



Planning Commission Report

Meeting Date: September 26, 2011

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

Request for a Zone Text Amendment, Conditional Use Permit, Encroachment Permit and Alley Vacation to allow the demolition of the existing Jim Falk Lexus Dealership and construction of a new 45-foot tall (48-feet 6-inches to top of parapet and 59-feet to top of stair tower), dealership containing 352 vehicle parking and storage spaces within a four-level building with two levels of subterranean service bays.

PROJECT APPLICANT: Mitchell Dawson on behalf of Jim Falk Lexus

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony;
 2. Direct staff to prepare resolutions recommending that the City Council approve the project and certify the Final EIR.
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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. Does the Final Environmental Impact Report adequately and appropriately address all environmental impacts and Commission/public comments; and
2. Has the project been appropriately modified in response to Commission and public comments?

A Draft Environmental Impact Report (DEIR) for the project was previously prepared and circulated for the required 45-day public review period. The Final Environmental Impact Report (FEIR) has now been prepared, which includes responses to public and Commission comments on the DEIR. Additionally, the project has been modified in accordance with comments received, and is presented to the Commission for consideration.

Attachment(s):

- A. Required Findings
- B. Proposed Zone Text Amendment Language
- C. Proposed Turn Restriction Barrier (South Maple Drive)
- D. Table ES-1, Summary of Environmental Impacts
- E. December 16, 2010 Staff Report (without Attachments)

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BACKGROUND/PROJECT DESCRIPTION

Previous project descriptions have been provided in staff reports and the DEIR; however, the project has been modified in response to Commission, subcommittee, and public comments. Therefore, a revised project description is provided below, as well as in the FEIR.

The proposed project would involve the demolition of the existing dealership, including existing improvements on three parcels, with subsequent construction of a new dealership. The proposed new automobile dealership will contain a combined total of approximately 29,165 square feet of showroom and office space within the first and second levels, approximately 82,286 square feet of vehicle parking and circulation areas within levels one through four, and approximately 56,768 square feet of subterranean vehicle service areas (70 service bays in total). The proposed new building would be approximately 45-feet to the roof level, 48-feet 6-inches to the top of the parapet and 59-feet to the top of the stair tower. The project proposes 352 parking spaces in a stacked/tandem configuration. While 84 of the parking spaces would be utilized to satisfy the City's zoning code requirement for sales and office areas, the remainder of the parking spaces would be utilized for automobile storage.

The Wilshire Boulevard portion of the site houses the primary existing Lexus dealership operations and is currently zoned for general commercial (C-3) uses. The parcel on South Maple Drive, south of the existing building across the alley is currently utilized by the dealership for vehicle storage/surface parking and is zoned for multiple-family residential (R-4) uses, which also permits parking related to commercial uses fronting on Wilshire Boulevard. The 1,822 square foot portion of the east/west alley that bisects the parcels is proposed to be relocated as a part of the Project. The entire building site, including the proposed alley area is approximately 32,643 square feet. 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 Entitlements

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

- Zone Text Amendment¹;
 - The project includes a request to exclude above-ground automobile dealership parking areas and subterranean service areas from the definition of Floor Area. Such an amendment allows the project to comply with the FAR limitations in the C-3 zone, and also prevents the automobile service areas from counting toward the required number of parking spaces for the project.
 - The project includes a request to allow automobile dealerships to provide stacked/tandem parking for the purpose of complying with parking requirements. Such an amendment allows the project to provide the appropriate number of on-site parking spaces needed to accommodate sales, service, and vehicle storage.
- Conditional Use Permit (CUP) to allow the operation of an automobile dealership;

¹ The complete Zone Text Amendment language being proposed can be found in Attachment B.

- Alley Vacation/Amendment to Streets and Highways Master Plan to relocate an existing alley segment; and
- Encroachment Permit to allow loading operations to occur on public property, along Wilshire Boulevard.

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 Guidelines², 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 may 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 EIR for the project to analyze the project's potential impacts on the environment. Circulation of the DEIR has been previously completed, and the FEIR has been prepared (inclusive of responses to comments) for consideration by the Planning Commission and City Council.

As identified in the FEIR (see Attachment D, Table ES-1, Summary of Environmental Impacts,), the project would result in one Significant and Unavoidable Impact in the area of Construction Vibration. No other Significant and Unavoidable Impacts have been identified within the EIR.

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.

EIR RESPONSES TO COMMENTS

Throughout the review of the project numerous comments have been provided by the Commission and public. Many of the comments presented during the project's review were incorporated into the DEIR and discussed during the various hearings (see previous staff reports, attached). Comments not originally incorporated into the DEIR and associated staff reports have been provided in Section XXX of the FEIR. In this section the comments and associated responses are provided for consideration by the Commission.

PROJECT MODIFICATIONS

During the review of this project several varying designs have been presented to the Commission in the hope of responding to Commission and public comments. Additionally, several Commission subcommittee meetings have occurred with the goal of achieving an appropriately designed project. The project was most recently reviewed by the Commission on December 16, 2010. Since that time the

² The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

project has been modified in response to comments, and the notable differences between the revised proposal and the previous proposal are outlined in the following table:

Project Feature	Previous Proposal	Commission/Subcommittee Comment	Applicant Response
Building Height	56 feet	Building is too tall, height adds to massing.	Project revised to a code-compliant height of 45 feet.
Service Bays	72 above-ground service bays	Bays should be relocated to avoid impacts to residents.	All service bays relocated to below-ground levels. Bays reduced to 70.
Vehicle Parking	250 spaces provided	Additional spaces needed to accommodate increased parking demand and vehicle storage.	Number of spaces increased to 352 to accommodate 102 additional vehicles.
Loading Facilities	Located on South Maple Drive	Loading needs to be moved away from residential uses.	Loading area moved to Wilshire Boulevard.
Wilshire/Maple Intersection	No signal at intersection	Signal needed to better facilitate turning movements.	Signal added to intersection to facilitate turning movements.
South Maple Drive Turn Restrictions	No physical barrier on South Maple Drive	Physical barrier needed to prevent left turns into project site from South Maple Drive.	Physical barrier added to project to prevent left turns into project site from South Maple Drive.

In addition to the above table, each project revision is explained in more detail below.

Building Height

The project was most recently proposed with a building height of 56-feet to the roof level. The current proposal reduces the building height to 45-feet at the roof level, which meets the maximum building height set forth in the Municipal Code. The current proposal includes four above-ground stories plus roof-level parking. The number of stories exceeds the standard three-story limitation; however, the Commission has the authority to modify the maximum number of stories through the issuance of a CUP. Although the current proposal exceeds the standard story limitation it does not exceed the otherwise allowed maximum building height.

Service Bays

The project was most recently proposed with 72 above-ground service bays. The current proposal provides all service bays within two subterranean levels of the building, with the intent of eliminating any impacts to the surrounding residential area that might otherwise result from an above-ground service operation. Additionally, the number of service bays has been reduced from 72 to 70.

Vehicle Parking and Storage

The total number of on-site parking spaces has been increased from 250 spaces to 352 spaces. The increase in parking spaces was realized through the result of moving all service areas to the

subterranean areas of the building, and allows the project to better accommodate customers, staff, and vehicle inventory.

Loading Operations

The most recently proposed project included a loading area located on South Maple Drive adjacent to the project site. Due to concerns regarding potential impacts associated with loading operations, the loading zone has been moved to Wilshire Boulevard to allow for all loading activities to occur on a commercial (rather than residential) street.

Signalized Intersection

The most recently proposed project did not include a traffic signal at the intersection of Wilshire Boulevard and Maple Drive. Based on direction from the Planning Commission subcommittee the applicant is proposing to convert the Wilshire Boulevard/Maple Drive intersection to a signalized intersection. The goal of adding a traffic signal to the intersection is to prevent vehicles from entering the surrounding residential areas by facilitating westerly movement onto Wilshire Boulevard for vehicles traveling north on South Maple Drive (leaving the dealership), and to facilitate southerly movement onto South Maple Drive for vehicles traveling westbound on Wilshire Boulevard (arriving at the dealership). The proposed signalized intersection has been incorporated into the traffic study and FEIR, and will not result in a significant traffic impact.

South Maple Drive Turn Restrictions

The most recently proposed project did not include a physical barrier on South Maple Drive to prevent vehicles traveling northbound on South Maple Drive from making a left turn into the dealership. Based on direction from the Planning Commission subcommittee the applicant is proposing a physical barrier on South Maple Drive to prevent northbound traffic from making left turns into the dealership. The goal of the barrier is to prevent dealership patrons from utilizing the surrounding residential streets for the purpose of accessing the dealership, and to instead direct traffic to Wilshire Boulevard. Attachment C provides preliminary details of the proposed barrier's configuration; however, any approval of such a barrier by the Commission would be conditioned to require final design approval by the Director of Public Works to ensure a safe, effective configuration.

ANALYSIS/POLICY ISSUES

As proposed, and in order to be approved, the project requires changes to the development standards identified in the City's Zoning Code, and also requires vacation and replacement of an existing alley. Therefore, the following discussion items should be considered by the Commission in reviewing the project.

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. 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 Text 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 modification zoning standards they shall so recommend to the council.

An analysis of key elements of the project is provided below and measures have been identified in the FEIR to mitigate significant operational impacts associated with the project. In its review of the project, the Planning Commission may want to consider:

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

Planning Commission Subcommittee. At the direction of the Planning Commission, a subcommittee was formed to review different iterations of the project and provide direction on project modifications. Based on input received from the subcommittee the abovementioned project revisions were implemented. The subcommittee has reviewed the currently proposed project and supports the overall project, inclusive of the project revisions. The subcommittee believes that the revised project is appropriate for the neighborhood, will result in improved conditions compared to current operations, and will not result in adverse impacts to the surrounding neighborhood.

Zone Text Amendment. The proposed project includes a request for a zone text amendment that would be applicable to new automobile dealerships. The proposed amendment would allow for certain parking and vehicle service areas to be excluded from the definition of Floor Area, and would also allow for the use of compact and tandem parking spaces. The proposed amendment would allow for the dealership to be built to a scale and density similar to that of a comparable general office building, and is not anticipated to result in adverse impacts to the surrounding area. Furthermore, the proposed Zone Text Amendment would only be applicable to automobile dealerships that require discretionary review through a CUP, thus ensuring that future projects would be reviewed on a case-by-case basis including compliance with CEQA. The proposed Zone Text Amendment language can be found in Attachment B.

Height. As revised, the project complies with the standard 45-foot height limit for the C-3 zone and 35-foot height limit for the portion of the project in the R-4 zone. However, the project does exceed the standard three-story limitation for the C-3 zone. Pursuant to the issuance of a CUP the Commission may approve height and story limitations in excess of the standard code requirements if the Commission determines that such an approval would not be detrimental to the surrounding area. The project proposes four above-ground stories with rooftop parking for the purpose of providing adequate parking for customers, employees, and vehicle storage. Although the number of stories exceeds the standard code requirements, the height/stories of the structure are not anticipated to result in any impacts beyond those that may be generated by a standard three-story, 45-foot tall general office building. As a result, the number of stories associated with the project appears to be appropriate for the site and is not anticipated to result in adverse impacts to the surrounding area.

Mass. Due to the configuration of the project and technical provisions of the Zoning Code, all parking areas and subterranean service areas associated with the project would count as Floor Area under the current development standards, and would cause the project to exceed the maximum allowed Floor

Area Ratio (FAR) for the site. As a component of the project, the applicant seeks to modify the Zoning Code through a Zone Text Amendment to allow parking areas and subterranean service areas associated with automobile dealerships to be excluded from the definition of Floor Area, thereby allowing the project to comply with the maximum allowed FAR. From a practical standpoint (in terms of gross square footage) the proposed project is no larger than a comparable office building with above-grade and below-grade parking facilities that could be permitted on the subject site. The difference is that, due to technical provisions in the Zoning Code, a comparable office building has the ability to exclude above-grade and below-grade parking areas from its overall FAR, while the proposed Lexus dealership is unable to utilize these exemptions. Therefore, the overall mass of the project is considered to be consistent with that of a comparable, code-compliant office building, and is therefore not anticipated to result in adverse impacts to the surrounding area.

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. Based on this data and incorporation of a signalized intersection at Wilshire Boulevard and Maple Drive the proposed project would not result in a significant impact at any of the study intersections or street segments.

Parking/Vehicle Storage. The revised project proposes 352 parking spaces (a 102 space increase over the previous proposal of 250 spaces) spread throughout building, including one level of roof-top parking. 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 and service areas based on the proposed Zone Text Amendment). The peak parking demand for the proposed use, including employee parking, has a range of between 308 and 323 parking spaces. As such, the revised proposal and parking plan is anticipated to accommodate the project; however, off-site parking may be utilized on an as-needed basis depending on inventory fluctuation.

Loading. No loading area is proposed on-site. Delivery trucks would utilize Wilshire Boulevard (rather than South Maple Drive as previously proposed) to make deliveries. The trucks would park in the proposed loading area adjacent to Wilshire Boulevard 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 potential overflow storage on an as-needed basis. The proposed loading area requires approval of an encroachment permit to utilize portions of the public right-of-way. The proposed loading zone would be approximately 11-feet by 80-feet and would maintain an approximate 4-foot wide sidewalk in this area of the project site.

Alley Relocation. 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 with a new, 20-foot wide alley immediately south of the proposed building. The proposed project includes such a replacement alley, and is consistent with direction provided by the Public Works Department. Furthermore, the replacement alley is wider than the existing alley, which results in a net increase in City-controlled public right-of-way. The proposed replacement alley is not anticipated to result in any adverse impacts to the surrounding area or circulation.

Alley Access. The proposed project includes alley access on the ground floor, accessible from the interior parking and circulation areas of the structure. The applicant is proposing the alley access for use by mechanics only for the purpose of testing vehicles that have been serviced at the project site. Although the alley access is intended to be used by vehicle mechanics only, staff recommends a condition of approval limiting alley access to mechanics only, and requiring the installation of signage stating the same. Due to the close proximity of residential uses across the alley, this condition is recommended in order to minimize dealership-associated traffic through the alley which might otherwise result in adverse impacts if left unrestricted.

R-4 Parcel. The southerly most lot associated with the project (and fronting on South Maple Drive) is currently zoned R-4, which typically allows for multi-family residential uses. In addition to the allowed use of multi-family residential, the R-4 zoning designation allows for the transitional use of commercial parking as a permitted use as long as certain development standards are met. The project proposes to maintain the current R-4 zoning designation on the subject property, and intends to use this area for parking purposes only, in full compliance with the standards applicable to parking structures located in an R-4 zone and serving as a transitional use between commercial and residential properties. Because the R-4 parcel is intended to be developed in full compliance with the standards applicable to transitional uses, and will be used for automobile parking purposes only, no adverse impact is anticipated. In the event that the Commission approves the project, staff is also recommending a condition of approval restricting operations on the R-4 parcel to be restricted to automobile parking only.

Test Drives. Vehicle test drives are a necessary part of operating an automobile dealership; however, test drives have the potential to result in added traffic and potentially adverse impacts if not properly managed. Currently, the applicant proposes to use Wilshire and Olympic Boulevards as the only east/west streets used for test drives, but has not yet selected the intended north/south streets. In order to properly manage the test drives staff recommends that the north/south streets be limited to major roadways, and that the final test drive route be reviewed by the City's Transportation Department prior to implementation. Such a condition restricts all test drives to major roadways, and prevents potential impacts to the surrounding neighborhoods.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Newspaper Notice*	10 days	9/16/2011	9/16/2011	10 days
Mailed Notice (Owners & Residents - 300' Radius)*	10 days	9/16/2011	9/15/2011	11 days
Website	N/A	N/A	9/23/2011	6 days

Public Comment

The City has previously received comments on the project and DEIR, and the letters and responses are included in the FEIR for the project. As of the date of preparation of this report, no additional comments have been received.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing, review the revised project, and direct staff to prepare resolutions with appropriate findings and conditions recommending that the City Council approve the project and certify the FEIR.

Alternatively, the Planning Commission may consider the following actions:

- Provide direction for additional project and/or EIR modifications; or
- Direct staff to prepare a resolution denying the project based on articulated findings

Report Reviewed By:



David Reyes, Principal Planner

ATTACHMENT A
REQUIRED FINDINGS

REQUIRED FINDINGS

Conditional Use Permit

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

Zone Text Amendment

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

Alley Vacation/Relocation

1. *The right-of-way to be vacated is not necessary for present or prospective public street purposes and/or other public uses;*
2. *The proposed vacation will conform to the General Plan;*
3. *The right-of-way to be vacated is not useful for a non-motorized transportation facility; and*
4. *The vacation is in conformance with the California Environmental Quality Act.*

ATTACHMENT B

PROPOSED ZONE TEXT AMENDMENT LANGUAGE

10-3-3801: EXEMPTIONS AND REDUCTIONS:

The height and area requirements set forth in other provisions of this chapter shall not apply to conditional uses for which a conditional use permit application is submitted and later granted.

In addition, the parking and loading space requirements set forth in other provisions of this chapter may be reduced by the planning commission for the uses specified in this section upon the presentation of evidence satisfactory to the commission that the parking and loading spaces required by other provisions of this chapter exceed the demand for parking and loading spaces that will be generated by the proposed use. Pursuant to this section, the planning commission may reduce parking and loading space requirements for any of the following uses in conjunction with the granting of a conditional use permit:

- A. Childcare uses other than family daycare homes,
- B. Religious institution located in the C-5 zone provided all of the following criteria are met:
 - 1. The use of the subject site is limited to religious institutional uses.
 - 2. Except as otherwise permitted by the conditional use permit, no social events shall be allowed at the subject site. For the purposes of this section, "social events" shall include: a) celebrations associated with weddings and other life cycle events; b) fundraising events not involving a religious service, such as bingo games or auctions; c) gatherings of more than five (5) persons to foster interaction among congregation members or among congregation members and other members of the community, including but not limited to events such as dances, discussions, study groups or lectures.
 - 3. The applicant submits evidence satisfactory to the planning commission that establishes that the proposed use will have no traffic or parking related impacts on adjacent streets or land uses as a result of the requested reduction in the parking and/or loading requirements. Such evidence may include, but not be limited to, a traffic and parking utilization study prepared by a certified traffic engineer.
- C. Educational institutions which fulfill the state compulsory education requirements of its pupils and which are registered with the state of California pursuant to California Education Code section 33190, or its successor, and educational institutions located in nonresidential zones providing continuing education and vocational training programs that are accredited by a nationally recognized accrediting agency listed by the United States department of education.
- D. Hotel restaurants that may be established pursuant to a conditional use permit.
- E. Automobile dealerships. In addition to the above, as part of the Conditional Use Permit process to permit the establishment of a new or expanded automobile dealership, the Planning Commission may permit:**
 - 1. The required parking to be provided in a tandem and/or compact configuration provided that at least half of the overall parking supply is devoted to the storage of new automobiles.**
 - 2. The exclusion of above-grade parking and circulation areas and below-grade areas devoted solely to vehicle service and parking from the calculation of floor area, provided that the building housing the automobile dealership does not exceed 45-feet in height.**

The planning commission may require a conditional use permit applicant to provide the commission with any information that the commission believes would be useful for the purpose of determining the parking and loading demand of a proposed use, the impacts of that use, or the appropriate conditions to be imposed on that use. (1962 Code § 10-415; amd. Ord. 95-O-2239, eff. 7-7-1995; Ord. 95-O-2247, eff. 11-10-1995; Ord. 96-O-2256, eff. 4-5-1996; Ord. 99-O-2331, eff. 8-20-1999; Ord. 03-O-2421, eff. 2-7-2003)

ATTACHMENT C
PROPOSED TURN RESTRICTION BARRIER
(SOUTH MAPLE DRIVE)

DRIVE

200'±

CLUBS
ON 1ST
FLOOR
EXIT

N

7' DRIVE

OUT

CUSTOMER VEHICLE
HANDOVER

RAMP DOWN
TO LOWER
FLOORS

ALLEY

RE-ALIGNED 20' WIDE ALLEY

ALLEY

EXISTING ADJACENT
BUILDING

LANDSCAPE BUFFER

RAMP UP
TO UPPER
FLOORS

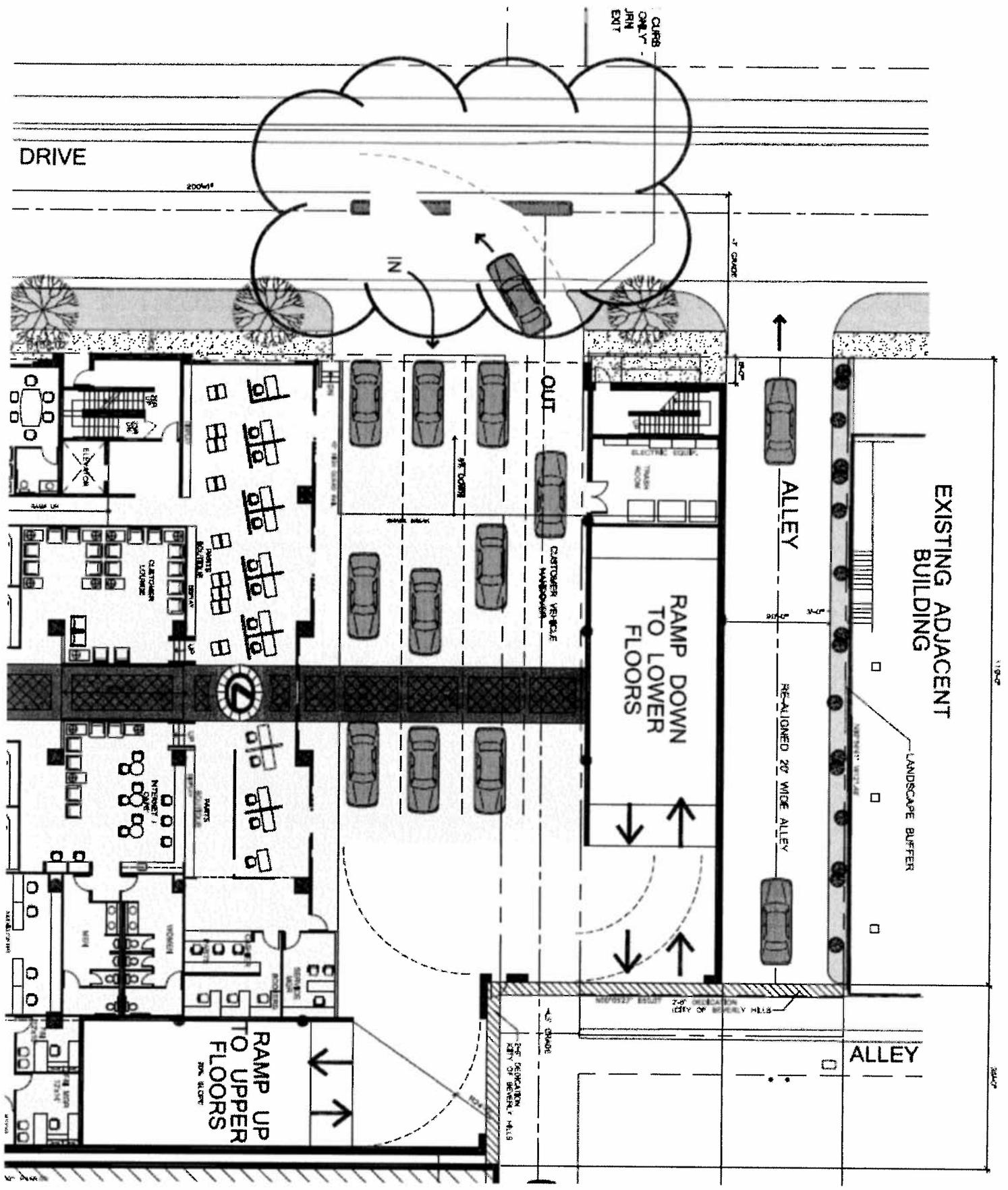
20' RELOCATION
ZONING PERMITS

7' DRIVE

20' RELOCATION
ZONING PERMITS

118'-0"

204'-0"



ATTACHMENT D

TABLE ES-1, SUMMARY OF ENVIRONMENTAL IMPACTS

**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures and Residual Impacts**

Class I (Significant and Unavoidable) Impacts		
Impact	Mitigation Measures	Residual Impact
NOISE		
<p>Traffic noise impacts associated with cumulative development within the City would incrementally increase noise levels along roadways and could potentially subject sensitive receptors to noise exceeding City standards. As shown in tables 4.7.4 and 4.7.5, the estimated noise increase resulting from cumulative development in the City would exceed the 1 dB threshold shown in Table 4.7.3 for the segment of Wilshire Boulevard between Roxford Drive and Maple Drive. Cumulative traffic growth would result in a noise increase of up to 1.9 dB due to traffic increases on this roadway segment, which could affect sensitive receptors such as residents near that roadway segment. This noise level increase due to cumulative traffic increases is considered a significant cumulative impact. However, as shown in tables 4.7.4 and 4.7.5, Project-generated traffic would not measurably contribute to this significant cumulative impact. Therefore, the Project's impact would not be cumulatively considerable.</p>	<p>There is no feasible solution to reduce vehicle-generated noise along Wilshire Boulevard.</p>	<p>Class I, <i>unavoidably significant</i>; however, the project's contribution to the cumulatively significant impact would not be cumulatively considerable.</p>
CONSTRUCTION EFFECTS		
<p>Impact CON-3 Project construction activities could generate intermittent levels of groundborne vibration exceeding thresholds for sensitive receptors in the vicinity of the project site, including residential, institutional, and medical uses. Mitigation measures CON-2(a-be) would be required to reduce construction vibration levels. Nonetheless, impacts would be Class I, <i>unavoidably significant</i>.</p>	<p>Mitigation measures CON-2(a-b) would be anticipated to reduce exposure of sensitive receptors to heavy trucks and equipment staging; however, there is no mitigation available that can be guaranteed to eliminate the potential for vibrations in excess of thresholds at sensitive receptor locations.</p>	<p>Because there is no mitigation available that can be guaranteed to reduce the impacts to below significance thresholds, the impact is considered Class I <i>unavoidably significant</i>.</p>

**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Class II (Significant but Mitigable) Impacts



Impact	Mitigation Measures	Residual Impact
CULTURAL RESOURCES		
<p>Impact CR-2 There are no known archaeological or paleontological resources. However, there is potential to unearth previously unknown archaeological or paleontological resources. This is a Class II, significant but mitigable impact.</p>	<p>CR-2(a) Archeological/Paleontological Monitoring. In the event that a previously unknown artifact or fossil is uncovered during project construction, all work shall cease until a certified archaeologist and/or paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.</p> <p>CR-2(b) Coroner Notification. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.</p>	<p>Less than significant.</p>
GEOLOGY		
<p>Impact GEO-2 The proposed Project includes demolition of existing improvements and construction of a four story building with a two subterranean parking garage levels 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 Class II, significant but mitigable.</p>	<p>GEO-2 Geotechnical Report. The project applicant shall implement all design considerations recommended in the geotechnical report, including the following:</p> <ul style="list-style-type: none"> • All demolition debris shall be removed and hauled from proposed grading areas prior to the start of grading operations. Any existing vegetation shall not be mixed or diced into the soils. Any removed soils may be reutilized as compacted fill once any deleterious material or oversized materials (in excess of eight inches) is removed. Grading operations shall be performed in accordance with the "Specifications for Compacted Fill Operations" on page 15 of the Norcal Engineering April 2, 2010 geotechnical report. • All fill and/or disturbed top soils shall be removed to native material, the exposed surface scarified to a depth of 12 inches, brought to within 2% of optimum moisture content and compacted to a minimum of 90% of the laboratory standard prior to placement of any additional compacted fill soils, foundations, slabs-on-grade and pavement. • A diligent search shall be conducted during grading operations in an effort to uncover any underground structures, irrigation or utility lines. If encountered, these structures and lines shall be either removed or properly abandoned prior to construction. 	<p>Less than significant.</p>



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<ul style="list-style-type: none"> • Any imported fill material shall be similar to the upper soils encountered at the Project site. Imported soils utilized for the backfill of retaining walls shall consist of select sand material or approved gravel material. All soils shall be approved prior to importing at the site and shall be subject to additional laboratory testing. • Adequate drainage away from structures, pavement and slopes shall be provided at all times. • Temporary shoring design for the proposed subterranean garage shall utilize a trapezoidal pressure distribution. The final shoring structural calculations and drawings shall be reviewed prior to installation. • Temporary uncharged excavations above the vertical may be trimmed at a 1 to 1 gradient for an additional four feet. • All excavations shall be made in accordance with the requirements of CAL-OSHA and other public agencies with jurisdiction over the Project site. • All foundations shall be designed utilizing the allowable safe bearing capacities on page 9 of the geotechnical report dated April 2, 2010 for an embedded depth of 48 inches into competent native soils. • All continuous foundations shall be reinforced with a minimum of two No. 4 bars, top and bottom; isolated pad foundations shall be reinforced at the discretion of the Project structural engineer. • All concrete slabs-on-grade shall be at least four inches in office and sidewalk areas reinforced with a minimum of No. 3 bars, eighteen inches in each direction positioned mid-height in the slab and placed on approved subgrade soils. • A vapor retarder shall be utilized in areas which would be sensitive to the infiltration of moisture. • All pavement areas shall have positive drainage toward an approved outlet from the site. Drain lines behind curbs and/or adjacent to landscape areas shall be considered by the applicant and the appropriate design engineers to prevent water from infiltrating beneath the pavement. • Any approved base material shall consist of a Class II aggregate or equivalent and shall be compacted to a minimum of 95% relative compaction. • All pavement materials shall conform to the requirements set forth by the City of Beverly Hills. 	



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<ul style="list-style-type: none"> • The base material and asphaltic concrete shall be tested prior to delivery to the site and during placement to determine conformance with project specifications. • A pavement engineer shall designate the specific asphalt mix design to meet the required Project specifications. • Trenches from installation of utility lines and other excavations may be backfilled with on-site soils or approved imported soils compacted to a minimum of 90% relative compaction. • All utility lines shall be properly bedded with clean sand having a sand equivalency rating of 30 or more. This bedding material shall be thoroughly water jetted around the pipe structure prior to placement of compacted backfill soils. • A Type II cement according to the latest specifications shall be utilized for building foundations. • "Expansive Soil Guidelines" contained on page 17 of the geotechnical report shall be complied with during the design of the project and future property maintenance. The "Expansive Soil Guidelines" include the following requirements: <ul style="list-style-type: none"> • Maintain moisture contents at relatively constant levels, allowing neither excessive wetting or drying of soils. • Drainage away from structures and pavement • Strictly control irrigation around building foundations, slabs and pavement • Analyze planting schemes for landscaping around structures and pavement • Use thickened edges on exterior slabs to keep excessive moisture from entering directly beneath the concretes. Underlying interior and exterior slabs with 6-12 inches or more of non-expansive soils and presaturation of underlying clayey soils will improve the overall performance of on-grade slabs. • Increase the amount of steel reinforcing in concrete slabs, foundations and other structures to resist the forces of expansive soils. 	
HAZARDS AND HAZARDOUS MATERIALS		
<p>Impact HAZ 2 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 Class II,</p>	<p>HAZ-2(a) Soil Sampling. At the time of vacancy and prior to demolition, soil sampling shall be conducted adjacent to the drains, drain lines, clarifier. Soil samples shall also be collected at various locations throughout the site and within any unpaved planter areas onsite.</p>	<u>Less than significant</u>



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
<i>significant but mitigable.</i>	<p>The soil samples shall be analyzed for the following: TPH, VOCs, SVOCs, metals and asbestos. If contaminated soil is identified, and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by a regulatory oversight agency such as the County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.</p> <p>HAZ-2(b) Geophysical Survey. At the time of vacancy and prior to demolition, a geophysical survey of the Project site shall be conducted to determine whether there is potential for any as-yet undiscovered underground storage tanks. If any large metal anomalies are discovered at the time of site clearance, but prior to issuance of a grading permit, a backhoe shall be used to uncover the anomaly.</p> <p>If the anomaly is a tank, it shall be removed and properly disposed at a licensed disposal facility. The removal of a UST in Los Angeles County shall be conducted in accordance with County of Los Angeles Department of Public Works (LACDPW) UST Program. Removal of a UST shall include soil sampling beneath the UST. The soil samples shall be analyzed pursuant to the tank removal permit requirements. If contaminated soil is identified and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by the LACDPW UST Program. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.</p> <p>If hydraulic pistons are found, they shall be</p>	



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<p>removed and properly disposed at a licensed facility. The removal of hydraulic pistons shall be conducted in accordance with applicable regulations under the guidance of a Professional Civil Engineer or Professional Geologist. Removal of hydraulic pistons could include soil sampling around the hydraulic pistons. If contaminated soil is identified, and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by a regulatory oversight agency such as the County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.</p> <p>HAZ-2(c) Excavation and Demolition Contingency Plans. The developer shall prepare a contingency plan for all excavation and demolition projects conducted within the combined-Project area to be implemented in the event that contaminants or structural features not previously identified are suspected or discovered. The contingency plan shall identify appropriate measures to be followed if contaminants are found or suspected. The appropriate measures shall identify personnel to be notified, emergency contacts, and a sampling protocol. The excavation and demolition contractors shall be made aware of the possibility of encountering unknown hazardous materials, and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that determination.</p> <p>HAZ-2(d) Groundwater Sampling. If, during the soil sampling required above under Measure HAZ-2(a), groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the developer shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed</p>	



Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Class II (Significant but Mitigable) Impacts		
Impact	Mitigation Measures	Residual Impact
	maximum contaminant levels for those constituents in drinking water, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The developer shall submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.	
NOISE		
Impact N-2 Operation of the Project would generate noise that may periodically be audible to existing residential uses along the southern boundary of the Project site. Such noise sources include parking lot noises, which be contained within the building, and noise from stationary rooftop equipment. This is a Class II, significant but mitigable, impact.	N-2 Rooftop Parapets. Parapets shall be installed around all rooftop parking areas.	Less than significant.
PUBLIC SERVICES AND UTILITIES		
Impact PSU-4 The Project would generate an estimated net wastewater increase of 6,709 <u>13,566</u> gallons per day (gpd), which would flow to the Hyperion Plant. The treatment plant has sufficient capacity to accommodate this increase in wastewater. However, existing wastewater conveyance infrastructure may require upgrades to meet the required flows for the Project. This impact would be Class II, significant but mitigable.	PSU-4 Wastewater Conveyance Upgrade. If the City Engineer determines that infrastructure upgrades are necessary, the Applicant shall pay a "fair share" of the cost of the upgrade as determined by the City of Beverly Hills in association with the City of Los Angeles. Payment for this upgrade shall be made prior to the issuance of a building permit.	Less than significant.
TRAFFIC AND CIRCULATION		
Impact T-1 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	T-1(a) Signalization of South Maple Drive and Wilshire Boulevard. The intersection of South Maple Drive and Wilshire Boulevard shall be signalized. T-1(b) Turn Prohibition. Left turns from South Maple Drive to Wilshire Boulevard shall be prohibited from 7:00 AM to 7:00 PM Monday through Saturday. In addition, Lexus customers shall be prohibited from making	Mitigation Measure T-1(a) is infeasible. However, Mitigation Measure T-1(b) is feasible. Therefore, impacts would be Class II, significant but mitigable.



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Class II (Significant but Mitigable) Impacts		
Impact	Mitigation Measures	Residual Impact
through Saturday. With implementation of Mitigation Measure T-1, impacts would be Class II, <i>significant but mitigable</i> .	right turns out of the project driveway to use neighborhood streets for circulation. These prohibitions shall be accomplished with appropriate signage.	
Impact T-4 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 additional parking would reduce the impact to Class III, less than significant.	<p>T-4(a) Employee Parking The applicant shall provide 73 employee parking spaces on site in a second subterranean parking level.</p> <p>T-4(b) Creative Valet Stacking The applicant shall employ creative stacking by valets during daily operations to maximize on-site parking. Thus, in addition to stacking vehicles four deep as shown on the plans, the dealership may also need to stack vehicles in drive aisles as well to accommodate peak parking demand.</p> <p>T-4(c) Parking Monitoring As part of the ongoing service and sales capacity, it may be necessary to shift some inventory back to the storage site to free up additional parking at the Dealership. It is recommended that inventory shifts be made back to the storage site in preparation for a particularly busy service day to ensure adequate availability of parking at the dealership facility.</p> <p>T-4(d) Off-Site Employee Parking Off-site employee parking shall be secured through a lease agreement or other legal instrument acceptable to the City.</p>	T-4(a) may not be feasible; however, in the absence of T-4(a), T-4(d) fully mitigates the impact. The residual impact would be less than significant.
Impact T-5 The Project would allow for adequate site access to the building and internally; however, the proposed internal drive ramps could restrict some of the largest Lexus vehicles if both cars are traveling past one another in opposite directions on a curve at the same time. The Valet Service could be tailored to allow for coordination of vehicles traveling in opposite directions on the drive ramps. Therefore, the impact with respect to site access and circulation would be Class II, <i>significant but mitigable</i> .	T-5 Valet Coordination The valet service shall coordinate between vehicles traveling on the drive ramps, so that no two vehicles are passing each other on the curved portion of the drive ramps. The valet service shall also direct outgoing traffic to head north on South Maple Drive to Wilshire Boulevard and shall discourage patrons from heading south through the residential neighborhood. The coordination shall be described within the Lexus Facility Valet Service operational plan and within the job description for Valets.	Less than significant.
Impact T-6 The alley between the South Maple Drive Parcel and 9242/9230 Wilshire Boulevard would be vacated/relocated as part of the proposed project. With implementation of mitigation, vacation/relocation of the alley would be a Class II, <i>significant but mitigable</i> , impact.	<p>T-6(a) Streets and Highways Code Section 8320 The proposed alley vacation shall be in accordance with the Streets and Highways Code Section 8320, which outlines the process involved in the vacation of dedicated public right-of-ways.</p> <p>T-6(ba) Relocation of water line Relocation of the water line that would be required due to the proposed alley vacation/relocation shall be</p>	Less than significant



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Class II (Significant but Mitigable) Impacts		
Impact	Mitigation Measures	Residual Impact
	<p>approved by the City of Beverly Hills Water Utilities Division. The sewer line in the proposed alley vacation relocation shall be Closed Circuit TV'd (CCTV) to verify existing connections prior to abandoning relocating the line. This work shall be performed according to City standards and shall be paid for by the applicant.</p> <p>T-6(eb) Contacting Utility Companies. The applicant shall contact utility companies to arrange for the relocation of their utilities prior to commencing the vacation relocation process.</p> <p>T-6(dc) Alley Relocation. The alley shall be relocated south of the proposed building within the proposed landscape area. The alley shall be designed to permit vehicular and pedestrian traffic and to contain the relocated utilities with the City retaining ownership. To ensure adequate alley operations, additional right of way (<u>up to 2.5 feet</u>) shall be obtained on the west side of the alley to ensure passage of trucks pursuant to the recommendations of the alley closure study, subject to review and approval by the City Department of Public Works Transportation Division, OR signs shall be posted at the entrances to the east-west and north-south alleys indicating "No Truck Access". The ultimate design is subject to review and approval by the City Department of Public Works Transportation Division.</p>	
CONSTRUCTION EFFECTS		
<p>Impact CON 1 Project construction and equipment staging would temporarily increase truck traffic in the Project vicinity, which could disrupt the normal use of the sidewalk along adjacent streets, and affect parking availability. With implementation of Mitigation Measure CON-1, impacts would be Class II, <i>significant but mitigable</i>.</p>	<p>CON-1 (a) Construction Traffic Management Plan. The applicant shall submit a Construction Traffic Management Plan to the City for review and approval prior to issuance of demolition, grading or building permits. At a minimum, the plan shall meet the following standards to the satisfaction of the City:</p> <ul style="list-style-type: none"> • Maintain existing access for land uses in proximity to the Project site during project construction. • Schedule deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible. • Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time. • Minimize obstruction of through-traffic lanes on adjacent streets. • Control construction equipment traffic from the contractors through flagman and traffic control devices. 	<p>Less than significant.</p>



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<ul style="list-style-type: none"> • Identify designated transport routes for heavy trucks (in addition to haul trucks) to be used over the duration of the proposed project. • Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets. • Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses. • Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses. <p>CON-1 (b) Worker Parking Management Plan. The applicant shall submit a Worker Parking Management Plan to the City for review and approval prior to the issuance of demolition, grading or building permits. To the maximum extent feasible, all working parking shall be accommodated on the Project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and method of transportation to and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan shall include appropriate methods to ensure that the parking location requirements for construction workers are strictly enforced. These include but are not limited to the following:</p> <ul style="list-style-type: none"> • Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on any residential street or in public parking structures. • Prohibit construction worker parking within 500 feet of the nearest point of the Project site except within designated areas. The construction contractor shall be responsible for informing subcontractors and 	



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<p>construction workers of this requirement, and if necessary, for hiring a security guard to enforce these parking provisions. The applicant shall be responsible for all costs associated with enforcement of this mitigation measure.</p> <ul style="list-style-type: none"> Identify sites where construction workers could park off-site, if necessary. <p>In lieu of the above, the applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the Project site throughout the entire duration of demolition and construction activities.</p>	
<p>Impact CON 2 Project construction would intermittently generate high noise levels on and adjacent to the Project site. This may exceed the allowable noise levels at nearby properties during the permitted hours, but construction activity would not exceed the allowable noise levels outside of the permitted hours. This is a Class II, <i>significant but mitigable</i>, impact.</p>	<p>CON-2 (a) Heavy Truck Restrictions. The construction contractor shall prohibit off-site heavy truck activities in local residential areas.</p> <p>CON-2 (b) Staging Area. The construction contractor shall provide staging areas onsite <u>to the extent feasible</u> to minimize off-site transportation of heavy construction equipment. The distance between staging areas and sensitive receptors shall be maximized to reduce noise levels associated with idling construction equipment.</p> <p>CON-2 (c) Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.</p> <p>CON-2 (d) Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.</p> <p>CON-2 (e) Additional Noise Attenuation Techniques. For all noise generating construction activity on the Project site, additional noise attenuation techniques shall be employed as necessary to reduce noise levels to 78.8 dBA. Such techniques shall include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure that noise levels at nearby sensitive receptors do not exceed 78.8 dBA. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques</p>	<p>Less than significant.</p>



Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Class II (Significant but Mitigable) Impacts		
Impact	Mitigation Measures	Residual Impact
	are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.	
<p>Impact CON-4 Temporary air pollutant emissions generated by construction activities associated with the Project would <u>not</u> exceed <u>1st</u> SCAQMD thresholds for ROG, but would not exceed thresholds for other criteria pollutants; <u>however, emissions of PM₁₀ would exceed SCAQMD thresholds.</u> Incorporation of Mitigation Measure CON-4 (a) would reduce ROG-PM₁₀ emissions below thresholds. Therefore, temporary impacts associated with construction-related emissions would be Class II, significant but mitigable for ROG-PM₁₀ and Class III, less than significant for ROG, NOx, CO, PM₁₀ and <u>and</u> PM_{2.5}.</p>	<p>CON-4(a) ROG Control Measure. Low-Volatile Organic Compound (VOC) architectural and asphalt coatings shall be used on-site and shall achieve a maximum average of 125 g/l VOC as calculated pursuant to the South Coast Air Quality Management District Rule 1113 methodology.</p> <p>Although project-generated NOx, PM_{2.5} and PM₁₀ emissions would be below SCAQMD thresholds, the following mitigation measures are also recommended to further reduce emissions:</p> <p>CON-4(b) Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment:</p> <ul style="list-style-type: none"> • Equipment engines shall be maintained in good condition and in proper tune per manufacturer's specifications; • New technologies shall be utilized to control ozone precursor emissions as they become available; • Diesel oxidation catalysts and particulate filters shall be installed on all on and off road construction vehicles. <p>CON-4(ea) Fugitive Dust Control. The following shall be implemented during construction to minimize fugitive dust emissions:</p> <ul style="list-style-type: none"> • Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph. • Soil with 5% or greater silt content that is 	<p><u>Less than significant</u></p>



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<p>stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.</p> <ul style="list-style-type: none"> • All material excavated or graded shall be treated with soil binders or shall be sufficiently watered at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. • All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust. • All material transported off-site shall be securely covered to prevent excessive amounts of dust. • All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints. • Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible. • These control techniques shall be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City. <p><u>Although NOx emissions would not exceed SCAQMD or LST thresholds, Mitigation Measure CON-4(b) is recommended to reduce NOx emissions.</u></p> <p><u>CON-4(b) Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment:</u></p> <ul style="list-style-type: none"> • <u>Equipment engines shall be maintained in good condition and in proper tune per manufacturer's specifications;</u> • <u>New technologies shall be utilized to control ozone precursor emissions as they</u> 	



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class II (Significant but Mitigable) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
	<u>become available.</u> <ul style="list-style-type: none"> • <u>Diesel oxidation catalysts and particulate filters shall be installed on all on- and off- road construction vehicles.</u> 	

**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class III (Less than Significant) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
AESTHETICS		
Impact AES-1 The new Lexus dealership building would be about 20 <u>11 feet</u> above the height of the existing structure at 9242 and 9230 Wilshire Boulevard. Replacement of the current building with a taller building could affect views for travelers along Wilshire Boulevard. However, the views that would be obstructed are not designated as scenic. Therefore, impacts to scenic vistas are considered Class III, <i>less than significant</i> .	None required.	Less than significant.
Impact AES-2 The increase in mass and scale associated with the Project could potentially affect the visual character or quality of the site and its surroundings. However, the scale of the Project would be compatible with surrounding development and the Project would require review and approval by the City's Architectural Commission. Therefore, impacts would be Class III, <i>less than significant</i> .	None required.	Less than significant.
Impact AES-3 The Project would replace existing sources of light and glare on and around the Project site. However, the proposed design would reduce parking lot glare by moving parking to <u>within and on top of the structure the second floor, third floor, fourth floor, and the rooftop of the structure.</u> In addition, the proposed design is not highly reflective as it shows the building with a matt facade of stone and stucco, with awnings covering many of the windows. Therefore, the project has a Class III, <i>less than significant</i> impact with respect to light and glare.	None required.	Less than significant.



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class III (Less than Significant) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
Impact AES-4 The Project would cast shadows onto adjacent properties, particularly in the wintertime when shadows are most extreme. However, as no shadow-sensitive land uses would be shaded for extended periods, shadow impacts would be Class III, <i>less than significant</i> .	None required	Less than significant.
Impact AES-5 The appearance of the Project would be consistent with City policies, as demonstrated in photo simulations (Figures 4.1-4 and 4.1-5). Impacts related to consistency with City policies would be Class III, <i>less than significant</i> .	None required	Less than significant.
AIR QUALITY		
Impact AQ-1 <u>Operation of the Project would generate air pollutant emissions. However, these emissions would not exceed SCAQMD operational significance thresholds. The project's operational impact to regional air quality would be Class III, less than significant.</u> Operation of the Project would generate air pollutant emissions. These emissions would not exceed SCAQMD operational significance thresholds. The project's operational impact to regional air quality would be Class III, less than significant.	None required.	Less than significant.
Impact AQ-2 Project-generated traffic, together with other cumulative traffic in the area, would incrementally increase carbon monoxide levels in the site vicinity. However, because concentrations would remain below state and federal standards, this impact would be Class III, <i>less than significant</i> .	None required	Less than significant.
CULTURAL RESOURCES		
Impact CR-1 The proposed Project would involve demolition of the existing Lexus dealership. Demolition of the existing dealership would not directly or indirectly significantly affect historic or potentially historic resources. Impacts would be Class III, less than significant.	None required.	Less than significant.



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class III (Less than Significant) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
GEOLOGY		
Impact GEO-1 Seismically-induced ground motion could destroy or damage proposed structures, resulting in a loss of property and risk to human health. However, the Project would be required to comply with applicable provisions of the California Building Code, which would reduce potential impacts to Class III, <i>less than significant</i> .	None required.	Less than significant.
Impact GHG-1 The proposed Project would generate GHG emissions from both mobile and operational sources. However, Project-generated emissions would not exceed the 10,000 tons CDE/year threshold and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be Class III, <i>less than significant</i> .	None required.	Less than significant.
HAZARDS AND HAZARDOUS MATERIALS		
Impact HAZ-1 A lead based paint survey indicated there were no significant levels of lead in the paints that were sampled. Asbestos was detected in the penetration mastic of the roofs. Development would require demolition of buildings and structures that contain asbestos. However, compliance with applicable regulations regarding the handling and disposal of asbestos would reduce risk of upset impacts to a Class III, <i>less than significant</i> , level.	None required.	Less than significant.
Impact HAZ-3 The proposed Project would vacate-relocate a portion of an east-west alley and change the local circulation. However, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This is a Class III, <i>less than significant</i> , impact	None required.	Less than significant.
LAND USE AND PLANNING		



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class III (Less than Significant) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
Impact LU-1 <u>A Conditional Use Permit, Text Amendment to allow tandem parking, Text Amendment to exclude floor area devoted to parking and circulation areas and service bays located below grade, and Map Amendment to the Streets and Highways Master Plan are A-General Plan amendment, map amendment to the Streets and Highways Master Plan, and rezoning is requested as part of the Project, which would make the Project consistent with adopted land use regulations. Therefore, impacts related to consistency with General Plan designations and zoning would be would be Class III, less than significant.</u>	None required.	Less than significant.
Impact LU-2 The Project appears to be consistent with applicable Beverly Hills General Plan objectives and recommendations. This is a Class III, less than significant, impact.	None required.	Less than significant.
NOISE		
Impact N-1 Project-generated traffic would incrementally increase noise levels on area roadways. However, this incremental increase would not exceed significance thresholds. The effect of traffic noise on existing uses would be Class III, less than significant.	None required.	Less than significant
Impact N-2 <u>Operation of the Project would generate noise that may periodically be audible to existing residential uses along the southern boundary of the Project site. Such noise sources include parking lot noises, which would be contained within the building, noise from stationary rooftop equipment, and noise from maintenance activities. However, compliance with the Municipal Code and rooftop parapets would reduce noise levels resulting from operation of the Project. This is a Class III, less than significant, impact.</u>	<u>None required.</u>	<u>Less than significant.</u>
PUBLIC SERVICES AND UTILITIES		
Impact PSU-1 The Project would	None required.	Less than significant

**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Class III (Less than Significant) Impacts		
Impact	Mitigation Measures	Residual Impact
incrementally increase demands on the Beverly Hills Fire Department. However, this increase would not require the construction of new fire protection facilities. This impact would be Class III, <i>less than significant</i> .		
Impact PSU-2 The Project would incrementally increase demands on the Beverly Hills Police Department. However, this increase would not result in the need for new facilities. Therefore, this is a Class III, <i>less than significant</i> , impact.	None required.	Less than significant
Impact PSU-3 The Project would increase water demand at the Project site. The City has adequate supplies to meet increased demand over the next 20 years through the year 2035; Therefore, impacts to the City's water supply would be Class III, <i>less than significant</i> .	None required, but the following measure is recommended. Vehicle Washwater Recycle System. The proposed Project shall be designed such that washwater from the detailing of vehicles is recycled pursuant to the best available technology. An example of a washwater recycle system is included in Appendix G.	Less than significant
Impact PSU-5 The Project would incrementally increase the long-term generation of solid waste. However, solid waste facilities that serve the City have adequate capacity to handle the increase. Therefore, impacts to the City's solid waste collection and disposal system would be Class III, <i>less than significant</i> .	None required.	Less than significant
TRANSPORTATION AND CIRCULATION		
Impact T-1 <u>The Project would generate an estimated 82 AM peak hour trips, 53 weekday midday peak hour trips, 78 PM peak hour trips, and 43 Saturday midday peak hour trips. This increase in vehicle trips would not exceed significance thresholds established by the City of Beverly Hills at any of the 14 study intersections during the weekday or Saturday peak hours under existing plus Project conditions or under cumulative plus Project conditions. Impacts would be Class III, less than significant.</u> The proposed Project would not generate traffic exceeding significance thresholds at any study area intersections under existing or cumulative conditions. This is a Class III, <i>less than significant</i> , impact.	None required.	Less than significant



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class III (Less than Significant) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
Impact T-2 Traffic generated by the proposed Project would not exceed Neighborhood Traffic Impact Analysis significance thresholds at any study area residential street segments. This is a Class III, <i>less than significant</i> , impact.	None required.	Less than significant
Impact T-3 The proposed Project would not significantly affect any CMP intersections and would not have adverse effects on public transit systems. The impact would be Class III, <i>less than significant</i> .	None required.	Less than significant
Impact T-4 <u>The proposed Project would provide 352 parking spaces onsite. This would fulfill the City of Beverly Hills parking code requirement of 83 spaces. In addition, the parking demand study completed for the Project estimates that peak demand would require up to 319 spaces onsite, including employee parking spaces. The Project would provide 352 parking spaces, which would satisfy anticipated peak parking demand. Impacts would be Class III, less than significant.</u>	<u>None required.</u>	<u>Less than significant.</u>
Impact T-5 <u>The Project would allow for adequate site access to the building and internally. Therefore, the impact with respect to site access and circulation would be Class III, less than significant.</u>	<u>None required.</u>	<u>Less than significant.</u>
Impact CON-5 Implementation of the proposed project would incrementally reduce the amount of onsite pervious surface area, which may increase stormwater flows and create flooding and drainage problems. In addition, vehicular activity and use of fertilizers onsite could incrementally increase the amount of pollutants in surface water runoff. However, the project applicant would be required to submit a Storm Water Pollution Prevention Plan and a Standard Urban Storm Water Mitigation Plan to the City for review and approval. Therefore, impacts would be Class III, less than	None required.	Less than significant



**Table ES-1 Summary of Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

<i>Class III (Less than Significant) Impacts</i>		
Impact	Mitigation Measures	Residual Impact
significant.		
GLOBAL CLIMATE CHANGE		
The project's contribution to a cumulative impact associated with greenhouse gas emissions would be less than significant.	None required.	Less than significant.



ATTACHMENT E
DECEMBER 16, 2010 STAFF REPORT
(WITHOUT ATTACHMENTS)



Planning Commission Report

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.
-

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 Guidelines¹, 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.

¹ 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.

Outstanding Item	Status
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:

David Reyes, Principal Planner