMENT B**  
**Staff Recommended Findings and Conditions of Approval**

**DRAFT FINDINGS**

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Conditional Use Permit (CUP) Findings

According to BHMC Section 10-3-1613 Service Station CUP Criteria and an interim ordinance adopted by the City Council high impact convenience stores subject to the following findings:

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

The proposed project is for the expansion of the existing convenience store that is part of an existing service station. The granting of the CUP is not anticipated to be materially detrimental to the adjacent properties or to the public welfare. Reducing the number of service bays and automobile repair facility is considered an improvement to project since there will be less amount of hazardous materials in the building. As proposed, the applicant is expanding the storage area for the products that is sold at the convenience store which results in less per day deliveries. In addition, no alcoholic beverages are sold at the convenience store. Although the El Rodeo Elementary school is located across Wilshire Boulevard, but there is an approximately 200 feet distance between the school and the convenience store. School has installed crossing guards at the corner of Whittier Drive and Wilshire Boulevard before and after school to help the students to cross Wilshire Boulevard. Additionally, a great portion of the building will not be visible from the adjacent uses due to the existing gasoline pump canopy within the center of the property. Therefore, the proposed use will not be detrimental to adjacent property or the public welfare with incorporation of conditions of approval.

***B. Whether the proposed use is compatibility with the area and surrounding uses.***

The subject site is located at the westerly border of the city limit and the existing building is located 110 feet from Wilshire Boulevard and is surrounded by land uses consist of an elementary school which is located across Wilshire Boulevard to the north and future mixed-use project (9900 Wilshire Specific plan) and Los Angeles Country Club golf course. The convenience store has been in operation since 2005 and is considered as an appurtenant use to the service station use which has been in operation prior to 1952. The expansion of the existing convenience store into the existing service bay area appears to be compatible with the existing and future land uses within the general area. The elimination of the two of the service bays will reduce the handling hazardous materials, noise and odors generated by repair facilities. The requested expansion at the proposed location is sufficiently buffered in relation to any residential areas or school within the immediate vicinity so as not to adversely affect the surrounding uses.

***C. Whether the proposed use will have adequate buffering between the use and residential areas.***

The proposed convenience store expansion will not result in any additional need for buffering between the service station and the neighboring residential area. The proposed expansion is located within the existing building and is located on the south side of the lot, 110 foot away from Wilshire Boulevard, behind the gas pumps. At this point, there are no residential areas next to the project site, except for a mixed-use project that was approved, but not built at 9900 Wilshire Boulevard and residences further north. The future condominium buildings within the 9900 Wilshire Project will have sufficient landscaping and distance from the subject site. Additionally, screening of the surface parking lot already exists and this project will not change the screening of the facility from the future neighboring project which will be located behind the property.

***D. Whether the proposed use will create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including traffic circulation or parking;***

The proposed expansion to the convenience store does not include a modification to the foot print of the existing on-site development. Based on the traffic analysis report submitted by the applicant's traffic engineer and subsequently reviewed by the City Traffic Engineer, as conditioned, it is anticipated that the expansion of the existing convenience store would not negatively impact traffic and circulation in the area due to expansion of the existing median which would further control the left turn movements from the gas station into Wilshire Boulevard.

***E. Whether the proposed use will create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses.***

The proposed convenience store expansion will not increase noise, fumes or lighting from the service station. The proposed expansion will not lead to the generation of any additional noise at the site, as it will create additional interior space within the same building with less fumes and noise by removal of two service bays. The creation of more interior space would reduce the number of deliveries per week and will provide more efficient operation for the customers buying gas or waiting for their cars to be repaired. As conditioned, the convenience store expansion will not create a situation where excessive lighting is created. By reducing the number of service bays, the amount of fumes or noise from repairing cars will also be reduced.

**F. The proposed use will not create an overconcentration of convenience stores in the area.**

The interim ordinance does not establish any threshold for an over concentration of convenience stores in the area. Given that that project site is located at westerly city border line surrounded by a mixed of land uses such as school, future mixed-use project, a hotel and further north residences, and a golf course, it does not appear that the proposed use will create an overconcentration for the proposed expansion of the convenience store in the area. The closest convenience store is located at 427 North Crescent Drive which is approximately one mile (5,280 feet) away from the project site.

## **DRAFT CONDITIONS**

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### **Project Specific Conditions**

The Conditional Use Permit (CUP) shall expire one year after the installation of median, a comprehensive review of the project operation will be required prior to any extension of the CUP to ascertain if the convenience store is operating in a manner substantially same as described and approved by the Commission. Unless the CUP is renewed, or a new CUP granted, the Applicant shall immediately cease operation of the fitness facility at this location. The Applicant shall have the right to submit requests for renewal of the CUP but shall have no right to renewal of the CUP. Any application for renewal of the CUP or a new CUP must be filed at least sixty (60) days prior to the expiration of these approvals. If the Planning Commission does not renew the CUP, the CUP shall expire and all rights possessed under the CUP shall be terminated. Provided, however, if the Applicant files an application for a renewal, any existing CUP shall be extended until the City takes final action on the application. Any application for a renewal of this CUP shall be subject to the application fee established by Resolution of the City Council. Upon expiration of the renewal and any future renewal, the Applicant may apply for further extensions pursuant to the procedures set

forth above. The length of any future renewals granted shall be governed by the provisions of the Beverly Hills Municipal Code.

1. Prior to the issuance of building permits, all exterior modifications to the building, as well as signage and landscaping, shall be submitted to and approved by the Architectural Commission.
2. The convenience store shall operate between the hours of 7 a.m. to 10 p.m. daily, seven days a week.
3. The Applicant shall provide free on-site parking at all times for employees of the subject site to ensure that employees park on-site, and do not cause spillover into any nearby residential areas. .
4. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director 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 analysis. After reviewing the parking demand 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 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.
5. The proposed convenience store shall be prohibited to sell alcoholic beverages at the subject site.
6. The lighting on the subject site shall be so arranged as to be directed onto the parking area and to reflect away from the adjacent properties and sidewalk.
7. The applicant shall ensure that all traffic control signs and pavement markings remain in place with satisfactory conditions specially, signs relating to "NO LEFT TURN" prohibition from the two driveways of the service station toward westbound direction of Wilshire Boulevard.
8. The applicant is required to remove and replace the sidewalks and pavement in the vicinity of the project.
9. All survey monuments, and underground utilities, and any existing off-site improvements affected by the construction shall be re-established according to the City standards, and shall be paid for by the applicant.

#### Standard Conditions

10. The project shall be built in substantial conformance with the plans as conditioned and approved by the Planning Commission on July 28, 2011.
11. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

12. This resolution granting the requested Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development within 60 days of any City Council approval of the Amendments. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Property Owner, 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 Project.
13. **Zoning Compliance.** The project is required to comply with all applicable zoning regulations for the commercial projects including architectural review.
14. **Permit Expiration:**
  - a. **Conditional Use Permit Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
15. **Appeals.** The following are appeal procedures from the planning commission determination:
  - a. **Conditional Use Permit:** Any appeal petition from the Planning Commission decision shall be filed with the city clerk within fourteen (14) calendar days after the date of the decision.

**ATTACHMENT C**  
**Public Notice**



**NOTICE OF PUBLIC HEARING**

**DATE:** July 28, 2011  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Council Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, July 28, 2011, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for a Conditional Use Permit (CUP) to allow removal of two service bays and expansion of an existing convenience store from 1,300 square feet to 2,145 square feet in area within the Union 76 Service Station at 9988 Wilshire Boulevard. The proposed location is at the westerly City boundary limit on Wilshire Boulevard. The existing site is occupied by a Union 76 Service station with a convenience store and four service bays within one-story building. The proposed project will be reviewed under the findings of the CUP for the expansion of the convenience store within a service gas station. In addition, the project will be reviewed under the findings pursuant to newly adopted interim ordinance for high impact convenience stores, the operation of a convenience store will also require issuance a Conditional Use Permit

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 project qualifies for a Class 1 Categorical Exemption for operational changes within an existing commercial facility, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

Notice of Public hearing  
Planning Commission Meeting of July 28, 2011  
9988 Wilshire Boulevard

If there are any questions regarding this notice, please contact **Rita Naziri, Senior Planner** in the Planning Division at 310.285.1136, or by email at [rnaziri@beverlyhills.org](mailto:rnaziri@beverlyhills.org). Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved:



David Reyes, Principal Planner

Mailed & Published: July 15, 2011

**ATTACHMENT D**  
Draft Resolution

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF AN EXISTING CONVENIENCE STORE WITHIN AN EXISTING UNION 76 SERVICE STATION AT 9988 WILSHIRE BOULEVARD

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

Section 1. Mr. John Jonshai of Octagon Construction, Inc., on behalf of Shalom Gabay, (tenant at 9988 Wilshire Boulevard) and El Toro Wilshire LLC, (property owner at 9988 Wilshire Boulevard) (collectively, the “applicant”) has submitted an application for a Conditional Use Permit (“C.U.P.”) to expand the existing convenience store at 76 Union Service Station, addressed as 9988 Wilshire Boulevard. The existing Union 76 Service Station has an existing 1,300 square feet convenience store as part of its operation since 2005. The project proposal is to expand the existing convenience store by converting 845 square feet of existing auto service bays into a convenience store for a total square footage of 2,145 in area. The site plan includes 15 parking spaces and shared access from Wilshire Boulevard. The proposed hours of operation for the convenience store continue to be 7:00 a.m. to 10:00 p.m. per day, 7 days per week.

Pursuant to BHMC 10-3-1604, the expansion of any activity within a fuel station will require approval of a Conditional Use Permit (CUP). The project site has operated as a fuel service station prior to establishment of CUP regulations requiring a CUP. The applicant is requesting a CUP to allow the expansion of the existing convenience store. Additionally, the newly adopted Interim Ordinance NO. 11-O-2609 adopted on May 24, 2011, prohibits high

impact convenience stores in commercial zones unless approved through a Conditional Use Permit.

Section 2. On July 28, 2011, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 3. The proposed project consists of converting two of the four service bays to expand the convenience store floor area from 1,300 square feet to 2,145 square feet within the foot print of the existing building. The proposed project will not modify the overall existing site layout, including the existing pump islands. The proposed remodel and interior demolition is limited to the existing structure. Currently, the 1,300 square feet of the existing structure includes a restroom, storage areas, an office, cashier and a convenience store. The remaining floor area is utilized for service bays including storage. The project proposes to convert 845 square feet of automotive service bays into additional space for convenience store. The proposal calls for mostly interior changes; however, there would be changes to the building front elevation. The remodeling of the existing storefront would include the removal of the roll up doors to be replaced by a new storefront. Presently the existing convenience store provides products such as soft drinks, coffee, packaged food and other similar items sold in convenience store except for alcoholic beverages. The applicant notes that the reason for the request to expand the convenience store is to replace the free standing coolers to walk-in coolers, to provide additional cold storage space for the products, additional storage space to store the products and upgrading the existing accessible restroom for the customers.

The project site was developed as a service station prior to 1952. The service gas station at the subject property was rebuilt in 1989, with a total of 3,410 square feet in area, one story and a maximum height of 18' as a new service station with five service bays and 7 gasoline pumps with a 25' high canopy. In November 2002, the property owner received approval to convert a portion of service bays into a convenience store which started its operation in 2005. Currently, the existing building contains four service bays and 1,300 square feet of a convenience store set back towards the rear of the property. Gas pump islands are located at the front and center of the property sheltered by a freestanding canopy decorated by a terra cotta mansard roof. Access to the service station is provided by two driveways.

The traffic impact analysis prepared for the proposed project indicates that the approval of the project will not result in any negative traffic impacts from the expansion of the existing convenience store.

As part of the capital improvement project called "Gateways", the City of Beverly Hills is in process to redesign the median in front of the subject site. The existing median was constructed in 2002 which controls the egress traffic from the eastern driveway of the service station. The new median design will prohibits any left egress turn from the western driveway of the service station toward the west into Wilshire Boulevard.

Pursuant to driveway counts conducted by Transportation staff over a period of 14 days measuring ingress to the service station from both west (making right turns) and east (making left turns), on an average weekday, about 1,420 vehicles arrive to the 76 service station. The following is the table showing the driveway average turning movement counts:

Eastbound Averages	1,045
Westbound Averages	375
East west Total	1,420
AM Peak Hour Counts (8:00 a.m.)	65(eastbound 43, west bound 22)
PM Peak Hours Counts (4:00 p.m.)	100(eastbound 83, westbound 17)

In order to evaluate the potential impact of the proposed expansion, the applicant provided a focused traffic impact analysis for the project. The report utilized the Institute of Transportation Engineers (ITE) and San Diego Associated of Government (SANDAG) trip generation rates to estimate the potential traffic impacts of the project. The report noted that the expansion of the convenience store does not generate any additional traffic based on ITE trip generation factors which uses the number of gasoline pumps as basis of calculations of trip generation. Based on staff recommendation, the report also utilized the guidelines of SANDAG (San Diego Association of Governments) and made additional trip estimation based on staff's existing count of ingress and egress of the service station that was conducted for a 14 day period in November of 2010. The results were the "worst case Scenario" estimation of total 13 trips (in and out) during morning peak hours, 6 fewer trips (in and out) during afternoon peak hours and a total increase of 167 trips for a typical 24hour period. Based on this estimation, it appears that the increase of traffic to and from the service station is negligible. The westbound left turns from Wilshire to the service station is estimated to increase by about 2 additional left turns during the morning peak hour (11:00 a.m.) which presently is 36 left turns per hour. Therefore, no

significant traffic impact is anticipated to result by the proposed expansion and no mitigation measure is required.

Further, the proposed expansion would not have any impact with respect to the proposed Gateway project which would extend the existing median island toward the west and other landscaping features in that vicinity. That project will be implemented by the Division of Parks and Recreation.

Engineering/ Transportation Staff also studied the accident history within the vicinity of the project site after the installation of the existing median on Wilshire Boulevard in 2002. Eighteen accidents were reported within the eight year period in the vicinity of the service station. There were 12 accidents that are considered to be related to the traffic arriving to the service station. All 12 accidents occurred due to a westbound left turn colliding with eastbound approaching vehicles. This number of accidents is not considered significant compared to other intersections in the City of Beverly Hills. Accident analysis also showed one collision pertaining to exiting from the western driveway toward the west. The proposed median with additional striping and installation of no-left turn signs would further insure that this movement would be fully controlled. In addition, the applicant shall ensure that all traffic control signs and pavement markings remain in place with satisfactory conditions specially, signs relating to “NO LEFT TURN” prohibition from the two driveways of the service station toward westbound direction of Wilshire Boulevard.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines. 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 project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project would result in operational changes within an existing commercial building. The operational changes do not result in any significant environmental impacts, including traffic and parking, and are therefore exempt from further review under the provisions of CEQA. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development at 455 North Rexford Drive in Beverly Hills, California and are in the custody of the Director of Community Development.

Section 5. In reviewing the request for a C.U.P., the Planning Commission evaluated whether the proposed location of the use will be detrimental to adjacent property or the public welfare. The Planning Commission also considered:

- (1) Whether the proposed location of any such use will not be detrimental to adjacent property or to the public welfare;
- (2) Whether the proposed use is compatible with the area and surrounding uses;
- (3) Whether the proposed use will have adequate buffering between the use and residential areas;
- (4) 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;
- (5) Whether the proposed use will create excessive noise, unpleasant odors, noxious fumes,

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

excessive lighting, or substantial interference with neighboring properties or uses due to activities associated with the proposed use or its hours of operation; and

(6) The proposed use will not create an overconcentration of convenience stores in the area.

Section 6. Based upon the evidence presented, the Planning Commission hereby finds as follows with respect to the application for a C.U.P.:

6.1 As conditioned, the proposed convenience store will not be detrimental to adjacent properties or to the public welfare. The proposed project is for the expansion of the existing convenience store that is part of an existing service station. The granting of the CUP is not anticipated to be materially detrimental to the adjacent properties or to the public welfare. Reducing the number of service bays and automobile repair facility is considered an improvement to project since there will be less amount of hazardous materials in the building. As proposed, the applicant is expanding the storage area for the products that is sold at the convenience store which results in less per day deliveries. In addition, no alcoholic beverages are sold at the convenience store. Although the El Rodeo Elementary school is located across Wilshire Boulevard, but there is an approximately 200 feet distance between the school and the convenience store. School has installed crossing guards at the corner of Whittier Drive and Wilshire Boulevard before and after school to help the students to cross Wilshire Boulevard. Additionally, a great portion of the building will not be visible from the adjacent uses due to the existing gasoline pump canopy within the center of the property. Therefore, the proposed use will not be detrimental to adjacent property or the public welfare with incorporation of conditions of approval.

6.2 As conditioned, the proposed convenience store expansion will be compatibility with the area and surrounding uses. The subject site is located at the westerly border of the city limit and the existing building is located 110 feet from Wilshire Boulevard and is surrounded by land uses consist of an elementary school which is located across Wilshire Boulevard to the north and future mixed-use project (9900 Wilshire Specific plan) and Los Angeles Country Club golf course. The convenience store has been in operation since 2005 and is considered as an appurtenant use to the service station use which has been in operation prior to 1952. The expansion of the existing convenience store into the existing service bay area appears to be compatible with the existing and future land uses within the general area. The elimination of the two of the service bays will reduce the handling hazardous materials, noise and odors generated by repair facilities. The requested expansion at the proposed location is sufficiently buffered in relation to any residential areas or school within the immediate vicinity so as not to adversely affect the surrounding uses.

6.3 As conditioned, the proposed convenience store expansion will have adequate buffering between the use and the residential areas. The proposed convenience store expansion will not result in any additional need for buffering between the service station and the neighboring residential area. The proposed expansion is located within the existing building and is located on the south side of the lot, 110 foot away from Wilshire Boulevard, behind the gas pumps. At this point, there are no residential areas next to the project site, except for a mixed-use project that was approved, but not built at 9900 Wilshire Boulevard and residences further north. The future condominium buildings within the 9900 Wilshire Project will have sufficient landscaping and distance from the subject site. Additionally, screening of the surface parking lot already exists and this project will not change the screening of the facility from the future neighboring project which will be located behind the property.

6.4 As conditioned, the proposed convenience store expansion will not create an adverse traffic impact or a traffic safety hazard to pedestrians or to vehicles, including traffic circulation or parking. The proposed expansion to the convenience store does not include a modification to the foot print of the existing on-site development. Based on the traffic analysis report submitted by the applicant's traffic engineer and subsequently reviewed by the City Traffic Engineer, as conditioned, it is anticipated that the expansion of the existing convenience store would not negatively impact traffic and circulation in the area due to expansion of the existing median which would further control the left turn movements from the gas station into Wilshire Boulevard.

6.5 As conditioned the proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses. The proposed convenience store expansion will not increase noise, fumes or lighting from the service station. The proposed expansion will not lead to the generation of any additional noise at the site, as it will create additional interior space within the same building with less fumes and noise by removal of two service bays. The creation of more interior space would reduce the number of deliveries per week and will provide more efficient operation for the customers buying gas or waiting for their cars to be repaired. As conditioned, the convenience store expansion will not create a situation where excessive lighting is created. By reducing the number of service bays, the amount of fumes or noise from repairing cars will also be reduced.

6.6 The proposed use will not create an overconcentration of convenience stores in the area. The interim ordinance does not establish any threshold for an over concentration of convenience stores in the area. Given that that project site is located at westerly city border line surrounded by a mixed of land uses such as school, future mixed-use project, a hotel and further

north residences, and a golf course, it does not appear that the proposed use will create an overconcentration for the proposed expansion of the convenience store in the area. The closest use is located at 427 North Crescent Drive which is approximately one mile (5,280 feet) away from the project site.

Section 7. Based upon the foregoing, the Planning Commission hereby approves the C.U.P. for the Project, subject to the following conditions:

**Project Specific Conditions**

1. The Conditional Use Permit (CUP) shall expire one year after the installation of median, a comprehensive review of the project operation will be required prior to any extension of the CUP to ascertain if the convenience store is operating in a manner substantially same as described and approved by the Commission. Unless the CUP is renewed, or a new CUP granted, the Applicant shall immediately cease operation of the fitness facility at this location. The Applicant shall have the right to submit requests for renewal of the CUP but shall have no right to renewal of the CUP. Any application for renewal of the CUP or a new CUP must be filed at least sixty (60) days prior to the expiration of these approvals. If the Planning Commission does not renew the CUP, the CUP shall expire and all rights possessed under the CUP shall be terminated. Provided, however, if the Applicant files an application for a renewal, any existing CUP shall be extended until the City takes final action on the application. Any application for a renewal of this CUP shall be subject to the application fee established by Resolution of the City Council. Upon expiration of the renewal and any future renewal, the Applicant may apply for further extensions pursuant to the procedures set forth above. The length of any future renewals granted shall be governed by the provisions of the Beverly Hills Municipal Code.

2. Prior to the issuance of building permits, all exterior modifications to the building, as well as signage and landscaping, shall be submitted to and approved by the Architectural Commission.
3. The convenience store shall operate between the hours of 7 a.m. to 10 p.m. daily, seven days a week.
4. The Applicant shall provide free on-site parking at all times for employees of the subject site to ensure that employees park on-site, and do not cause spillover into any nearby residential areas.
5. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director 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 analysis. After reviewing the parking demand 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 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.
6. The proposed convenience store shall be prohibited to sell alcoholic beverages at the subject site.
7. The lighting on the subject site shall be so arranged as to be directed onto the parking area and to reflect away from the adjacent properties and sidewalk.

### **Transportation Conditions**

8. The applicant shall ensure that all traffic control signs and pavement markings remain in place with satisfactory conditions specially, signs relating to “NO LEFT TURN” prohibition from the two driveways of the service station toward westbound direction of Wilshire Boulevard.

### **Public Works Conditions**

9. The applicant is required to remove and replace the sidewalks and pavement in the vicinity of the project.
10. All survey monuments, and underground utilities, and any existing off-site improvements affected by the construction shall be re-established according to the City standards, and shall be paid for by the applicant.

### **Standard Conditions**

11. The project shall be built in substantial conformance with the plans as conditioned and approved by the Planning Commission on July 28, 2011.
12. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
13. This resolution granting the requested Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development within 60 days of any City Council approval of the Amendments. At the time that the Property Owner

delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Property Owner, 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 Project.

14. Zoning Compliance. The project is required to comply with all applicable zoning regulations for the commercial projects including architectural review.

15. Permit Expiration:

- a. Conditional Use Permit Expiration: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

16. Appeals. The following are appeal procedures from the planning commission determination:

- a. Conditional Use Permit: Any appeal petition from the Planning Commission decision shall be filed with the city clerk within fourteen (14) calendar days after the date of the decision.

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: July 28, 2011

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

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

**ATTACHMENT E**  
Traffic Impact Analysis

June 30, 2011

Mr. John Janshai  
Octagon Construction, Inc.  
3303 Harbor Blvd., Suite B-11  
Costa Mesa, CA 92626

**SUBJECT: FOCUSED TRAFFIC IMPACT ANALYSIS  
76 STATION 9988 WILSHIRE BLVD., BEVERLY HILLS, CA**

Dear, Mr. Janshai

Thank you for the opportunity to provide this Focused Traffic Impact Analysis (TIA) for the proposed modifications to the Union 76 service station located at 9988 Wilshire Boulevard in the City of Beverly Hills. The following documents our findings and conclusions relative to the potential traffic impacts of the proposed project.

## Background

Discussions with Beverly Hills city staff (Ms. Rita Naziri in the Planning Department and Mr. Bijan Vaziri in the Traffic Engineering Department) defined the scope of work for this analysis. The City provided a copy of a Beverly Hills Traffic & Parking Commission staff report dated November 4, 2010. That report and associated traffic analysis identified median modifications adjacent to the 76 station on Wilshire Boulevard restricting outbound traffic movements from both of the site driveways to right-turn only. Traffic counts presented in that study have been utilized as the base driveway counts in this analysis.

## Project Description

The existing site is occupied by a Union 76 Service station with 7 pump sites, 1,300 square feet of convenience market and 300 SF of sales area. The proposed project consists of converting two of the four service bays (845 SF) to additional convenience market floor space. The total proposed convenience floor area would total 2,145 square feet. No change to the number of pump sites is proposed. Table 1 summarizes the changes in usage.

**Table 1,  
Building Use**

Use	Size (Sq Ft)		
	Existing	Proposed	Increase
Convenience Store	1,300	2,145	845
Sales Area	300	300	0
Service Bays	1,810	965	-845
Total Gross SF	3,410	3,410	0

## Analysis

An on-site field review was conducted on Thursday May 26, 2011 to document existing site conditions and the adjacent roadway median configuration. The project site is located at 9988 Wilshire Boulevard along the Western border of the City of Beverly Hills. Figure 1 presents a vicinity map and Figure 2 presents an aerial photo of the project site.

Access to the service station is provided by two Wilshire Boulevard driveways providing circulation in a counterclockwise direction. The inbound driveway is located on the westerly portion of the project site which accommodates right-turn in, right-turn out movements. Left-turn inbound movements are provided from westbound Wilshire Boulevard via a stripped left-turn pocket at the west side of the existing planted median island. The median blocks left-turn out movements from the easterly driveway which is limited to right-turn out movements. Although the site circulation is designed for one-way counterclockwise circulation no left turn signs are posted at each driveway to increase safety and to reinforce the one-way circulation pattern.

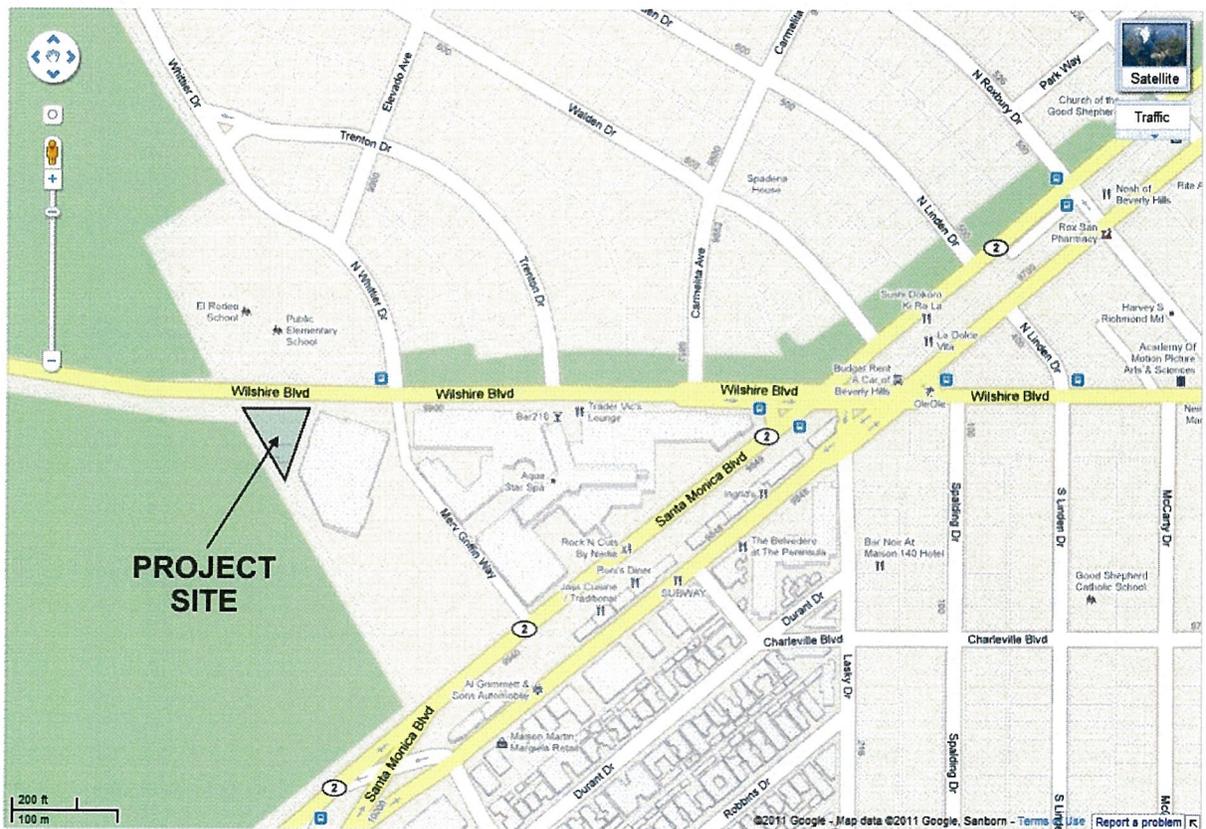


Figure 1: Vicinity Map



Figure 2: Aerial Photograph

Figure 3 presents the proposed site plan for the project and Figure 4 illustrates the proposed modifications to the building. Both of these two Figures are attached to the back of this report.

## Existing Driveway Traffic Volumes

Beverly Hills City staff conducted driveway traffic counts over a 14 day, which were averaged and included as part of a traffic analysis done in conjunction with a median beautification project and presented to the City of Beverly Hills Traffic & Parking Commission at their November 4, 2010 meeting. The City staff indicated that these averaged counts would be suitable for use as the base driveway counts for this project and therefore are included and presented in Table 1.

As shown in Table 1, a total of 65 vehicle trips (inbound plus outbound) occurred during the AM on-street peak hour and 100 vehicle trips (inbound plus outbound) occurred during the PM peak hour of on-street traffic. A total of 1,420 daily trips were observed at the site.

**Table 1**  
**Driveway Average Turning Movement Counts**

Eastbound Averages		Westbound Averages		East- West Total	Peak Hour Counts *
Time	Count	Time	Count		
12:00 AM	10	12:00 AM	5	15	
1:00 AM	6	1:00 AM	6	12	
2:00 AM	3	2:00 AM	4	7	
3:00 AM	1	3:00 AM	2	3	
4:00 AM	0	4:00 AM	2	2	
5:00 AM	8	5:00 AM	2	10	
6:00 AM	22	6:00 AM	5	27	
7:00 AM	17	7:00 AM	16	33	
8:00 AM	43	8:00 AM	22	65	<-- AM Peak
9:00 AM	42	9:00 AM	18	60	
10:00 AM	66	10:00 AM	26	92	
11:00 AM	50	11:00 AM	36	86	
12:00 PM	82	12:00 PM	23	105	
1:00 PM	95	1:00 PM	24	119	
2:00 PM	79	2:00 PM	25	104	
3:00 PM	81	3:00 PM	23	104	
4:00 PM	83	4:00 PM	17	100	<-- PM Peak
5:00 PM	84	5:00 PM	15	99	
6:00 PM	58	6:00 PM	20	78	
7:00 PM	75	7:00 PM	23	98	
8:00 PM	44	8:00 PM	14	58	
9:00 PM	44	9:00 PM	16	60	
10:00 PM	33	10:00 PM	21	54	
11:00 PM	19	11:00 PM	10	29	
<b>Total</b>	<b>1,045</b>	<b>Total</b>	<b>375</b>	<b>1,420</b>	

Source: City of Beverly Hills, Traffic & Parking Commission Staff report,  
 November 4, 2010, Turning movement study - raw data, 76  
 Services Station - Wilshire west of Whittier, October 2010

--> Peak driveway count during on-street peak hour

## Trip Generation

In order to effectively evaluate the potential impact of the expanded convenience market space we first determine how much traffic will be generated by the proposed project. The Institute of Transportation Engineers (ITE) is a recognized expert on trip generation and therefore was referenced to determine what traffic could be expected from the proposed project. Table 2 presents the trip generation rates as published by ITE Trip Generation, 8th Edition.

**Table 2**  
**ITE Trip Generation Rates**

Land Use	ITE Code	Pumps	Daily Trips	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Service Station Without Convenience Market	944	7	162.78	6.20	5.96	12.16	6.94	6.93	13.87
Service Station With Convenience Market	945	7	162.78	5.08	5.08	10.16	6.69	6.69	13.38

Source: Institute of Transportation Engineers (ITE) "Trip Generation 8th Edition"

As shown in Table 2, ITE trip generation rates for Service Stations are based on the number of gas pumps and the daily trip rates for stations without and with convenience markets are the same. Peak hour trip rates are slightly less when the service station is accompanied by a convenience market. This is due to the fact that customers spend slightly more time on-site to patronize the convenience market as opposed to simply completing their gasoline purchase and then continuing their travel back on the road. Table 3 presents the calculated trip ends for the project based on ITE rates.

**Table 3**  
**ITE Generated Trip Ends**

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing	1,139	43	42	85	49	49	98
Proposed	1,139	36	36	72	47	47	94
Net Total (Change)	0	-7	-6	-13	-2	-2	-4

As shown in Table 3 and based on application of ITE trip rates, the proposed project would be anticipated to generate no additional vehicle trips per day and an anticipated reduction of 13 trips (-7 inbound, -6 outbound) occurring during the AM peak-hour and 4 fewer trips (-2 inbound, -2 outbound) during the PM peak-hour.

## Alternate Trip Generation Analysis

Since ITE trip generation rates are averages of data collected during studies of similar uses at locations all over the United States it was deemed to be more feasible to evaluate trip generation rates by a more local source. A local recognized source of published trip generation rates is San Diego Association of Governments (SANDAG). SANDAG has published rates which are based on studies of similar uses within southern California. Calculated trip generation for this project has been conducted using their published rates as a comparison. Table 4 presents the trip generation rates as published by SANDAG publication "(Not So) Brief Guide of Vehicular Traffic Generation Rates for The San Diego Region, SANDAG April 2002".

**Table 4**  
**SANDAG Trip Generation Rates**

Land Use	Pumps	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Older Service Station Without Food Mart	7	150.00	50/50	50/50	7%	50/50	50/50	9%
			5.25	5.25	10.50	6.75	6.75	13.50
Service Station With Food Mart	7	160.00	50/50	50/50	7%	50/50	50/50	8%
			5.60	5.60	11.20	6.40	6.40	12.80

Source: (Not So) Brief Guide of Vehicular Traffic Generation Rates For The San Diego Region, SANDAG April 2002.

SANDAG trip generation rates are presented slightly differently than those published by ITE as they present the peak-hour rates as a percentage of the daily trips. Table 4 above, presents the rates and splits and further stratifies the trip rates by trips per pump station. Based on SANDAG studies a service station with a food mart generates 10 trips per day more than a service station without a food mart. This makes sense when one considers that customers may occasionally patron the site solely to make a purchase at the convenience market. Table 5 presents the calculated trip ends for the project based on SANDAG trip rates.

**Table 5**  
**SANDAG Generated Trip Ends**

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing	1,050	37	37	74	47	47	94
Proposed	1,120	39	39	78	45	45	90
Net Total (Increase)	70	2	2	4	-2	-2	-4

As shown in Table 5 and based on application of SANDAG trip rates, the proposed project would be anticipated to generate 70 additional vehicle trips per day with an additional 4 trips (2 inbound, 2 outbound) occurring during the AM peak-hour and 4 fewer trips (-2 inbound, -2 outbound) during the PM peak-hour.

## Validation of Trip Generation Estimates

One effective way to validate trip generation rates is to compare the generated trip ends to actual driveway traffic counts. Table 6 presents a comparison of the ITE and SANDAG generated trips for the existing service station to the actual driveway counts (shown in Table 1) and collected by City staff which were presented in their report to the Traffic & Parking Commission at their November 4, 2010 meeting.

**Table 6**  
**Comparison of Generated Trip Ends to Driveway Counts**

Source	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
ITE Trip Generation	1139	43	42	85	49	49	98
Driveway Counts	1420	33	32	65	50	50	100
Difference	-281	10	10	20	-1	-1	-2
Percent Change	-25%	23%	24%	24%	-2%	-2%	-2%
SANDAG Trip Generation	1050	37	37	74	47	47	94
Driveway Counts	1420	33	32	65	50	50	100
Difference	-370	4	5	9	-3	-3	-6
Percent Change	-35%	11%	14%	12%	-6%	-6%	-6%

As shown in Table 6, the actual daily driveway counts are higher than the daily trip generation projections by both ITE (25%) and SANDAG (35%). The total AM peak-hour trip generation forecasts by both sources are a little higher ITE (24%) and SANDAG (12%) than the existing driveway counts. Total PM peak-hour trip generation forecasts by both sources are a slightly lower with ITE (2%) and SANDAG (6%) than the existing driveway counts.

## Adjusted Trip Generation Rates

For the purpose of this analysis trip generation rates from SANDAG have been selected since they most closely match existing conditions. The SANDAG rates have been adjusted to coincide with existing driveway counts and applied to the proposed modified project. SANDAG rates reflect an increase of 6.67% in daily trip ends for service stations with food mart or convenience markets therefore the future daily trip rate has been adjusted by that same percentage and increased by 35% to match the existing observed daily trips for a total daily increase of 41.67%. AM peak-hour rates are slightly higher than existing driveway counts and therefore no adjustment to the AM peak rates has been applied over the SANDAG AM peak-hour rates. PM peak hour rates have been factored upwards to reflect the actual driveway counts. Table 7 presents the adjusted rates and subsequent anticipated trip generation forecast.

**Table 7  
 Adjusted Trip Generation Rates and Forecast**

Service Station With Convenience Market	Pumps	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
SANDAG Base Rates	7	160.00	5.60	5.60	11.20	6.40	6.40	12.80
Adjustment Factor	-	41.67%	-	-	-	6%	6%	6%
Net Trip Rate	7	226.67	5.60	5.60	11.20	6.78	6.78	13.57
Generated Trip Ends	7	1,587	39	39	78	47	47	94
Existing Driveway Counts		1,420	33	32	65	50	50	100
Net Trip Ends (+/-)		167	6	7	13	-3	-3	-6

As shown in Table 7 and based on application of adjusted trip rates, the proposed project is anticipated to generate 167 additional vehicle trips per day with and additional 13 trips (6 inbound, 7 outbound) occurring during the AM peak-hour and 6 fewer trips (-3 inbound, -3 outbound) during the PM peak-hour.

Wilshire Boulevard is anticipated to easily absorb the minor increase of traffic generated by the proposed project modification. No significant impact to Wilshire Boulevard is anticipated based on the addition of traffic generated by the proposed minor project modification.

## On-Site Circulation

No changes to on-site circulation are proposed. The current circulation pattern is for vehicles to enter at the westerly driveway and exit by the easterly driveway in a counterclockwise travel pattern. As previously mentioned, no left turn signs are posted at each driveway to increase safety and to reinforce the one-way circulation pattern.

On-site parking will also remain unchanged. Parking is provided along the eastern and western property lines with handicapped parking adjacent to the store entrance. Observations of the internal circulation indicate that it currently operates satisfactorily and is expected to continue.

The proposed median extension, to be implemented as part of the Gateway project, would provide a westbound left-turn pocket sized to accommodate storage for two (2) vehicles at the service station driveway.

Based on existing driveway counts, the highest arrival volume occurs between 11 AM and 12 Noon (36 westbound vehicles) which is roughly 64% higher than the existing AM peak hour westbound volume ( $36/22 = 1.636$ ). Multiplying the anticipated AM inbound generated trip ends (39 vehicles) by that factor (1.636) computes to an estimated 64 total trips arriving during the 11 AM to 12 Noon hour. Existing distribution shows 42% of those trips as westbound trips therefore an estimated 27 westbound left-turning vehicles are anticipated to arrive during that hour. The existing and additional trips associated with increase of convenience market floor area are less than one car per minute and no queue of more than two (2) vehicles would be anticipated.

Mr. John Janshai  
Focused Traffic Impact Analysis  
76 Station 9988 Wilshire Blvd., Beverly Hills, Ca  
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## In Closing

No adverse traffic, circulation or parking impacts are anticipated to result from the internal change from service bays to expand the existing convenience market square footage.

As always, should you have any comments or questions, please feel free to contact me directly via email [shilton@infeng.co](mailto:shilton@infeng.co) or by phone at (951) 529-7236.

Regards,



Steve Hilton, T.E.  
Senior Traffic Engineer  
[shilton@infeng.co](mailto:shilton@infeng.co)



Attachments: Figure 3 -proposed site plan  
Figure 4 building modifications



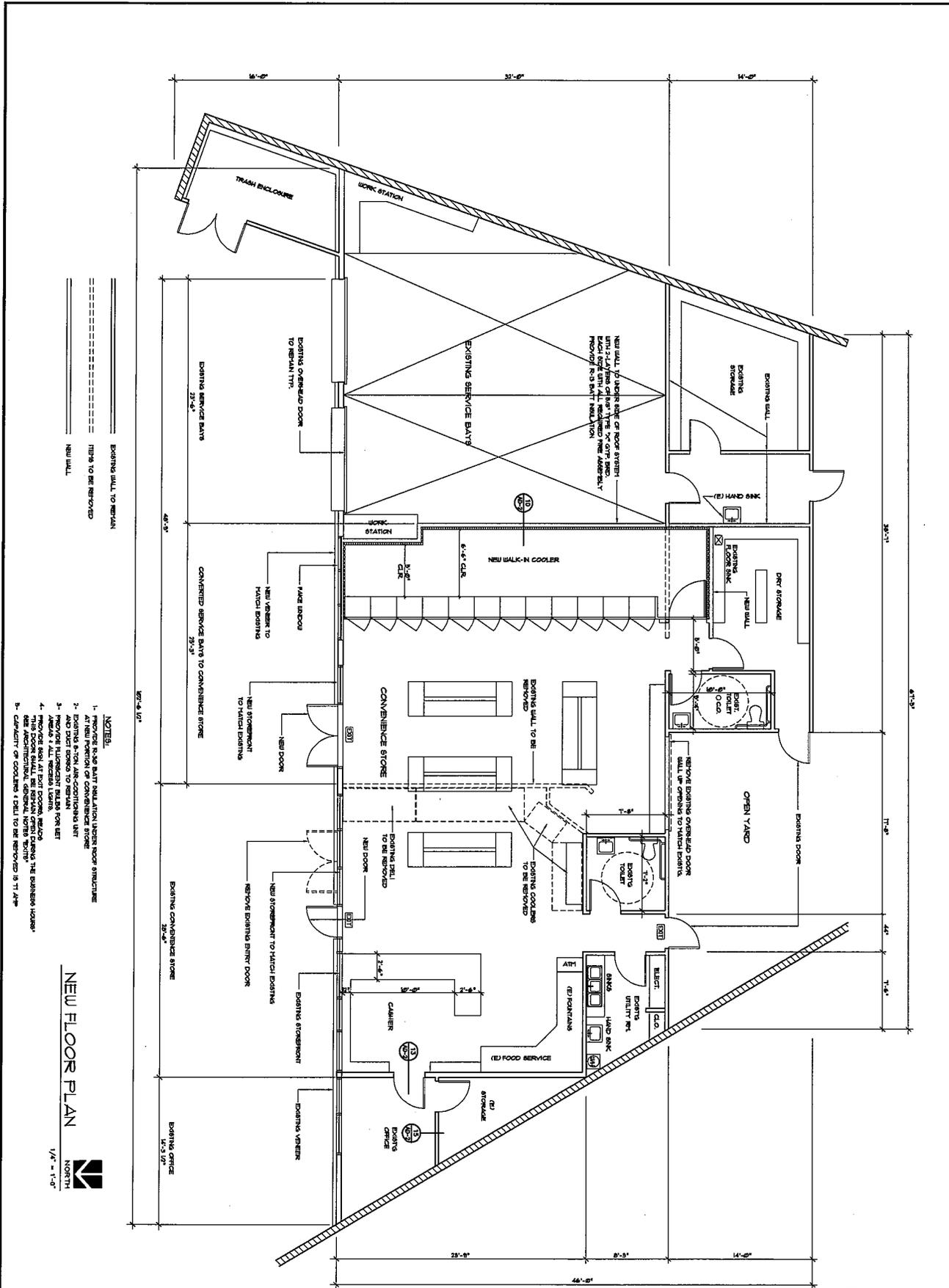


Figure 4  
FLOOR PLAN

5000 <b>A-3</b>	DEC 14 2010 MDR DRAWN CHECKER MDR DATE 9/28/2010		<b>OCTAGON ENTERPRISES, INC.</b> 3303 HARBOR BOULEVARD, SUITE 8-11 COSTA MESA, CALIFORNIA 92626	<b>NEW FLOOR PLAN</b> TITLE	<b>WILSHIRE UNION 76</b> 9989 WILSHIRE BLVD. BEVERLY HILLS, CALIFORNIA	NAME DATE REVISION NAME DATE REVISION NAME DATE REVISION NAME DATE REVISION
	1/4" = 1'-0" NORTH					NAME DATE REVISION NAME DATE REVISION NAME DATE REVISION NAME DATE REVISION

**ATTACHMENT F**  
Applicant Letter

# **Octagon Construction, Inc.**

**3303 Harbor Boulevard, Suite B-11 Costa Mesa, CA 92626**

**Tel: (714)546-7014**

**Fax:(714)546-7028**

Date: July 13, 2011

Rita Naziri

City of Beverly Hills

**Re: Union 76 Expansion of Convenient Store**

Dear Ms. Naziri,

As you may know, the location of 76 gas station on 9988 Wilshire Blvd., has been operating as a gas station and a convenient store with 4 bays of repair shop since 2005. The products offered to the clientele in the existing c-store consist of soft beverage coffee, packaged food, healthy drinks and standard items sold in any c-store nationwide. We do not sale alcoholic beverage, fresh food. By law in order to sale any other item we would need to have special permit and license such as ABC license for alcoholic beverages and as long as you are within the 600 feet of any school or church, it is prohibited to sale alcoholic beverages. Therefore such products cannot be sold in the above mentioned location.

The reason for this request for expansion of the c-store is;

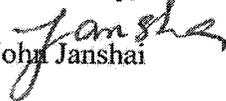
- 1) To replace the free standing coolers by the walking cooler, which will give an additional cold storage space for the safety of our products and will reduce the consumption of the electricity.
- 2) By doing this expansion, we would be able to have a larger space to display our products and more convenient to our clients and most importantly at this time, because of the small existing space, we have to order twice a week for delivery of the products sold, which would be reduced to once only.
- 3) We are providing an extra handicap bath room which benefits the use of the bathrooms by the customers.
- 4) Finally, by eliminating 2 of 4 existing bays, we are reducing a potential cause of contamination in a gas station.

I like to emphasize, by approving our request, not only it would benefit all the above mentioned benefits, also that would enhance the image of the gas station.

I hope this explanation would serve the propose and helpful to get the city's approval.

Please feel free to call me with any other questions you may have.

Yours truly,

  
John Janshai

**ATTACHMENT G**  
Architectural Plans