



## Planning Commission Report

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**Meeting Date:** October 27, 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 350 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. Adopt the attached resolutions approving the project, certifying the EIR, and recommending that the City Council approve the proposed Zone Text Amendment, alley vacation, and encroachment permit.
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### REPORT SUMMARY

At the Commission's September 26, 2011 meeting it was requested that minor changes to the project and FEIR be made, and that draft resolutions be prepared for the Commission's consideration. This report transmits the changes to the project and FEIR, and includes draft resolutions approving the project.

Attachment(s):

- A. Draft Project Resolution
- B. Draft CEQA Resolution – To be Provided Under Separate Cover
- C. Draft Zone Text Amendment Resolution/Ordinance
- D. Table ES-1, Summary of Environmental Impacts
- E. FEIR Appendix J
- F. September 26, 2011 Staff Report (without Attachments)
- G. Project Plans – Provided Separately

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## **BACKGROUND**

The project was most recently reviewed by the Commission at its September 26, 2011 meeting. At that meeting the Commission requested clarification and minor changes to several portions of the project, FEIR, and requested Zone Text Amendment. Additionally, the Commission directed staff to prepare draft findings and conditions of approval for the project. In response to the Commission's comments, meetings have been coordinated between City staff, the applicant team, and the Planning Commission subcommittee in order to address all outstanding details. Subsequently, modifications have been made to the project, Appendix J has been added to the FEIR, the proposed Zone Text Amendment language has been modified, and draft findings and conditions of approval have been prepared for consideration by the Commission.

### Requested Entitlements

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

- Zone Text Amendment;
  - The project includes a request to exclude above-ground automobile dealership parking areas and 50% of 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 50% of 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;
- 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 Guidelines<sup>1</sup>, and the environmental regulations of the City. The City prepared an Initial Study and, based on the information contained in the Initial Study, concluded that there was substantial evidence that the project 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.

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

As identified in 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. A statement of overriding considerations is provided in Attachment B (Draft CEQA Resolution) for consideration by the Planning Commission and certification of the FEIR.

#### **FEIR CLARIFICATION**

In order to provide clarification of several of the environmental issues raised by the Commission at its September 26, 2011 meeting, Appendix J has been added to the FEIR. Appendix J includes only those issues that would have the potential to change compared to previous analyses, which includes the description of the project, a discussion of traffic to and from offsite parking locations, and the discussion regarding secondary impacts of a signal at the intersection of Wilshire Boulevard and South Maple Drive. Clarification is also provided regarding Project Alternatives (Section 6 of FEIR). All other issue areas studied in the Final EIR would not change respective to their impact discussions.

#### **PROJECT MODIFICATIONS**

In response to comments received from the Commission, subcommittee, and City staff, the following project modifications are being proposed:

##### Loading/Sidewalk

The loading zone and sidewalk have been modified to meet the standards recommended by the City's Public Works Department and a majority of the Commission. The loading zone now provides a width of 11 feet clear, and the sidewalk is provided at a width of 5 feet clear, measured from the face of the curb.

##### Tandem Parking

The applicant proposes leaving two parking spaces open at each of the top three parking levels within the structure in order to accommodate the jockeying of vehicles due to the tandem configuration. Due to many of the tandem spaces being stacked with four cars, staff is recommending a condition that would require three parking spaces at each of the top three parking levels remain open for the jockeying of vehicles.

##### Off-Site Parking

With the exception of specific employees designated by the dealership, all employees are proposed to park at an off-site location within 1/3 of a mile of the dealership. It should be noted that the project provides a sufficient number of parking spaces to accommodate all employee parking spaces on-site in order to meet code, and that employee parking is being provided off-site for the purpose of accommodating additional vehicle inventory and limiting the amount of employee vehicle trips to and from the project site. In the event that off-site parking becomes unavailable, the project has the ability to accommodate all required parking spaces. Additionally, an amendment to the CUP would be required.

#### Turn Restrictions

A preliminary design for the South Maple Drive turn restriction median has been prepared. The preliminary design has been reviewed by the City's Public Works Department and the Planning Commission subcommittee. A draft proposal of the median will be presented at the hearing.

#### Zone Text Amendment

The proposed Zone Text Amendment language has been modified pursuant to the Commission's direction, which would allow for a maximum of 50% of the below-grade service areas to be excluded from the definition of Floor Area. A draft ordinance, inclusive of the proposed language is provided at Attachment C for the Commission's consideration.

#### **CONDITIONS OF APPROVAL**

Based on comments received from the Planning Commission, subcommittee, and various City departments, staff has prepared draft conditions of approval contained in Attachment A. Staff recommends that the Commission review all proposed conditions for consistency with the Commission's direction, and discuss any desired modifications during the public hearing.

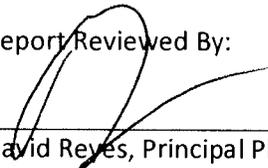
#### **NEXT STEPS**

It is recommended that the Planning Commission conduct the public hearing, review the proposed findings and conditions of approval, and adopt the attached resolutions certifying the FEIR, approving the CUP, and recommending that the City Council approve the Zone Text Amendment, alley vacation, and encroachment permit.

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:



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David Reyes, Principal Planner

**ATTACHMENT A**  
**DRAFT PROJECT RESOLUTION**

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT, AND RECOMMENDING APPROVAL OF AN ENCROACHMENT PERMIT AND ALLEY VACATION TO ALLOW THE DEMOLITION OF THE EXISTING JIM FALK LEXUS DEALERSHIP AND CONSTRUCTION OF A NEW DEALERSHIP ON THE PROPERTY LOCATED AT 9230 WILSHIRE BOULEVARD.

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

Section 1. Jim Falk Lexus, through its agent Mitch Dawson, has submitted an application to allow the demolition of the existing dealership, including existing improvements on three parcels, with subsequent construction of a new dealership (the "Project"). 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 350 parking spaces, some of which are in a stacked/tandem configuration. While 117 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. In addition, 100 additional parking spaces would be secured at an off-site location within 1/3 of a mile of the project site for use by employees.

Section 2. The Project site is located at the southwest corner of the intersection of Wilshire Boulevard and South Maple Drive. 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 parcels are currently bisected by an approximately 1,822 square foot portion of the east/west alley that connects South Rexford Drive to South Maple Drive. The portion of the alley that bisects the Project site 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. Proposed hours of operation for the Dealership are 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.

Section 3. The request to demolish the existing automobile dealership and construct a new automobile dealership results in the need for specific entitlements as follows:

1. Zone Text Amendment;
  - a. The Project includes a request to exclude above-ground automobile dealership parking areas and 50% of subterranean service areas from the definition of Floor Area. With such an amendment the

Project would comply with the FAR limitations in the C-3 zone. The amendment would also exclude 50% of the automobile service areas from counting toward the required number of parking spaces for the project because vehicles are stored in the service bays while being repaired.

- b. The Project includes a request to allow automobile dealerships to provide stacked/tandem parking for the purpose of complying with parking requirements. The amendment would allow the Project to provide the appropriate number of on-site parking spaces needed to accommodate sales, service, and vehicle storage.
2. Conditional Use Permit (CUP) to allow the operation of an automobile dealership;
  3. Alley Vacation/Amendment to Streets and Highways Master Plan to relocate an existing alley segment; and
  4. Encroachment Permit to allow loading operations to occur on public property, along Wilshire Boulevard.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”)), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s environmental guidelines. 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. A Draft Environmental Impact Report (DEIR) was prepared and circulated for public review and comment, and a Final Environmental Impact Report (FEIR) was reviewed by the Planning Commission and certified under Planning Commission Resolution No. \_\_\_\_\_.

Section 5. Notices of the Project and the various public hearings held concerning the Project were posted in two newspapers of local circulation and were mailed on September 3, 2010, December 3, 2010, and September 15, 2011 to all property owners and residential tenants within a 300-foot radius of the property. Written and oral comments were received during the public hearings, both in support and opposition of the Project, and were made a part of the record. Responses to comments are also provided in the FEIR.

Section 6. The Planning Commission conducted public hearings for the Project on September 16, 2010, December 16, 2010, September 26, 2011, and a continued public hearing on October 27, 2011. Additionally, the Planning Commission formed a subcommittee consisting of two Commissioners (Furie and Yukelson) to assist in reviewing the Project. Based on comments received at the public hearings and from the subcommittee, the following revisions have been made to the Project:

1. The Project height was reduced to a code-compliant height of 45 feet;

2. All 70 service bays were relocated to be fully contained within two subterranean levels of the Project;
3. Additional parking spaces were added to the Project, for a total of 350 on-site parking spaces;
4. The loading zone was moved from South Maple Drive to Wilshire Boulevard in order to provide greater separation between commercial operations and residential uses to the south of the Project site;
5. A traffic signal was added to the Wilshire Boulevard/Maple Drive intersection in order to facilitate turning movements to and from the Project; and
6. A physical barrier was added to South Maple Drive in order to prevent vehicles traveling northbound on South Maple Drive from turning left into the Project site. This modification discourages vehicles from utilizing the residential portions of South Maple Drive for dealership access by precluding direct access to northbound traffic.

Section 7. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

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

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

The existing dealership predates the City's current code requirement that a CUP be obtained in order to operate an automobile dealership, and is therefore able to operate as a legally nonconforming use. Because the dealership is considered to be legally nonconforming, there are no specific conditions of approval that regulate the dealership's current operations, including but not limited to activities such as loading, servicing of vehicles, employee parking, test drives, and turning movements for vehicles entering and exiting the dealership. Consequently, there are instances when the operations of the existing dealership adversely impact the surrounding residential uses. Approval of the CUP allows project-specific conditions to be imposed on the dealership, which serve to appropriately control dealership operations and prevent adverse impacts in the surrounding residential and commercial neighborhoods.

The Project includes several circulation-related improvements such as installation of a traffic signal at the Wilshire Boulevard/Maple Drive intersection that will improve turning movements for vehicles associated with dealership operations, and also includes turn restrictions for vehicles entering and exiting the dealership. These Project improvements discourage dealership-related vehicles from using the residential portions of South Maple Drive for direct dealership ingress/egress and eliminate the existing dealership-related circulation issues that impact the surrounding residential properties. Additionally, the Project provides all service bays within subterranean levels of the structure to prevent noise intrusion into the surrounding neighborhood, and meets and exceeds the total number of necessary parking spaces determined through the preparation of a parking demand study. Therefore, based on the forgoing discussion, and as conditioned, the Project is not anticipated to be detrimental to adjacent property or the public welfare, and is instead anticipated to benefit the public welfare by improving the interface

between the dealership and the residential neighborhood to the south, and maintaining/improving an important revenue generator for the City.

Section 9. In considering the request for alley vacation, the Planning Commission may recommend that the City Council approve the vacation if the Commission finds as follows:

1. The proposed alley vacation is consistent with the General Plan.

Section 10. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the alley vacation:

The alley vacation furthers the goals and policies of the City by allowing the City to retain and enhance an important commercial asset while providing sufficient access and circulation in and around existing and future developments. Specifically, vacation of the existing 15-foot wide alley and replacement with a new 20-foot wide alley is consistent with General Plan Policy LU 5.6, which states:

“Alleys. Maintain existing neighborhood alleys as alternate, safe, well maintained access points to homes that also reduce curb cuts, driveways, and associated pedestrian-automobile conflicts.”

The Project provides a new, wider alley as a replacement to the existing alley, and thus maintains the City’s alley system as an alternate, safe, well maintained access point to properties. Additionally, the proposed vacation is consistent with General Plan Policy CIR 11.2c, which states:

“In commercial areas, however, there is the additional concern for alley relocation and/or closure, which may be desirable in conjunction with specific development proposals. As

important as they are, the existence of the alleys should not preclude consideration of proposals which would alter them if satisfactory alternate services would be provided. In certain instances, development proposals which would utilize the alley may provide a type or quality of development or access which better serves the City's objectives and as such, should be considered. Such development proposals might include alley closure which would permit unified development across an entire block or permit safer street access, or use of the alley as part of a landscaped pedestrian plaza or mall, or relocation of an alley of a more functional arrangement of structures or possible consideration of the space above or below the alley for parking purposes."

The dealership is a desirable project for the City for the reasons outlined above, and a satisfactory alternative including relocation of the alley to allow a more functional arrangement of the proposed Project is being provided in the form of a wider replacement alley at the southern portion of the Project, which ties into the City's existing alley system and provides sufficient space for larger vehicle turning movements.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested CUP and recommends approval of the alley vacation and encroachment permit, subject to the following conditions:

**GENERAL AND DESIGN-RELATED CONDITIONS:**

1. The approvals to construct a new automobile dealership shall not become effective unless and until the proposed Zone Text Amendment regarding Floor Area and parking standards for automobile dealerships, alley vacation, and encroachment permit for loading purposes have been adopted by the City Council and have taken effect.

2. In the event of any court action or proceeding challenging the approval of this resolution or otherwise challenging the Project, or the environmental review conducted in conjunction with this Project, the Applicant shall defend, at its own expense, the action or proceeding. In addition, the Applicant shall reimburse the City for the City's cost of defending any such court action or proceeding. The Applicant shall also pay any award of costs, expenses and fees that the court having jurisdiction over such challenge makes in favor of any challenger and against the City. The Applicant shall cooperate with the City in any such defense as the City may reasonably request and may not resolve such challenge without the agreement of the City. In the event the Applicant fails or refuses to reimburse the City for its cost to defend any challenge to the approval of this conditional use permit, the Project, or the environmental review conducted in conjunction with this Project, the City shall have the right to revoke this conditional use permit approval.

In order to ensure compliance with this condition, within twenty (20) days after notification by the City of the filing of any claim, action or proceeding to attack, set aside, void or annul the approval of this conditional use permit or the Project, the Applicant shall deposit with the City cash or other security in the amount of seventy five thousand dollars (\$75,000), satisfactory in form to the City Attorney, guaranteeing indemnification or reimbursement to the City of all costs related to any action triggering the obligations of this condition. If the City is required to draw on that cash or security to indemnify or reimburse itself for such costs, the Applicant shall restore the deposit to its original amount within thirty (30) days after notice from the City. Additionally, if at any time the City Attorney determines that an additional

deposit or additional security up to an additional fifty thousand dollars (\$50,000.00) is necessary to secure the obligations of this section, the Applicant shall provide such additional security within thirty (30) days of notice from the City Attorney. The City shall promptly notify the Applicant of any claim, action or proceeding within the scope of this condition.

3. The Project shall be constructed and operated in substantial conformance with all adopted environmental mitigation measures and/or conditions of approval, incorporated herein by this reference, any written project proposal information and any verbal agreements or representations made to the decision making body as part of its consideration of the Project. Minor amendments to the Project shall be subject to review and may be approved by the Community Development Director or his/her designee. In the event that the Community Development Director determines that Project amendments are individually or cumulatively significant, such amendments shall be subject to review by the Planning Commission.
4. The Applicant shall submit an affidavit to the Community Development Director on an annual basis attesting to the fact that the dealership is operating in compliance with all conditions set forth herein.
5. The Planning Commission expressly reserves jurisdiction relative to traffic and parking issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the proposed Project as they arise. In the event that the Project is found to result in any unanticipated impacts and a hearing is scheduled to review the Project, the full cost of the review hearing and

implementation of any additional conditions or mitigation measures shall be paid for by the Applicant.

6. The conditions of approval set forth in this resolution are specifically tailored to address the operation of Jim Falk Lexus as presented to and approved by the Planning Commission. To ensure that any subsequent automobile dealerships operated at the subject site do not cause adverse impacts to the surrounding neighborhoods, any transfer of ownership, management, or control of the dealership shall be reviewed by the Community Development Director to determine whether the proposed change substantially conforms to the Project approved by the Planning Commission. If the Director determines that the proposed change does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of Section 10-3-3803 of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the CUP or to impose additional conditions as necessary to ensure that the operation of a subsequent dealership at the subject site is compatible with adjacent land uses. The full cost of any such review hearing and implementation of any additional conditions or mitigation measures shall be paid for by the Applicant.
7. Prior to the issuance of a certificate of occupancy and subject to the satisfaction of the Community Development Director, all drive aisles and parking ramps within the Project shall be constructed of concrete with a rotary finish to prevent possible tire noise associated with vehicle movements within the parking areas.
8. All portions of the Project located within an R-4 zoning designation shall be used solely for the purpose of customer/employee parking and vehicle circulation.

Pursuant to BHMC §10-3-3719 F. the portions of the Project located within an R-4 zoning designation shall not be used for the sale or servicing of automobiles, the sale or storage of goods, wares, or merchandise, or for the storage of new or used automobiles being offered for sale or lease.

9. The Project shall be built in compliance with BHMC §10-3-3719 H. regarding screening of vehicles within parking structures constructed on properties with R-4 zoning designations.
10. Parking areas not located on the R-4 parcel shall be screened from public view through the use of materials approved by the Architectural Commission.
11. The south side of the structure (adjacent to residential uses) shall be greened with landscaping subject to review and approval by the Architectural Commission.
12. All lighting located on a roof level of the Project shall be placed below the height of the roof parapet or parking structure enclosure so as to prevent spillover into residential areas. All other exterior lighting shall be shielded from residential areas.
13. With the exception of specific employees designated by the dealership (not to exceed 15 employees), all dealership employees shall be required to park at an off-site location. The availability of off-site employee parking shall be demonstrated through a lease agreement that shall be submitted to the Community Development Director prior to the issuance of a certificate of occupancy and annually thereafter. All employee parking spaces shall be made available to employees at no charge, and a shuttle service shall be provided by the Applicant to transport employees to and from the off-site parking location and the dealership. Shuttle routes and operations shall be subject to review and approval by the Director of Public Works. In order to allow for

maximum dealership flexibility, the lease agreement for off-site parking shall provide for a minimum of 100 parking spaces to be located within 1/3 of a mile of the Project site.

#### OPERATIONAL CONDITIONS:

14. The hours of operation for the dealership's service department shall be limited to 7:00 AM to 7:00 PM Monday through Friday, and 7:00 AM to 6:00 PM on Saturday. No service shall be performed on Sundays. The hours of operation for the dealership's sales department shall be limited to 9:00 AM to 9:00 PM Monday through Friday, 9:00 AM to 8:00 PM on Saturday, and 10:00 AM to 7:00 PM on Sunday.
15. No public address systems shall be utilized by the automobile dealership unless such system is inaudible beyond the property boundaries.
16. To the extent permitted under the law, the Project site shall be the point-of-sale for the purpose of collecting any sales tax on vehicles or goods that are sold, delivered, leased or rented through the Project.
17. All vehicles awaiting service or having already been serviced shall be stored on-site.
18. A minimum of 9 parking spaces, immediately adjacent to a drive aisle, shall remain open and available for use when jockeying vehicles in tandem parking spaces. The 9 parking spaces shall be distributed evenly between the top 3 levels of the parking garage, providing 3 parking spaces within each level. The designated parking spaces shall not be used for any other purpose.
19. Alley access to and from the Project shall be limited to use by mechanics testing vehicles that are being serviced, and to the individual delivery of disabled vehicles being dropped off by tow trucks.

20. Building openings that provide access to the alley shall remain closed at all times when not in use by the dealership.
21. Except as provided in Condition 19 above, all vehicle and parts deliveries shall occur within the designated loading area on Wilshire Boulevard. No other streets or rights-of-way shall be used for such purposes.
22. Loading or unloading operations associated with the dealership shall be prohibited outside the hours of 7:00 AM to 10:00 PM daily.
23. Prior to the issuance of a certificate of occupancy the Applicant shall prepare, and receive approval of, a test drive route to be used by customers and dealership employees. The test drive route shall be subject to review and approval by the Community Development Director and the Director of Public Works, and no test drives shall be permitted on any local or residential streets or street segments.
24. The rooftop parking area shall be used for the storage of sedans only. Taller vehicles such as sport utility vehicles and vans shall be stored or parked in areas of the Project that are covered by a roof. The Community Development Director shall have the authority to modify this condition if it can be demonstrated that taller vehicles will not be visible from the public rights-of-way.
25. Except as expressly permitted by these conditions of approval, employees, vendors, or other vehicles associated with or doing business with the dealership shall be prohibited from parking on City streets.
26. All vehicle servicing shall be conducted in the two subterranean levels of the Project. Vehicle servicing shall not occur within any of the above-ground levels.
27. During the dealership's peak hours between 7:00 AM and 11:00 AM an employee of the dealership shall be positioned at the driveway entrance/exit and shall direct

- vehicles as to the proper turn movements as conditioned herein. Additionally, the dealership's website shall provide information on how to properly access the site, and employees shall also provide proper guidance when setting appointments for customers over the phone.
28. All customers of the dealership shall be provided with free valet parking.
  29. All trash storage and recycling areas shall be incorporated into the interior design of the Project, and shall only be removed from the structure for the purpose of collection.
  30. At all times the dealership shall operate in compliance with the City's noise ordinance and the noise study presented to the Planning Commission during the public hearing process.
  31. At the close of business each day, an employee(s) of the dealership shall walk the perimeter of the Project site and collect and dispose of any trash or debris that may be present on adjacent sidewalks or the alley, regardless of whether said trash or debris was generated by the dealership.
  32. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from smoking adjacent to any residential properties.
  33. Lunch trucks/catering trucks shall be directed by the dealership to park only in the loading zone on Wilshire Boulevard. Dealership employees shall be prohibited from patronizing any such truck that is parked on a residential street or in an alley.

**PUBLIC WORKS/RIGHT-OF-WAY CONDITIONS:**

34. Prior to the issuance of a demolition permit for the existing dealership, a new, 20-foot wide alley shall be constructed, dedicated to the City, and open for vehicular

circulation in accordance with the approved plans and all applicable City standards.

The full cost of alley design, construction, and dedication shall be paid for by the Applicant.

35. The existing alley to be vacated shall not be abandoned or closed to vehicular circulation unless and until the proposed new alley has been constructed and is operational.

36. Vacation of the alley south of Wilshire Boulevard between Maple Drive and the alley west of Maple Drive shall be conducted in accordance with the Streets and Highways Code Section 8300 et seq.

37. Vehicles traveling northbound on South Maple Drive shall be prohibited from turning left into the Project site. Such left turns shall be restricted through the installation of signage and a physical barrier, which shall be reviewed and approved by the Director of Public Works prior to the issuance of building permits. Installation of the signage and barrier shall be completed prior to the issuance of a certificate of occupancy, and all costs associated with the design, installation, repair and maintenance of the signs and barrier shall be paid for by the Applicant. The Applicant shall deposit a sufficient amount of funds with the City, as calculated by the Director of Public Works, to pay the abovementioned costs. The required deposit shall be made prior to the issuance of a building permit.

38. Vehicles exiting the dealership shall be prohibited from turning right onto South Maple Drive. Signage, subject to review and approval by the Director of Public Works, shall be installed prior to the issuance of a certificate of occupancy at the driveway exit to inform vehicles that right turns are prohibited, and an angled curb

shall be installed to further discourage right turns onto South Maple Drive. All costs associated with the design, installation, repair and maintenance of the signs and curb shall be paid for by the Applicant.

39. Prior to the issuance of a certificate of occupancy, the routes used to transport vehicles to or from the Project site, including individual cars and larger vehicles transporting multiple vehicles, shall be subject to review and approval by the Director of Public Works.
40. Prior to the issuance of a certificate of occupancy a loading zone shall be constructed along Wilshire Boulevard. The Loading zone shall be a minimum of 11 feet clear in width measured from the alignment of the existing curb face, and a minimum of 100 feet in total length. The near transition shall be a minimum of 15 feet in length, the far transition a minimum of 25 feet in length, and a minimum of 60 feet in length for the full-width loading area. The Community Development Director, in consultation with the Director of Public Works, shall have the authority to increase or decrease the length of the loading zone by up to 10%. All costs associated with the design and construction of the loading zone shall be paid for by the Applicant.
41. Prior to the issuance of a certificate of occupancy the sidewalk along Wilshire Boulevard and adjacent to the Project shall be constructed and maintained at a minimum width of 5 feet clear, measured from the face of the curb, and a minimum vertical dimension of 8 feet clear, measured from the finished elevation of the sidewalk. No projections or obstacles are permitted within the abovementioned sidewalk area. This includes but is not limited to building columns, architectural

elements, veneers, and doors. All costs associated with the design and construction of the sidewalk shall be paid for by the Applicant.

42. Prior to the issuance of a certificate of occupancy a surface easement shall be granted to the City for any areas of sidewalk provided on private property. Said surface easement shall be recorded in a form satisfactory to the Director of Public Works.
43. Prior to the issuance of a certificate of occupancy and subject to review and approval by the Director of Public Works, the sidewalk and curb adjacent to the loading area on Wilshire Boulevard shall be engineered and constructed to withstand frequent loading and unloading activities commonly associated with an automobile dealership. Specifically, the sidewalk and curb shall be capable of supporting heavier loads than a typical sidewalk may experience.
44. Prior to the issuance of a certificate of occupancy a landscaping easement of 3 feet in width located at the southern portion of the R-4 parcel shall be granted to the City for the purpose of providing a landscape buffer between the residential and commercial uses. Said easement shall be recorded in a form satisfactory to the Director of Public Works. The landscaping shall be subject to review and approval by the Architectural Commission and shall include species that are substantial enough to create a visual and physical separation between residential uses and commercial uses. The Applicant shall maintain the landscaping to the satisfaction of the City Arborist for the life of the Project. All costs associated with the installation and maintenance of the landscaping shall be paid for by the Applicant, and the City shall not be responsible for any future maintenance of the landscaping.

Specific conditions regarding utility realignment will be provided under separate cover.

52. The fire hydrant on the west side of Maple Drive where the future driveway is proposed shall be relocated and shall be paid for by the Applicant.
53. Removal or replacement of existing street trees as a result of the Project shall be coordinated and authorized by the City's Arborist. An indemnity bond shall be submitted and approved by the City Attorney prior to removal.
54. Sidewalks, curb ramps and curb and gutters surrounding the Project site on Wilshire Boulevard and Maple Drive shall be removed and replaced according to City standards, and shall be paid for by the Applicant.
55. The pavement for the full width of Maple Drive (between Wilshire Boulevard and the southern property line of the Project) shall be removed and replaced according to City standards, and shall be paid for by the Applicant.
56. The pavement and center drainage gutter on the alley west of Maple Drive between the east-west alley south of Wilshire Boulevard and the southern property line, and on the east-west alley (between Rexford Drive and the alley west of Maple Drive shall be removed and replaced according to City standards, and shall be paid for by the applicant.
57. All survey monuments, street lights, underground utilities, and any off-site improvements affected by the Project shall be re-established according to City

- standards, and shall be paid for by the Applicant. No structures or improvements are permitted within the public right-of-way without an encroachment permit.
58. Any street lights/fixtures removed as a result of the Project shall be properly stored and reinstalled according to City standards and requirements, and shall be paid for by the Applicant. An indemnity bond must be submitted and approved by the City Attorney prior to removal of street lights.
59. The same lighting intensity shall be maintained on Wilshire Boulevard and Maple Drive if street lights adjacent to Project are removed due to construction. Also, a continuous power supply shall be maintained to the rest of the street lights on both streets if street light conduits are removed due to project construction.
60. Future driveway and alley approaches shall be constructed to current ADA and City standards. Relocation of existing street light conduits on the west side of Maple Drive and the south side of Wilshire Boulevard impacted by the Project driveway approach on Maple Drive, and loading zone on Wilshire Boulevard, shall be paid for by the Applicant.
61. The Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP), and a Standard Urban Storm Water Mitigation Plan (SUSMP) to the Utilities Division (Attention: Josette Descalzo) for review and approval. The SUSMP shall adhere to the numerical design criteria written in the MS4 permit.
62. In accordance with the requirements set forth in City Council Resolution 71-R-4269, the Applicant shall file a formal written request with the Civil Engineering Division for approval of any type of temporary construction encroachment (steel tieback rods, etc.) within the public right-of-way. Shoring plans and elevations prepared by a

registered civil engineer shall be submitted for review by the Civil Engineering Division. Shoring elements shall not project into the alleys. An indemnity bond shall be submitted and approved by the City Attorney prior to excavation.

63. The Applicant shall provide a soils report prepared by a California registered geotechnical engineer that identifies the shoring recommendations and design parameters. Shoring design shall account for heavy traffic loads on Wilshire Boulevard, and must limit the deflection to ¼ inch on top of the piles/caissons to avoid any deflection and damage to adjacent streets.
64. A site improvement plan designed by a licensed Civil Engineer in the State of California shall be prepared and submitted to the Civil Engineering Division for plan check and approval. All work in the public right of way shall be constructed in accordance to the approved plans and required permits issued for this specific work.
65. Pedestrian access shall be maintained on Wilshire Boulevard and Maple Drive if sidewalks are removed due to excavation. No pedestrian barricades are allowed on the roadway section of Wilshire Boulevard or Maple Drive.
66. The Applicant shall provide a construction management plan that clearly shows usage of cranes and other heavy equipment. There shall be no lane closures on Wilshire Boulevard unless approved by City Council.
67. Landscape plans shall be reviewed and approved by the City's Arborist.
68. A Photometric study for Wilshire Boulevard that shows the foot-candle distribution within the property limits and 100 feet beyond the property lines shall be provided for the existing conditions and the proposed conditions.

69. The applicant shall remove the street curb along Maple Drive in front of the property and re-construct a new curb and gutter by setting back 2.5 feet between the beginning of curb return at Wilshire and the project driveway. The existing 7.5 feet parkway (grass) shall be narrowed to a 5 foot wide parkway. The dimension of the sidewalk shall stay the same. This segment of Maple Drive shall be widened from the existing 30 feet to 32.5 feet. However, the street center line shall remain along the same line as existing (15 feet from the face of curb on the east side).
70. South Maple Drive shall be reconstructed (curb to curb) between the east-west alley and transitioning onto Wilshire Boulevard pavement.
71. The corner of the property (south-west corner of the intersection of Maple and Wilshire) shall be set back enough to accommodate ADA requirements for the design of a handicapped ramp and adequate sidewalk behind the ramp per the most recent ADA standards in concert with the new curb and gutter along Maple and Wilshire.
72. The vertical slope of the intersection shall be maintained with the new ramp.
73. Pull boxes, sign posts and other street culture that were adjacent to the previous curb shall be relocated and placed properly adjacent to the new curb.

#### STANDARD CONDITIONS:

74. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

75. Prior to the issuance of building permits, the Project's exterior design and its associated signage shall be reviewed and approved by the Architectural Commission.
76. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
77. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
78. At all times the Project shall comply with the standards of the City's Municipal Code and all other applicable State and Federal regulations.
79. The resolution approving the Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development prior to the issuance of a building permit. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder.
80. Prior to the issuance of building permits, all exterior modifications to the building, as well as signage and window displays, shall be submitted to and approved by the Architectural Commission.

81. A violation of these conditions of approval may result in the revocation of the entitlements granted herein. Any such revocation shall be conducted in accordance with the revocation proceedings set forth in §10-3-3803 of the Beverly Hills Municipal Code.
82. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.
83. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
84. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

MITIGATION MEASURES:

85. **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.
86. **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.

**87. GEO-2 Geotechnical Report.** The project applicant shall implement all design considerations recommended in the geotechnical report, including the following:

- 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.
- 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.
- 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:

- 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.

88. **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. 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.

89. **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.

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, a 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.

If hydraulic pistons are found, they shall be 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.

90. **HAZ-2(c) Excavation and Demolition Contingency Plans.** The developer shall prepare a contingency plan for all excavation and demolition projects conducted within the 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.

91. **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, the developer shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed 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.
92. **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.
93. **T-6(a) Relocation of water line.** Relocation of the water line that would be required due to the proposed alley relocation shall be approved by the City of Beverly

Hills Water Utilities Division. The sewer line in the proposed alley relocation shall be Closed Circuit TV'd (CCTV) to verify existing connections prior to relocating the line. This work shall be performed according to City standards and shall be paid for by the applicant.

94. **T-6(b) Contacting Utility Companies.** The applicant shall contact utility companies to arrange for the relocation of their utilities prior to commencing the relocation process.
95. **T-6(c) Alley Relocation.** 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 (up to 2.5 feet) 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.
96. **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:
- 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.
- 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.

97. **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:

- 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 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.
- Identify sites where construction workers could park off-site, if necessary.

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.

**98. CON-2 (a) Heavy Truck Restrictions.** The construction contractor shall prohibit off-site heavy truck activities in local residential areas.

99. **CON-2 (b) Staging Area.** The construction contractor shall provide staging areas onsite to the extent feasible 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.
100. **CON-2 (c) Diesel Equipment Mufflers.** All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
101. **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.
102. **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 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.

103. **CON-4(a) Fugitive Dust Control.** The following shall be implemented during construction to minimize fugitive dust emissions:

- 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 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.
- 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.

Although NOx emissions would not exceed SCAQMD or LST thresholds, Mitigation Measure CON-4(b) is recommended to reduce NOx emissions.

104. **CON-4(b) Ozone Precursor Control.** The following shall be implemented during construction to minimize emissions from construction equipment:

- 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.

Section 11. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Dan Yukelson, Chair of the Planning  
Commission of the City of Beverly Hills,  
California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

**ATTACHMENT B**

**CEQA RESOLUTION**

**(TO BE PROVIDED UNDER SEPARATE COVER)**

# **ATTACHMENT C**

## **DRAFT ZONE TEXT AMENDMENT RESOLUTION/ORDINANCE**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING PARKING STANDARDS AND FLOOR AREA STANDARDS FOR AUTOMOBILE DEALERSHIPS WHEN REVIEWED PURSUANT TO A CONDITIONAL USE PERMIT.

WHEREAS, the Planning Commission has considered the proposed amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Amendments"); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 26, 2011 and October 27, 2011, at which times it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that such Amendments are consistent with the general objectives, principles, and standards of the General Plan;

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

Section 1. The Amendments have been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections

21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines, and a Final Environmental Impact Report (FEIR) has been certified by the Planning Commission pursuant to Planning Commission Resolution No. \_\_\_\_\_.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to serve new or expanded automobile dealerships approved pursuant to a Conditional Use Permit (CUP).

Automobile dealerships are required, under existing code, to provide parking spaces that meet the same size and accessibility requirements as other general commercial uses. This requirement does not take into consideration the volume of automobiles stored within a dealership for the purpose of sales or service, and limits a dealership’s ability to provide a sufficient amount of on-site vehicle parking and storage. Because automobile dealerships serve as important revenue generators and commercial components of the City’s business inventory, allowing the Planning Commission to authorize the use of tandem and compact parking spaces through the issuance of a CUP provides the flexibility and feasibility needed for a dealership to provide an adequate number of on-site parking spaces.

Additionally, automobile dealerships are required to count Floor Area in the same manner as other general commercial uses, which includes counting above-grade parking areas and above- or below-grade service areas. This requirement does not take into consideration the volume of automobiles stored within a dealership for the purpose of sales or service, nor does it take into consideration the amount of vehicles stored in service bays at any given time. Consequently, the method in which Floor Area is counted has the potential to limit a dealership’s

ability to provide a sufficient amount of on-site vehicle parking and storage, and vehicle service bays while still complying with all applicable Floor Area limitations. Allowing above-ground parking areas within automobile dealerships to be excluded from the definition of Floor Area, and allowing portions of below-grade service areas to be excluded from the definition of Floor Area provides the flexibility and feasibility needed for a dealership to provide an adequate number of on-site parking spaces and service bays.

Automobile dealerships may not be established or expanded without the approval of a Conditional Use Permit. These Amendments are not a carte blanche approval for parking and Floor Area waivers, and instead provides for an entitlement process (in the form of a Conditional Use Permit) by which certain exceptions for parking and Floor Area may be granted. Each application would be reviewed on a case-by-case basis and findings would need to be made by the reviewing authority based on the merits of each application. Because the amendment allows for improved feasibility, retention, and redevelopment of automobile dealerships, and provides for discretionary review of all new or expanded automobile dealerships, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Dan Yukelson  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

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David M. Snow  
Assistant City Attorney

Approved as to content:

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Jonathan Lait, AICP  
City Planner

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING SECTION 10-3-3801 OF THE MUNICIPAL CODE  
REGARDING THE PARKING REQUIREMENTS AND  
CALCULATION OF FLOOR AREA FOR NEW OR  
EXPANDED AUTOMOBILE DEALERSHIPS APPROVED  
PURSUANT TO A CONDITIONAL USE PERMIT.

WHEREAS, on September 26, 2011 and October 27, 2011, the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the parking requirements and calculation of Floor Area for new or expanded automobile dealerships approved pursuant to a Conditional Use Permit as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on ~~DATE~~, the City Council conducted a duly noticed public hearing to consider proposed amendments to the parking requirements and calculation of Floor Area for new or expanded automobile dealerships approved pursuant to a Conditional Use Permit and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's

environmental guidelines, and a Final Environmental Impact Report has been prepared by the City and certified by the City Council, and a statement of overriding conditions has been adopted concluding that the benefits of the project outweigh the significant and unmitigable impact.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS  
DOES ORDAIN AS FOLLOWS:

Section 1. A new Subsection E is hereby added after subsection D and before the final paragraph of Section 10-3-3801 (EXEMPTIONS AND RESTRICTIONS) of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“E. Automobile dealerships. In addition to the foregoing, as part of the Conditional Use Permit process for 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 up to half of below-grade areas devoted solely to vehicle service from the definition of Floor Area as set forth in Section 10-3-100 of the Beverly Hills Municipal Code, provided that the building housing the automobile dealership does not exceed 45-feet in height measured pursuant to Section 10-3-100 of the Beverly Hills Municipal Code.”

Section 2. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.”

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

\_\_\_\_\_  
BARRY BRUCKER  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY KOLIN  
City Manager

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SUSAN HEALY KEENE  
Director of Community Development

## **ATTACHMENT D**

### **TABLE ES-1, SUMMARY OF ENVIRONMENTAL IMPACTS**

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

<b>Class I (Significant and Unavoidable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
<b>NOISE</b>		
<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 Rexford 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>
<b>CONSTRUCTION EFFECTS</b>		
<p><b>Impact CON-3</b> 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-b) 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**

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
<b>CULTURAL RESOURCES</b>		
<p><b>Impact CR-2</b> 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><b>CR-2(a) Archeological/Paleontological Monitoring.</b> 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><b>CR-2(b) Coroner Notification.</b> 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>
<b>GEOLOGY</b>		
<p><b>Impact GEO-2</b> The proposed Project includes demolition of existing improvements and construction of a four story building with a two subterranean 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><b>GEO-2 Geotechnical Report.</b> The project applicant shall implement all design considerations recommended in the geotechnical report, including the following:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>	<p>Less than significant.</p>



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<p>soils, foundations, slabs-on-grade and pavement.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Adequate drainage away from structures, pavement and slopes shall be provided at all times.</li> <li>• 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.</li> <li>• Temporary unsurcharged excavations above the vertical may be trimmed at a 1 to 1 gradient for an additional four feet.</li> <li>• All excavations shall be made in accordance with the requirements of CAL-OSHA and other public agencies with jurisdiction over the Project site.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• A vapor retarder shall be utilized in areas which would be sensitive to the infiltration of moisture.</li> <li>• 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</li> </ul>	

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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<p>water from infiltrating beneath the pavement.</p> <ul style="list-style-type: none"> <li>• Any approved base material shall consist of a Class II aggregate or equivalent and shall be compacted to a minimum of 95% relative compaction.</li> <li>• All pavement materials shall conform to the requirements set forth by the City of Beverly Hills.</li> <li>• The base material and asphaltic concrete shall be tested prior to delivery to the site and during placement to determine conformance with project specifications.</li> <li>• A pavement engineer shall designate the specific asphalt mix design to meet the required Project specifications.</li> <li>• 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.</li> <li>• 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.</li> <li>• A Type II cement according to the latest specifications shall be utilized for building foundations.</li> <li>• "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"> <li>• Maintain moisture contents at relatively constant levels, allowing neither excessive wetting or drying of soils.</li> <li>• Drainage away from structures and pavement</li> <li>• Strictly control irrigation around building foundations, slabs and pavement</li> <li>• Analyze planting schemes for landscaping around structures and pavement</li> <li>• 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.</li> </ul> </li> <li>• Increase the amount of steel reinforcing in concrete slabs, foundations and other structures to resist the forces of expansive</li> </ul>	



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	soils.	
<b>HAZARDS AND HAZARDOUS MATERIALS</b>		
<p><b>Impact HAZ 2</b> 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, <i>significant but mitigable</i>.</p>	<p><b>HAZ-2(a) Soil Sampling.</b> 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. 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><b>HAZ-2(b) Geophysical Survey.</b> 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, a 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</p>	<p>Less than significant</p>



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<p>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 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><b>HAZ-2(c) Excavation and Demolition Contingency Plans.</b> The developer shall prepare a contingency plan for all excavation and demolition projects conducted within the 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>	



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<p><b>HAZ-2(d) Groundwater Sampling.</b> 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, the developer shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed 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.</p>	
<b>PUBLIC SERVICES AND UTILITIES</b>		
<p><b>Impact PSU-4</b> The Project would generate an estimated net wastewater increase of 13,566 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, <i>significant but mitigable</i>.</p>	<p><b>PSU-4 Wastewater Conveyance Upgrade.</b> 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.</p>	Less than significant.
<b>TRAFFIC AND CIRCULATION</b>		
<p><b>Impact T-6</b> The alley between the South Maple Drive Parcel and 9242/9230 Wilshire Boulevard would be relocated as part of the proposed project. With implementation of mitigation, relocation of the alley would be a Class II, <i>significant but mitigable</i>, impact.</p>	<p><b>T-6(a)Relocation of water line.</b> Relocation of the water line that would be required due to the proposed alley relocation shall be approved by the City of Beverly Hills Water Utilities Division. The sewer line in the proposed alley relocation shall be Closed Circuit TV'd (CCTV) to verify existing connections prior to relocating the line. This work shall be performed according to City standards and shall be paid for by the applicant.</p> <p><b>T-6(b)Contacting Utility Companies.</b> The applicant shall contact utility companies to arrange for the relocation of their utilities prior</p>	Less than significant



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<p>to commencing the relocation process.</p> <p><b>T-6(c)Alley Relocation.</b> 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 (up to 2.5 feet) 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>	
<b>CONSTRUCTION EFFECTS</b>		
<p><b>Impact CON 1</b> 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><b>CON-1 (a) Construction Traffic Management Plan.</b> 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"> <li>• Maintain existing access for land uses in proximity to the Project site during project construction.</li> <li>• Schedule deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible.</li> <li>• Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time.</li> <li>• Minimize obstruction of through-traffic lanes on adjacent streets.</li> <li>• Control construction equipment traffic from the contractors through flagman and traffic control devices.</li> <li>• Identify designated transport routes for heavy trucks (in addition to haul trucks) to be used over the duration of the proposed project.</li> <li>• Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.</li> <li>• 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</li> </ul>	<p>Less than significant.</p>



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<p>the safety of the pedestrian and access to local businesses.</p> <ul style="list-style-type: none"> <li>• Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.</li> </ul> <p><b>CON-1 (b) Worker Parking Management Plan.</b>            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"> <li>• 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.</li> <li>• 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 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.</li> <li>• Identify sites where construction workers could park off-site, if necessary.</li> </ul> <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</p>	



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	the entire duration of demolition and construction activities.	
<p><b>Impact CON 2</b> 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><b>CON-2 (a) Heavy Truck Restrictions.</b> The construction contractor shall prohibit off-site heavy truck activities in local residential areas.</p> <p><b>CON-2 (b) Staging Area.</b> The construction contractor shall provide staging areas onsite to the extent feasible 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><b>CON-2 (c) Diesel Equipment Mufflers.</b> All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.</p> <p><b>CON-2 (d) Electrically-Powered Tools and Facilities.</b> 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><b>CON-2 (e) Additional Noise Attenuation Techniques.</b> 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 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>	Less than significant.
<p><b>Impact CON-4</b> Temporary air pollutant emissions generated by construction activities associated with the Project would not exceed Lst thresholds for criteria pollutants; however, emissions of PM<sub>10</sub> would exceed SCAQMD thresholds.</p>	<p><b>CON-4(a) Fugitive Dust Control.</b> The following shall be implemented during construction to minimize fugitive dust emissions:</p>	Less than significant

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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
<p>Incorporation of Mitigation Measure CON-4 (a) would reduce PM<sub>10</sub> emissions below thresholds. Therefore, temporary impacts associated with construction-related emissions would be Class II, significant but mitigable for PM<sub>10</sub> and Class III, less than significant for ROG, NO<sub>x</sub>, CO, and PM<sub>2.5</sub>.</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Soil with 5% or greater silt content that is 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• All material transported off-site shall be securely covered to prevent excessive amounts of dust.</li> <li>• 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.</li> <li>• Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.</li> <li>• These control techniques shall be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.</li> </ul> <p>Although NO<sub>x</sub> emissions would not exceed SCAQMD or LST thresholds, Mitigation Measure CON-4(b) is recommended to reduce NO<sub>x</sub> emissions.</p>	



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

<b>Class II (Significant but Mitigable) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
	<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"> <li>• Equipment engines shall be maintained in good condition and in proper tune per manufacturer's specifications;</li> <li>• New technologies shall be utilized to control ozone precursor emissions as they become available.</li> <li>• Diesel oxidation catalysts and particulate filters shall be installed on all on- and off- road construction vehicles.</li> </ul>	

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

<b>Class III (Less than Significant) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
<b>AESTHETICS</b>		
<p><b>Impact AES-1</b> The new Lexus dealership building would be about 11 feet 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>.</p>	None required.	Less than significant.
<p><b>Impact AES-2</b> 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>.</p>	None required.	Less than significant.
<p><b>Impact AES-3</b> The Project would replace existing sources of light and glare on and around the Project site. However, the proposed design would</p>	None required.	Less than significant.



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

<b>Class III (Less than Significant) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
reduce parking lot glare by moving parking to the second floor, third floor, fourth floor, and the rooftop of the structure. 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.		
<b>Impact AES-4</b> 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.
<b>Impact AES-5</b> 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.
<b>AIR QUALITY</b>		
<b>Impact AQ-1</b> 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, <i>less than significant</i> .	None required.	Less than significant.
<b>Impact AQ-2</b> 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.
<b>CULTURAL RESOURCES</b>		
<b>Impact CR-1</b> 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.	None required.	Less than significant.

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

<b>Class III (Less than Significant) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
Impacts would be Class III, less than significant.		
<b>GEOLOGY</b>		
<b>Impact GEO-1</b> 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.
<b>Impact GHG-1</b> 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.
<b>HAZARDS AND HAZARDOUS MATERIALS</b>		
<b>Impact HAZ-1</b> 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.
<b>Impact HAZ-3</b> The proposed Project would 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.



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

<b>Class III (Less than Significant) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
<b>LAND USE AND PLANNING</b>		
<b>Impact LU-1</b> 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 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 Class III, <i>less than significant</i> .	None required.	Less than significant.
<b>Impact LU-2</b> The Project appears to be consistent with applicable Beverly Hills General Plan objectives and recommendations. This is a Class III, <i>less than significant</i> , impact.	None required.	Less than significant.
<b>NOISE</b>		
<b>Impact N-1</b> 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, <i>less than significant</i> .	None required.	Less than significant
<b>Impact N-2</b> 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, <i>less than significant</i> , impact.	None required.	Less than significant.
<b>PUBLIC SERVICES AND UTILITIES</b>		
<b>Impact PSU-1</b> The Project would incrementally increase demands on	None required.	Less than significant



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

<b>Class III (Less than Significant) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
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> .		
<b>Impact PSU-2</b> 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
<b>Impact PSU-3</b> The Project would increase water demand at the Project site. The City has adequate supplies to meet increased demand 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.  <b>Vehicle Washwater Recycle System.</b> 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
<b>Impact PSU-5</b> 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
<b>TRANSPORTATION AND CIRCULATION</b>		
<b>Impact T-1</b> 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, <i>less than significant</i> .	None required.	Less than significant
<b>Impact T-2</b> 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</i>	None required.	Less than significant



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

<b>Class III (Less than Significant) Impacts</b>		
<b>Impact</b>	<b>Mitigation Measures</b>	<b>Residual Impact</b>
<i>significant, impact.</i>		
<b>Impact T-3</b> 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
<b>Impact T-4</b> 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, <i>less than significant</i> .	None required.	Less than significant.
<b>Impact T-5</b> 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, <i>less than significant</i> .	None required.	Less than significant.
<b>Impact CON-5</b> 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 significant.	None required.	Less than significant



**ATTACHMENT E**  
**FEIR APPENDIX J**

**APPENDIX J**  
**MINOR PROJECT REVISIONS AND CLARIFICATIONS**  
**October 2011**  
**BEVERLY HILLS LEXUS DEALERSHIP PROJECT**

**City of Beverly Hills**  
**Department of Community Development**  
**455 N. Rexford Drive, Room G-40**  
**Beverly Hills, CA 90210**  
**Contact: Mr. David Reyes**

**Prepared With Assistance From:**  
**Rincon Consultants, Inc.**  
**180 North Ashwood Avenue**  
**Ventura, California 93003**

## 1. INTRODUCTION

The City of Beverly Hills, as the lead agency under the California Environmental Quality Act (CEQA), prepared a Final Environmental Impact Report (FEIR) to evaluate the potential environmental impacts associated with the implementation of the Beverly Hills Lexus Dealership Project.

The project analyzed in the FEIR involves the demolition of the existing dealership, including existing improvements on three parcels, with subsequent construction of a 193,641 square foot (sf) (gross) automobile dealership located on 9230 Wilshire Boulevard. There are 24,069 square feet of existing improvements onsite. The two parcels at 9242 and 9230 Wilshire Boulevard house the primary existing Lexus dealership operations and are currently zoned for general commercial (C-3) use. The third parcel on South Maple Drive lies to the south of the existing building and is currently utilized by the dealership for vehicle storage/surface parking but is zoned for high density multiple-family residential (R-4) use. Pursuant to Section 10-3-3719, commercial parking is permitted within the R-4 Zone, subject to certain development standards, including height and setback limitations. As proposed, the development of the R-4 parcel complies with the standards specified in the municipal code. A 1,822 sf alley currently separates the South Maple Drive parcel from the 9230 Wilshire Boulevard property and is proposed for relocation to the southern portion of the site as a part of the Project.

After completion of the FEIR, the project applicant altered the project description to supply employee parking at an off-site location, with the exception of 10 employee parking spaces onsite. This Appendix includes an analysis of the parking demand and the traffic effects from employees parking off-site.

During consideration of the FEIR on September 26, 2011, the City of Beverly Hills Planning Commission requested further analysis of secondary impacts associated with the proposed new traffic signal at Wilshire Boulevard and South Maple Drive.

The purpose of this Appendix is to provide additional information regarding potential secondary impacts of signalizing the intersection of South Maple Drive and Wilshire Boulevard as well as to provide analysis of off-site parking.

This updated analysis includes only those issues that would have the potential to change compared to previous analyses, which includes the description of the project, a discussion of traffic to and from offsite parking locations, and the discussion regarding secondary impacts of a signal at the intersection of Wilshire Boulevard and South Maple Drive. Clarification is also provided regarding Project Alternatives (Section 6.2 of FEIR). All other issue areas studied in the Final EIR would not change respective to their impact discussions.

A memorandum was prepared by Fehr & Peers Transportation Consultants on October 17, 2011. This memorandum (attached) provides additional information in the following three areas:

- Estimated parking demand
- Employee parking provided off-site

- Secondary effect from a new traffic signal at the intersection of Wilshire Boulevard and South Maple Drive.

## **Parking**

The analysis prepared by Fehr and Peers (attached) recalculates the estimated parking demand to modify the demand factors to assume that employee parking would be provided off-site. Currently, on-site parking demand is 197 vehicles in the early afternoon on a weekday, including demand at the South Maple Drive site, the Robertson site, and the ICM site. This demand includes vehicles awaiting service, vehicles awaiting customer pick-up, loaner vehicle parking, employee parking, sales customer vehicle parking, and new/used inventory.

During the weekday, there were a maximum of 102 employees. A conservative estimate of travel mode suggests that employee drive-alone percentage is 95%, which translates into a peak employee demand of 97 spaces. Subtracting the employee demand, approximately 100 vehicles were parked at one of the three sites for one of the following reasons: vehicles awaiting service, vehicles awaiting customer pick-up, loaner vehicle parking, sales customer vehicle parking, and new/used inventory. Nine of those vehicles were attributed to new/used inventory. Subtracting the new/used inventory, the result was a total of 91 vehicles in for service. Loaner vehicles and sales customer vehicles were parked off-site during the survey.

Projected Future Demand. Based on the applicant's projection, during the weekday a maximum of 107 employees would be present onsite. Assuming a drive-alone percentage of 95%, weekday peak employee demand would be 102 spaces (less on weekends). This analysis assumes that 10 employees would park at the South Maple Drive site and the remainder of employees would park off-site and walk to the South Maple Drive site.

Project site demand (excluding employees) was projected based on an extrapolation of the existing demand. The move from 25 to 70 service bays would increase parking demand for vehicles awaiting service, vehicles awaiting customer pick-up, and loaner vehicle parking. With 25 service bays, there were approximately 91 Lexus-affiliated cars observed parked, stacked, or awaiting service off-street (including vehicles in for service, loaner vehicles, and sales customer vehicles).

A straight linear extrapolation would suggest a 280% increase in service capacity would generate a peak parking demand of 255 spaces (excluding employees) with full operation of the facility. This is a conservative estimate because the straight line extrapolation presumes that parking demand associated sales would increase at the same rate as the increase in service activity.

The combined estimated total future demand is anticipated to be 265 spaces at the South Maple Drive site and 92 spaces off-site.

Traffic Impacts of Employee Parking Off-Site. The traffic analysis contained in the Beverly Hills Lexus Dealership Project Final Environmental Impact Report (Fehr and Peers, August 2011, included as Attachment 1) assumes that employees would park at the South Maple Drive site and therefore presents a worst-case analysis of potential traffic effects near the South

Maple Drive site. The FEIR analysis found that the project would not have any significant impacts on study intersections or study street segments.

The traffic analysis contained in the Beverly Hills Lexus Dealership Project Draft Environmental Impact Report (DEIR), prepared in 2010 and reviewed by the public and Planning Commission assumed that employees would be parking off-site, similar to the off-site parking arrangements proposed. The analysis in the DEIR did not identify any significant traffic impacts associated with employees parking off-site.

Moreover, Jim Falk Lexus currently leases the ICM site at 8942 Wilshire Boulevard, about nine blocks east of the Lexus dealership. This site is used by the dealership for employee parking, loaner vehicle storage, and to store cars that have been serviced or are waiting to be serviced. Jim Falk Lexus leases 150 parking spaces to accommodate these functions.

Upon project completion, Jim Falk Lexus would no longer utilize the ICM site to store vehicles awaiting service, vehicles awaiting pick-up, or loaner vehicle storage. The ICM site would continue to be used for employee parking.

As shown in Table 4 in the traffic study supporting the Final EIR (*Traffic and Parking Study for the Beverly Hills Expansion Project*, Fehr & Peers, August 2011), based on the empirical counts conducted at the various Jim Falk Lexus facilities, employee use of the ICM site currently generates approximately nine weekday AM peak hour trips, four weekday midday peak hour trips, 10 PM peak hour trips, and two Saturday midday peak hour trips at the ICM site (employee parking). Based on this data, the trip generation rate per employee for employee trips was determined to be 0.09, 0.04, 0.10, and 0.03 trips per employee during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively.

With the project, it is anticipated that the number of employees at the dealership would increase to 107 employees. As shown in Table 4 in the traffic study, the employees are projected to generate approximately 10, 4, 11 and 3 trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. If the employees remain at s off-site location, this represents a nominal increase in net new employee trips at the off-site location. This nominal level of increase would likely be more than offset by the relocation of loaner vehicle storage and service vehicle storage from the ICM site back to the Maple site.

Therefore, no traffic impacts are anticipated with the continued use of off-site employee parking.

## **Secondary Effects of Proposed Traffic Signal at Wilshire Boulevard/South Maple Drive**

The proposed project would include a traffic signal at the intersection of Wilshire Boulevard and South Maple Drive to facilitate turns to and from Wilshire Boulevard and to discourage project generated traffic from going south on South Maple Drive.

Currently, there is a traffic signal on Wilshire Boulevard one block west of Maple Drive at Rexford Drive. It is anticipated that the proposed signal at South Maple Drive would be synchronized with the signal at Rexford Drive such that the green phase for northbound traffic

on Maple Drive would occur during the green phase for north/south traffic on Rexford Drive and the phases for east/west traffic on Wilshire Boulevard would be coordinated. Since traffic volumes on South Maple Drive are and would be lower than the traffic volumes on Rexford Drive and the intersection of Wilshire Boulevard and South Maple Drive is a “T” intersection with only three approach legs, the green time required for South Maple Drive would be less than the green time required for Rexford Drive, minimizing the red time for the intersection of Wilshire Boulevard and South Maple Drive.

Since the signal would make turns to and from Wilshire Boulevard easier, an analysis was conducted of potential secondary impacts of the proposed signal in terms of its potential to draw additional non-Lexus traffic to South Maple Drive through the residential neighborhood.

The motorists that may shift to South Maple Drive with the signal are those that want to make northbound left turns to Wilshire Boulevard, since that is the difficult movement at the intersection of Wilshire Boulevard and South Maple Drive. The memorandum prepared by Fehr and Peers (attached) states that northbound right-turn and westbound left-turn volumes at the intersection of Wilshire Boulevard and Rexford Drive are lower than those at the intersection of Wilshire Boulevard and South Maple Drive and at the intersection of Wilshire Boulevard and Palm Drive, suggesting that right turns to and from and left turns to the unsignalized local streets are already well served and distributed across the local streets. This supports the premise that it is only the difficult northbound left turns that are underserved and are the market for shifting.

It is estimated that approximately 15% of the northbound left turns at the intersection of Wilshire Boulevard and Rexford Drive would shift to the intersection of Wilshire Boulevard and South Maple Drive with the traffic signal at the latter location. Table 1 in the attached memorandum prepared by Fehr and Peers presents the Existing plus Project neighborhood traffic impact analysis for the analyzed segments of South Maple Drive assuming this level of shift, while Table 2 presents the Future plus Project analysis. As indicated in these tables, using the City’s significance criteria, significant impacts are not anticipated on South Maple Drive with the Lexus project and additional traffic utilizing the proposed signal at the intersection of Wilshire Boulevard and South Maple Drive.

In addition to discouraging Lexus-affiliated traffic from traveling through the residential neighborhood south of the dealership, the proposed traffic signal would have additional benefits including:

- Operating conditions at the intersection of Wilshire Boulevard and Rexford Drive would be improved.
- Residents south of the dealership would have better access to Wilshire Boulevard.

## **Project Alternatives**

Final EIR Section 6.2.6 (Code Complying Alternative) includes inconsistent conclusions regarding whether or not a Conditional Use Permit would be required for the Code Compliant

Alternative. Pursuant to Beverly Hills Municipal Code Section 10-3-1604, a Conditional Use Permit would be required to establish the Code Compliant alternative.

Additionally, Final EIR Section 6.3. (Reduced Project Alternative) includes the establishment of a multi-story parking structure on the R-4 Multiple Family zoned parcel. However, given the physical constraints of the site and the City's regulations regarding drive aisle widths and parking stall dimensions, this is not practically feasible. The lot is only 50-feet in width and 128-feet in length and development regulations require a 26-foot wide drive aisle and parking stall dimensions of 9- by 19-feet. Given the projects ramping requirements (up and down), the usable area of the lot for parking purposes would be approximately 24- by 90-feet. Based on previously approved developments within the City (such as at 267 North Canon Drive) a site of this size would be limited to about 10 cars per level. Moreover, the structure would be limited to three stories in height and therefore yield approximately 30 total parking spaces, which is about the same number of cars that are able to be parked on the existing surface lot. For these reasons, this project alternative is technically infeasible.

## Conclusions

The above analysis examines whether or not the modified Project description and additional clarifying information would create any new or significant environmental impacts compared to the analysis in the Final EIR. This Appendix indicates the following conclusions:

- (1) *The revised Project description and minor clarification points addressed in the Appendix will not have any new significant effects or cause a significant increase in the severity of effects beyond those already addressed in the EIR.*
- (2) *The revised Project description and minor clarification points will not exacerbate any significant effects that were previously identified in the EIR, nor will it create any new significant environmental effects.*
- (3) *No new significant effects have been identified, and no significant increase in the severity of an impact has been identified. Moreover, there are no mitigation measures or alternatives that are substantially different than those in the EIR that would reduce significant effects of the modified project, but that the project proponents would decline to adopt.*

**ATTACHMENT F**  
**SEPTEMBER 26, 2001 STAFF REPORT**  
**(WITHOUT ATTACHMENTS)**



## City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210  
TEL. (310) 458-1140 FAX. (310) 858-5966

# 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-foot 6-inches to top of parapet and 59-foot 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.

## 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)

**Report Author and Contact Information:**

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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 Amendment<sup>1</sup>;
  - 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;

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<sup>1</sup> 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 Guidelines<sup>2</sup>, and the environmental regulations of the City. The City prepared an Initial Study and, based on the information contained in the Initial Study, concluded that there was substantial evidence that the project 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

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<sup>2</sup> 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:



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David Reyes, Principal Planner

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**ATTACHMENT G**  
**PROJECT PLANS (PROVIDED SEPARATELY)**