



## Planning Commission Report

**Meeting Date:** April 23, 2015

**Subject:** **8950 Olympic Boulevard**  
**Conditional Use Permit**

Request for a Conditional Use Permit to allow an educational institution to occupy approximately 990 square feet of an existing commercial building (mini shopping center) located on Olympic Boulevard between South La Peer Drive and South Almont Drive.

PROJECT APPLICANT: David Peddie, Mathnasium

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt the attached resolution conditionally approving a Conditional Use Permit to allow the proposed educational use.

### REPORT SUMMARY

A request for a Conditional Use Permit has been made to allow the establishment of an approximately 990 square foot math tutoring center for children (educational institution) within an existing commercial building (mini shopping center) located at 8950 Olympic Boulevard. As proposed, the educational institution would occupy a suite, currently vacant, on the building's ground floor. The project will include limited interior modifications consistent with a typical tenant improvement in a commercial building.

This report details the physical context of the project and its vicinity; outlines the findings that need to be made in order to grant the CUP; and analyzes the proposed use of the property. This report also includes a summary of the potential pros and cons associated with the project. Based on the analysis contained in this report, the proposed project is not expected to result in any significantly adverse impacts and the recommendation is for approval of the project.

**Attachment(s):**

- A. Required Finding
- B. Draft Resolution
- C. Applicant Summary of Business Operations/floor plan
- D. Public Notice
- E. Shopping Center Plans
- F. Resolution 440
- G. Urgency Ordinance 85-0-1956
- H. Traffic Count Information

**Report Author and Contact Information:**

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## **BACKGROUND**

File Date	3/17/2015
Application Complete	3/26/2015
Subdivision Deadline	N/A
CEQA Determination	Class 1 categorical exemption for limited modifications to an existing commercial building
Permit Streamlining Act	Take action on project within 60 days of CEQA determination
Applicant(s)	David Peddie, Mathnasium
Owner(s)	Mitchell Weiss, Weiss Development
Representative(s)	David Peddie, Mathnasium
Prior PC Action	Resolution 440, approved February 24, 1986. This resolution approved development of a mini shopping center at 8930-54 Olympic Boulevard with conditions.
Prior Council Action	Urgency Ordinance 85-0-1956, approved October 31, 1985. This ordinance established the discretionary process for approval of commercial mini shopping center development within the City.
CC/PC Liaison	None
CHC Review	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	8950 Olympic Boulevard, Suite 106
Assessor's Parcel No.	4332-009-038
Zoning District	C-3T-2
General Plan	General Commercial – Low Density
Existing Land Use(s)	Mini Shopping Center (Commercial)
Lot Dimensions & Area	Approx. 120 ft. by 250 ft. Area approx. 30,056 sq. ft.
Year Built	1988
Historic Resource	Not applicable
Protected Trees/Grove	None
Transitional Use Ordinance	Applies

### Adjacent Zoning and Land Uses

North (across Olympic)	C-3T-2 – Commercial
East (across La Peer)	C-3T-2 – Commercial
South (to rear of shopping center)	R-1 – Single-Family Residential
West (across Almont)	C-3T-2 – Commercial

### Circulation and Parking

Adjacent Street(s)	Olympic Boulevard, South La Peer Drive, and South Almont Drive
Traffic Volume	Average Daily Trips on Olympic Boulevard: Approx. 19,800 EB and 18,200

	WB (approx. 38,000 total)
	Average Daily Trips on South La Peer Drive: 4,300
	Average Daily Trips on South Almont Drive: 900
Adjacent Alleys	20' rear alley
Parkways & Sidewalks	Olympic Boulevard – 20' parkway and sidewalk
	La Peer Drive – 12' parkway and sidewalk
	Almont Drive – 12' parkway and sidewalk

### Neighborhood Character

The project site is located on the south side of Olympic Boulevard between South La Peer Drive and South Almont Drive. The project site is immediately bordered by commercial uses (C-3T-2 zone) on three sides and single-family residential (R-1 zone) on the south side. Across Olympic Boulevard to the north are two single-story commercial buildings that are currently vacant and a surface parking lot. To the east on Olympic Boulevard, across South La Peer Drive, there are single-story commercial properties. Across South Almont Drive to the west of the project site, there is a surface parking lot and service garages ancillary to the Beverly Hills Infiniti dealership located at 9001 Olympic Boulevard. The project site is bordered by one- and two-story single-family homes to the south on both Almont Drive and La Peer Drive. Olympic Boulevard is a wide and busy travel corridor with relatively high traffic volumes compared to South Almont and La Peer Drives, which are two-way residential streets with low traffic volumes.

At two stories in height and occupying over 30,000 square feet of land, the subject mini shopping center is generally larger than surrounding development; however, there are instances of other two-story office buildings and shopping centers in the area along Olympic Boulevard. The proposed project would affect only on-site operations of the building, and would not result in changes to the existing neighborhood character.





Project Site Viewed from La Peer Drive



Project Site Viewed from Olympic Boulevard

### **PROJECT DESCRIPTION**

The proposed project consists of the establishment of an approximately 990 square foot tutoring center, or educational institution, within a portion of the ground floor of the existing commercial building at the subject property. As proposed, the space would be comprised of a single open space with three tables for tutoring on a small group basis, a waiting area, and storage area. As proposed, Mathnasium tutors would meet with students at a ratio of one instructor per four students. A summary of the proposed business operations and floor plan for Mathnasium has been provided in Attachment C.

The existing commercial building was constructed in 1988 and has a total floor area of approximately 28,000 square feet, which means that the proposed educational institution would occupy less than 3.5% of the building's total floor area. Parking for the subject property is provided in a subterranean parking garage and a surface parking lot, accessed from driveways on Olympic Boulevard and South La Peer Drive. The educational institution would be accessed through the entrance facing Olympic Boulevard, either from the elevators or stairway from the building's parking garage, through the surface parking lot, or from the mini shopping center's sidewalk access.

**Required Entitlements.** As proposed, the project requires the following entitlement in order to be established:

- **Conditional Use Permit:** Pursuant to BHMC §10-3-1604, educational institutions are conditionally permitted uses in the C-3T-2 zone.

### **GENERAL PLAN<sup>1</sup> POLICIES**

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission's review of the project include:

- **Policy LU 15.1 Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services, and high-paying jobs.
- **Policy LU 16.3 Equitable Distribution of Uses and Amenities.** Strive to ensure that services and neighborhood amenities are distributed equitably throughout the city.
- **Policy ES 1.5 Attract New Businesses and Industries.** Consistent with future economic sustainability plans, encourage and attract new businesses in existing industries and new industries to locate and expand within the City in order to ensure a diverse, leading-edge business community.
- **Goal ES 3 Enhanced Commercial Corridors.** Enhanced corridors that expand and nurture development opportunities outside of the Business Triangle, such as along South Beverly Drive and Robertson, Olympic, South Santa Monica, and the eastern portion of Wilshire Boulevard.

### **ENVIRONMENTAL ASSESSMENT**

The Project has been assessed in accordance with the authority and criteria contained in 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. Projects which involve the operation and permitting of uses within an existing building involving negligible or no expansion of use are categorically exempt from CEQA pursuant to Section 15301 (Class 1) of the State CEQA Guidelines. The project includes limited interior modifications consistent with a typical tenant improvement. Therefore, this project has been determined to be exempt from further environmental review.

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<sup>1</sup> Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	4/17/2015	6 Days
Newspaper Notice	10 Days	4/13/2015	4/10/2015	13 Days
Mailed Notice (Owners & Occupants - 500' Radius plus block-face)	5 Days	4/18/2015	4/10/2015	13 Days
Property Posting	10 Days	4/13/2015	4/10/2015	13 Days
Agenda on Website	N/A	N/A	4/17/2015	6 Days

Public Comment

The City has not received any comments or letters concerning the project as of the writing of this report.

**ANALYSIS<sup>2</sup>**

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report, and may be used to guide the Planning Commission’s deliberation of the subject project.

In reviewing the requested entitlement, the Commission may wish to consider the following information as it relates to the project and required findings:

**Previous Approvals.** When the mini shopping center was approved for development pursuant to Planning Commission Resolution 440, adopted in 1986, approval for the mini shopping center included three operational conditions that would apply to the proposed business. First, free parking must be provided for both customers and employees. Second, all businesses must close no later than 10:00 PM. Third, the Planning Commission established the maximum traffic thresholds that the shopping center may not exceed as a whole. The thresholds were derived from City Council Urgency Ordinance 85-0-1956 that was passed in 1985 in order to regulate mini shopping centers; these traffic thresholds and other restrictions on mini shopping centers were later added to the zoning code. Both Resolution 440 and Ordinance 85-0-1956 are included here as Attachments F and G. The “Trip Generation” section of this report provides additional detail on the trips generated by the shopping center and how the proposed use may affect trips there.

**Educational Use.** The subject property is located outside the Business Triangle at the eastern end of the City in a commercial zone. The Municipal Code allows educational institutions to be located in commercial zones with the approval of a Conditional Use Permit. The proposed use for this site is a math tutoring service for children of all ages that offers instruction on a small group basis and does not offer the large group classes that may typically be associated with educational uses. The proposed operating hours are 3:00 PM to 7:00 PM Monday through Thursday and 1:00 PM to 5:00

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<sup>2</sup> The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

PM on Sunday. The applicant proposes to operate the tutoring center on an appointment basis, with a maximum of four students per instructor and a maximum of 15 students and instructors at any one time. It is noted that there could be parents or students waiting on-site between appointments. Pursuant to the operational plan of the business, the proposed educational use is not expected to be detrimental to adjacent property or the public welfare.

**Parking.** The existing property has parking provided at a rate of one space per 350 square feet of building floor area, which is consistent with current code for commercial uses. Because the proposed educational use is not organized as assembly space, the required parking rate is one space per 350 square feet, which is required for commercial space not otherwise specified in the code. In total, 81 full-size, independent parking spaces are provided on-site in the subterranean parking structure and the surface parking lot, with additional compact or tandem spaces provided in excess of code requirements. There are two parking attendants on-site to direct drivers to available spaces and to ensure turnover in the 15 short-term (15-minute) spaces in the surface parking lot; there is a third parking attendant in the subterranean parking lot. Staff has observed, and the property owner and parking attendants confirmed that the peak parking usage occurs between 11:00 AM and 1:00 PM.

Pursuant to Planning Commission Resolution 440 approving the mini shopping center, all employees and customers shall be provided with free on-site parking. Employees of the tutoring center will be allocated two reserved parking spaces in the subterranean parking lot and the third employee will park in an available space. It is anticipated that most students or parents would park in the private subterranean garage or parents would drop students off in the surface parking lot, where short-term (15-minute) parking is located. No parking impacts are anticipated to result from issuance of this CUP, given that the site has parking in excess of 1 space per 350 square feet and the proposed business operating hours will occur outside of peak parking demand periods.

**Trip Generation.** Urgency Ordinance 85-0-1956 and Planning Commission Resolution 440 limit the shopping center to a maximum number of trips generated per hour and per day. The maximum number of trips for the shopping center as a whole may not substantially exceed either 16 vehicle trips per hour per 1,000 square feet of floor area *or* 200 vehicle trips per day per 1,000 square feet of floor area. Accordingly, at 28,000 square feet of floor area, the shopping center may not exceed 448 vehicle trips per hour or 5,600 vehicle trips per day.

Because of these limits, staff arranged for a consultant to count trip volumes during the proposed hours of weekday operation. The proposed hours of operation are 3:00 PM to 7:00 PM. The counts were conducted between 2:00 PM and 7:00 PM to capture the time prior to the first appointments that the tutoring center would offer and because the mini shopping center's peak trip volumes occur prior to 3:00 PM. Over five hours of observation, the Olympic Boulevard driveway saw a total of 155 entries and exits, the La Peer driveway had 402, and the subterranean garage had 109 vehicle entries and exits – a total of 666 vehicles arriving and departing. This is an average of approximately 133 entries and exits per hour, or 67 trips to the shopping center per hour. A conservative estimate would anticipate an additional 15 trips per hour to the shopping center generated by the proposed use, which would increase the average hourly number of trips to 82. This is far below the maximum allowed trips generated by the shopping center (448 per hour) set by Urgency Ordinance 85-0-1956 and Resolution 440. Attachment H provides a snapshot of the present trips to the shopping center

during the proposed weekday operating hours: the counts were conducted on Wednesday April 1 and Wednesday, April 8, 2015 at the three driveways of the mini shopping center.

Based on this traffic count, the highest volume of people arriving and departing the project site during the proposed hours of operation will be during the early afternoon period, with the current peak during this period from 2:15-3:15 PM. It is also noted that the proposed project site is within 1.5 miles of three schools (Beverly Vista School, Horace Mann School, and Beverly Hills High School) and it is conceivable that some students may arrive at the tutoring center on foot, bicycle, or on transit. On the first day the study was conducted, approximately 18 trips were made to the project site by pedestrians or bicyclists during the five-hour period.

**Potential Pros and Cons.** A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Potential Pros	Potential Cons
<ul style="list-style-type: none"><li>• Filling a vacancy in a commercial building outside the Business Triangle on an important business corridor (Olympic Boulevard).</li><li>• The proposed use will be compatible with its surroundings pursuant to staff's analysis.</li></ul>	<ul style="list-style-type: none"><li>• Establishing an educational use in a commercial building may result in parking and traffic problems <i>if</i> the educational institution changes its operating hours or expands to accommodate more students at a time. Staff has proposed conditions to address these concerns.</li></ul>

#### NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving the Conditional Use Permit.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



Michele McGrath, Principal Planner

**ATTACHMENT A**  
**REQUIRED FINDING**

**ATTACHMENT A  
REQUIRED FINDINGS**

**REQUIRED FINDING**

**CONDITIONAL USE PERMIT FOR EDUCATIONAL INSTITUTION IN C-3 ZONE**

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1. *The proposed use will not be detrimental to adjacent property or to the public welfare or safety.*

**RECOMMENDED CONDITIONS OF APPROVAL**

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1. A maximum of 15 instructors and students shall be in the subject business location at any given time.
2. Tutoring, teaching, or similar activities shall not take place in the subject business location prior to 3:00 PM or after 9:00 PM on weekdays.
3. Tutoring, teaching, or similar activities shall not take place in the subject business location prior to 1:00 PM or after 9:00 PM on Saturdays and Sundays.

**STANDARD CONDITIONS**

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See Draft Resolution (Attachment B)

**ATTACHMENT B**  
**DRAFT RESOLUTION**

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 990 SQUARE FOOT EDUCATIONAL INSTITUTION (MATHNASIUM) TO BE LOCATED ON THE FIRST FLOOR OF THE EXISTING MINI SHOPPING CENTER LOCATED ON THE PROPERTY AT 8950 OLYMPIC BOULEVARD.

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

Section 1. David Peddie, representative on behalf of Mathnasium, (the “Applicant”) has submitted an application for a Conditional Use Permit to allow the establishment of an educational institution of approximately 990 square feet on the ground floor of an existing commercial building located outside the Business Triangle on the property at 8950 Olympic Boulevard (the “Project”). The Conditional Use Permit is an entitlement that may be granted by the Planning Commission.

Section 2. The Project site is located near the eastern boundary of the City on the south side of Olympic Boulevard, between Almont Drive and La Peer Drive. The existing neighborhood character within the vicinity of the project consists of commercial developments, which are occupied by retail and office uses, along Olympic Boulevard, as well as one auto dealership and service center. In addition to the existing commercial development, the properties to the south along Almont Drive and La Peer Drive are zoned for and developed with single-family residential housing.

The Project consists of the operation of an approximately 990 square foot educational institution within a portion of the ground floor of the existing mini shopping center at the subject property. The existing commercial building has a total floor area of approximately 28,000 square feet, meaning that the educational institution will occupy less than 3.5 percent of the building's total floor area.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and the Project is eligible for a Class 1 Categorical Exemption in accordance with the requirements of Section 15301 of the Guidelines for the Project. The Class 1 exemption is applicable because the Project results in operational changes and minor interior tenant improvements to an existing commercial building, and the Planning Commission hereby finds that the Project is exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on April 10, 2015 to all property owners and residential tenants within a 500-foot radius of the property, plus block-face. Additionally, notice was published in two newspapers of local circulation, the *Beverly Hills Courier* and the *Beverly Hills Weekly*. On April 23, 2015 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a Conditional Use Permit allowing an education use in the C-3 Zone, the Planning Commission considered whether it could make the following finding in support of the Project:

1. The proposed use will not be detrimental to adjacent property or to the public welfare or safety.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

The educational institution (Mathnasium) is a math tutoring service for children of all ages that offers instruction on a small group basis and does not offer large group classes. The business proposes to operate with a maximum of four students per instructor and a maximum of 15 students and instructors at any one time. The operating hours of the business are proposed to be 3:00 PM to 7:00 PM on weekdays and 1:00 PM to 5:00 PM on Sundays. The educational institution will be located in a small space (990 square feet) on the ground floor of an existing commercial building within a commercial zone (C-3T-2 Zone) with its entrance facing Olympic Boulevard. The educational use will be located entirely within an existing commercial space that has no openings facing residential properties. The property contains adequate parking on-site to meet the demands of the existing uses on-site as well as the educational institution, with 81 full-size, independent parking spaces on two parking levels and additional tandem or compact spaces that exceed the parking code requirement. The business may be easily accessed from available parking using the elevators or stairway from the building's subterranean parking garage or through

the surface parking lot. Due to the manner in which the business will be operated as small group tutoring during afternoon and early evening hours, the physical characteristics of the space (small size, no openings facing residential uses), the relatively low number of additional vehicle trips generated by the use, and the provision of adequate parking, the Project, as conditioned, will not be detrimental to adjacent property or to the public welfare or safety.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Conditional Use Permit subject to the following conditions of approval:

1. A maximum of 15 instructors and students shall be in the subject business location at any given time.
2. Tutoring, teaching, or similar activities shall not take place in the subject business location prior to 3:00 PM or after 9:00 PM on weekdays.
3. Tutoring, teaching, or similar activities shall not take place in the subject business location prior to 1:00 PM or after 9:00 PM on Saturdays and Sundays.
4. The conditions of approval set forth in this resolution are specifically tailored to address the operation of an educational institution that substantially conforms to the Project presented to and approved by the Planning Commission at its meeting of April 23, 2015. To ensure that a subsequent educational institution operated at the subject site does not cause adverse impacts to other building tenants or adjacent land uses, any transfer of ownership, management, or control of the educational use shall be reviewed by the Director of Community

Development to determine whether such subsequent educational use substantially conforms to the Project approved by the Planning Commission. If the Director determines that the subsequent use does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of the Beverly Hills Municipal Code. The Planning Commission expressly reserves jurisdiction at said hearing to revoke the Conditional Use Permit, or may impose additional conditions as necessary to ensure that the operation of a subsequent educational institution at the subject site is compatible with adjacent land uses.

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

6. APPEAL. 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.

7. RECORDATION. 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 **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void and of no further effect**. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

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

9. VIOLATION OF CONDITIONS: A violation of any of these conditions of approval may result in a termination of the entitlements granted herein.

10. This approval is for those plans submitted to the Planning Commission on April 23, 2015, a copy of which shall be maintained in the files of the Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

11. 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.

12. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

13. 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.

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

Adopted: April 23, 2015

\_\_\_\_\_  
Howard S. Fisher  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

\_\_\_\_\_  
Secretary

Approved as to form:

Approved as to content:

\_\_\_\_\_  
David M. Snow  
Assistant City Attorney

\_\_\_\_\_  
Ryan Gohlich  
City Planner

**ATTACHMENT C**

**APPLICANT SUMMARY OF BUSINESS OPERATIONS**

**AND FLOOR PLAN**



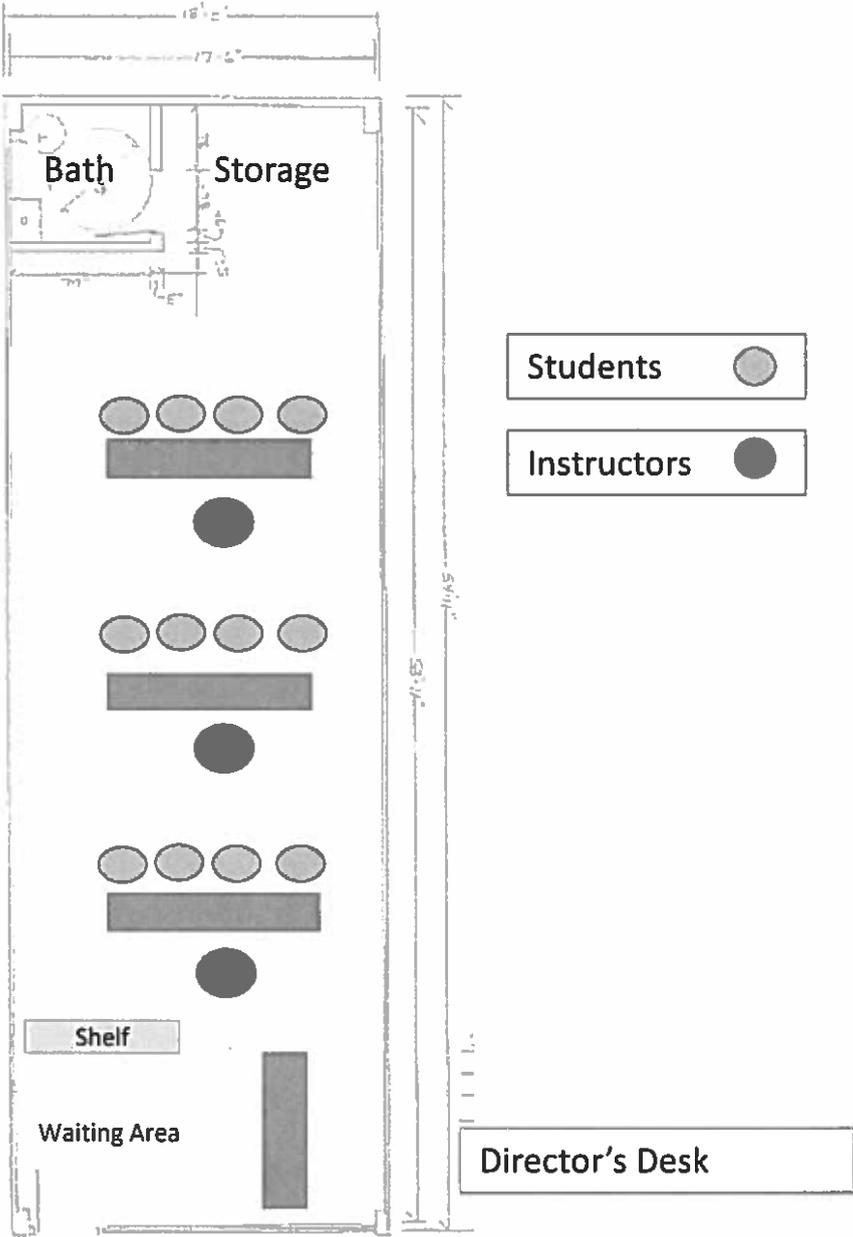
Mathnasium of Beverly Hills will be a premier after school tutoring center. Pending approval from the Planning Commission, we will be located at 8950 W. Olympic Blvd Unit #106 Beverly Hills CA 90211. We will be open Monday through Thursday from 3-7 and Sunday from 1-5. We will schedule appointments based upon age, grade, and skill level and we will have space for no more than twelve students at a time. We will rotate students every hour with no student staying longer than one hour. We will have a maximum of three teachers at one time for a total of 15 teachers and students at any given time. Mathnasium specializes in after school math education. We work off the California State Standards for math and we are the best at teaching math to students.

Mathnasium is an international chain of year-round learning centers where children go to improve their math skills. Each center utilizes the Mathnasium method, an individually customizable educational curriculum created through over 35 years of classroom experience and research. Its goal: teach children math in a way that makes sense to them.

Mathnasium centers are open to members at five times per week from during after-school and weekend hours. Children attend twice a week for six month blocks. Using the proprietary "Teach and Move On" technique along with over 12,000 custom worksheets covering topics from pre-K to pre-calculus, Mathnasium has been making a difference in the lives of children since we opened our first center in 2003. Today, we have more than 580 thriving centers in the United States and Canada, along with open centers now on four continents... and we are continuing to grow.

#### **Statement from David Peddie, Mathnasium**

# Proposed Floor Plan





## Hours of Instruction

SUNDAY .....	1:00PM – 4:00PM
MONDAY .....	3:00PM – 7:30PM
TUESDAY .....	3:00PM – 7:30PM
WEDNESDAY .....	3:00PM – 7:30PM
THURSDAY .....	3:00PM – 7:30PM
FRIDAY .....	CLOSED
SATURDAY .....	CLOSED

## Holiday Schedule

New Years Holiday .....	Thurs–Sun, January 3, 2015
Martin Luther King Day .....	Monday, January 19, 2015
Presidents Day .....	Monday, February 16, 2015
Easter Weekend .....	Sunday, April 5, 2015
Memorial Day .....	Monday, May 25, 2015
Fourth of July .....	Sat & Sun, July 4–5, 2015
Labor Day .....	Monday, September 7, 2015
Thanksgiving Break .....	Wed–Sun, November 25–29, 2015
Christmas Break .....	Wed–Sun, December 23–27, 2015
New Years Eve .....	Thursday, December 31, 2015

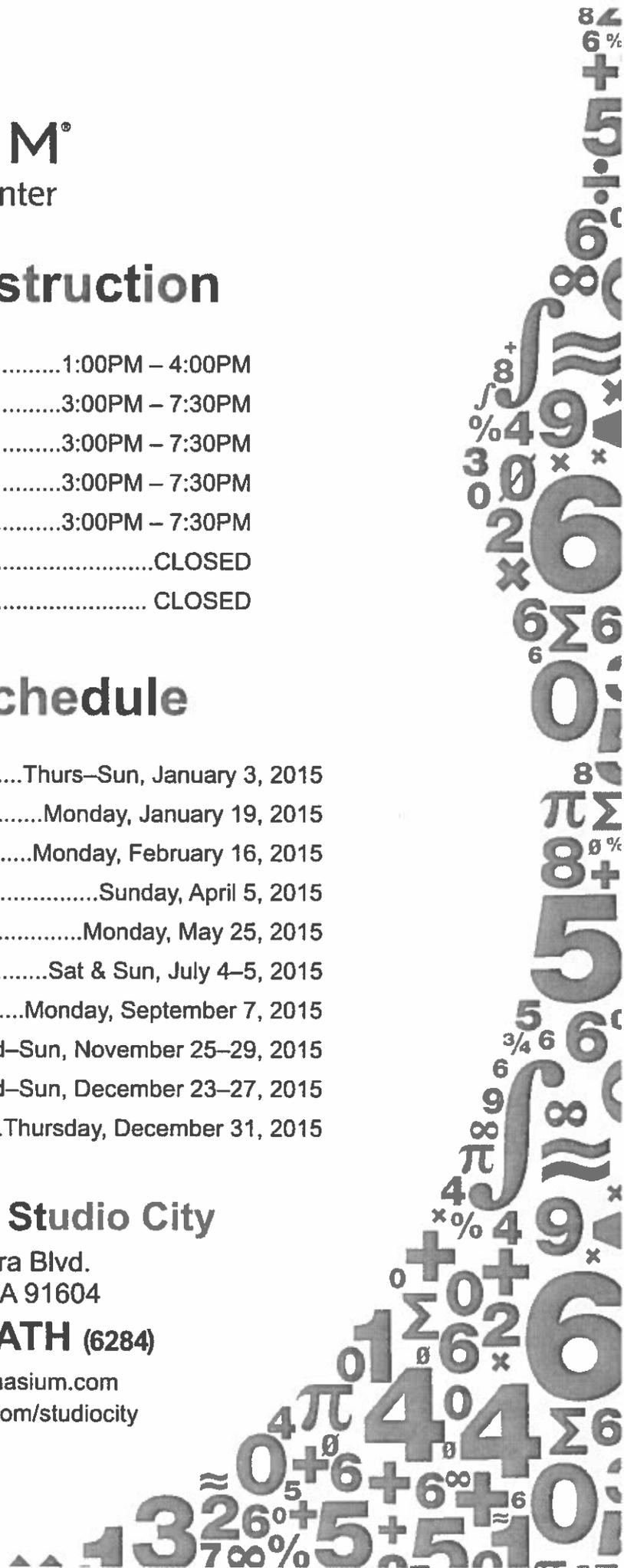
### Mathnasium of Studio City

12427 Ventura Blvd.  
Studio City, CA 91604

**(818) 985-MATH (6284)**

[studiocity@mathnasium.com](mailto:studiocity@mathnasium.com)  
[www.mathnasium.com/studiocity](http://www.mathnasium.com/studiocity)

We Make Math Make Sense®



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# **ATTACHMENT D**

## **PUBLIC NOTICE**



### NOTICE OF PUBLIC HEARING

**DATE:** April 23, 2015

**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard

**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, April 23, 2015, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for a Conditional Use Permit to allow the establishment of an educational institution (Mathnasium) within the mini shopping center located at 8950 Olympic Boulevard, on the south side of Olympic Boulevard between La Peer Drive and Almont Drive. The proposed educational institution would occupy approximately 990 square feet of floor area on the first floor of the existing mini shopping center. The request would allow the educational institution to offer tutoring to students on a small group basis. Pursuant to Beverly Hills Municipal Code §10-3-1604, educational institutions may be located in the C-3 zone of the City with the approval of a Conditional Use Permit.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 Categorical Exemption for operational changes within an existing commercial facility, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact Alek Miller, Assistant Planner in the Planning Division at (310) 285-1196, or by email at [amiller@beverlyhills.org](mailto:amiller@beverlyhills.org). Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely,



Michele McGrath, Principal Planner

Mailed: April 10, 2015

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**ATTACHMENT E**  
**SHOPPING CENTER PLANS**

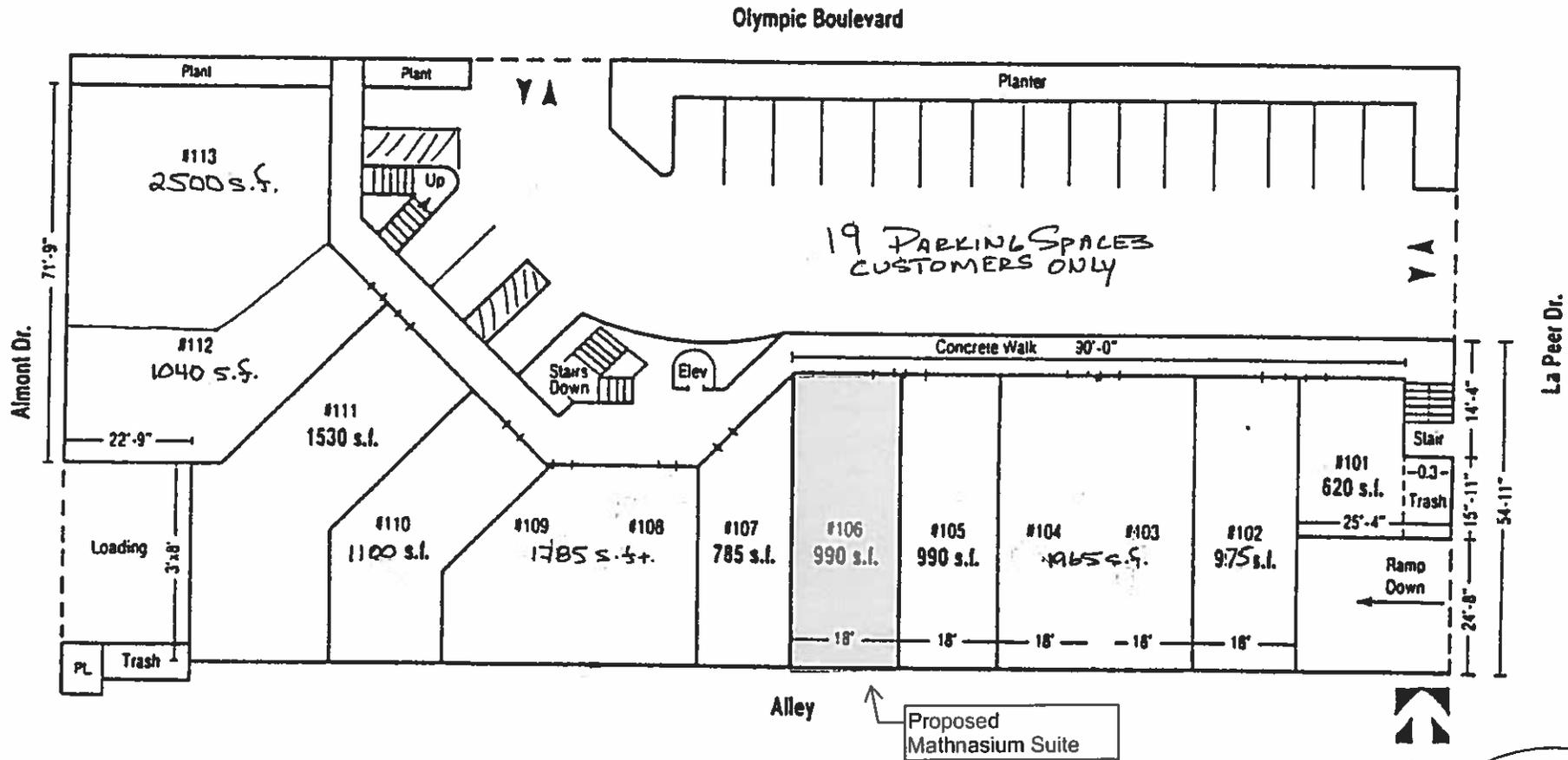
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8950 W. OLYMPIC BLVD.

# Ground Floor

Olympic La Peer Shopping Center

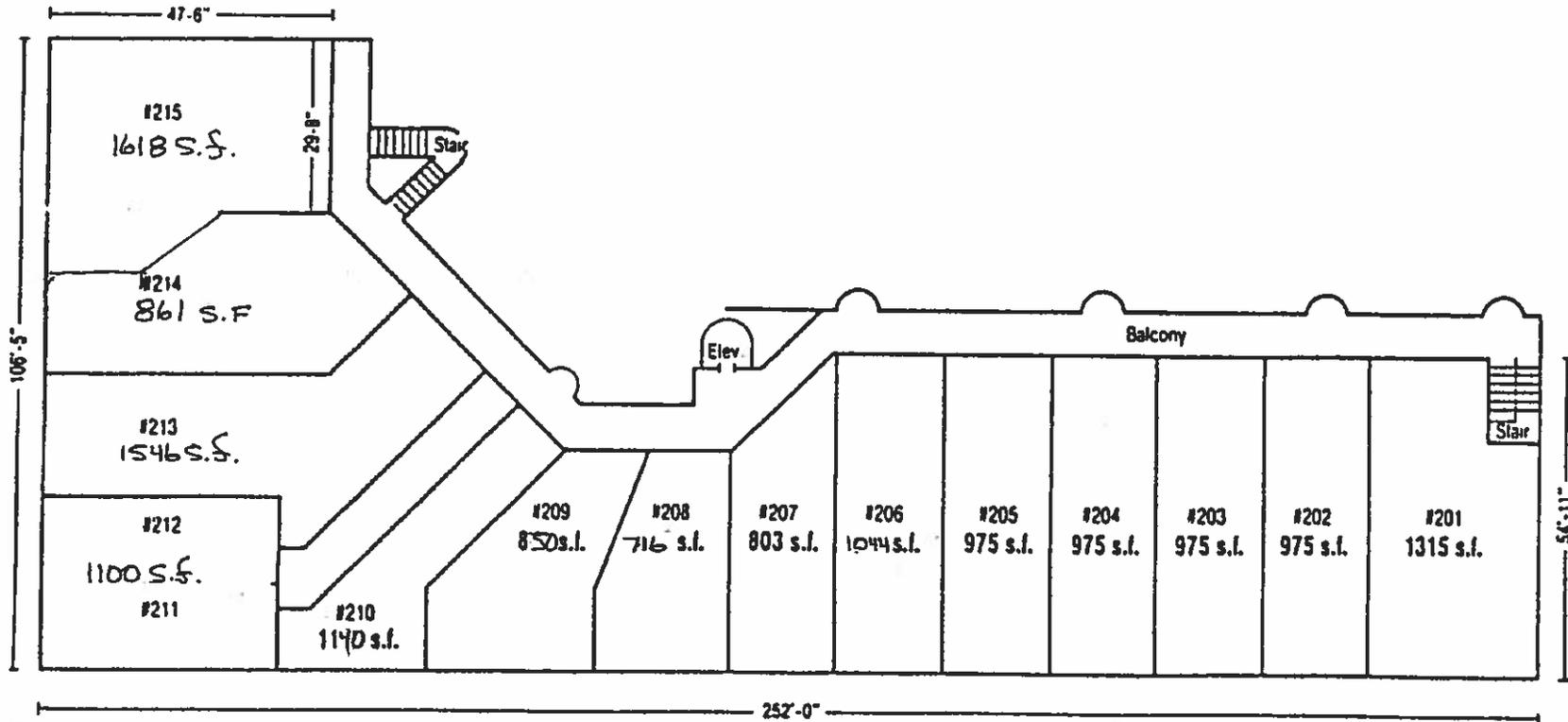
\* NOT TO SCALE



**Second Floor**  
Olympic & La Peer  
Inner Partitions Not Set

8950 W. OLYMPIC BLVD.

\* NOT TO SCALE



4/8/15

**ATTACHMENT F**  
**RESOLUTION 440**

RESOLUTION NO. 440

RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF BEVERLY HILLS APPROVING A MINI  
SHOPPING CENTER USE PERMIT FOR A MINI SHOPPING CENTER  
AT 8930-54 OLYMPIC BOULEVARD.

WHEREAS, Ahmanson Trust Company has submitted an application for a mini shopping center use permit to be located at 8930-54 Olympic Boulevard; and

WHEREAS, a Negative Declaration for the proposed project was duly processed and issued through the Environmental Review Board; and

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

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

Section 1. The Commission finds that subject to the conditions imposed herein, the proposed mini shopping center will not have a significant adverse environmental impact, and will not be detrimental to surrounding commercial and residential uses or the public welfare, the design of the project is compatible with surrounding commercial and residential uses, and the ingress and egress to the project does not cause traffic congestion or traffic hazards.

Section 2. The Commission hereby grants a mini shopping center permit for the proposed project as submitted, subject to the following conditions and limitations:

(a) Restaurants shall be prohibited, and seating capacity of other food uses shall not exceed twenty (20) persons.

(b) Mature landscaping shall be planted in the rear setback and subject to review and approval of the Architectural Commission.

(c) Rear of structure adjacent to alley shall be designed to attenuate solid facade appearance and shall be subject to approval of the Architectural Commission.

(d) Free parking shall be provided for both customers and employees.

(e) Mechanical equipment venting shall not face the adjacent residential uses.

(f) All businesses shall close not later than 10:00 p.m.

(g) Liquor sales shall be prohibited.

(h) Low intensity safety lighting shall be installed at the rear of the premises.

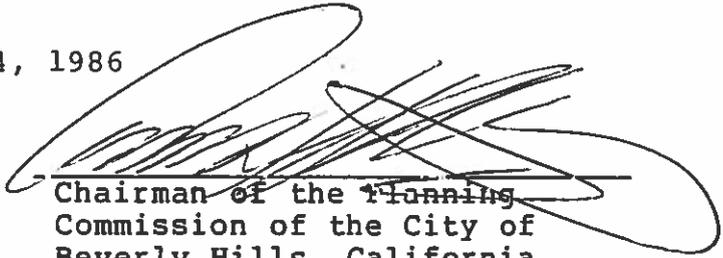
(i) Rental of parking spaces to off-site users shall be prohibited.

(j) Developer shall reimburse City for costs of City traffic devices as determined by the Department of Transportation as



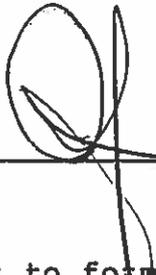
Section 5. This variance shall become effective and in full force and effect at 12:01 a.m. on the 30th day next following the passage of the resolution unless appealed, or called up for review by the City Council.

Adopted February 24, 1986



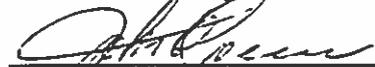
Chairman of the Planning  
Commission of the City of  
Beverly Hills, California

ATTEST:



Secretary

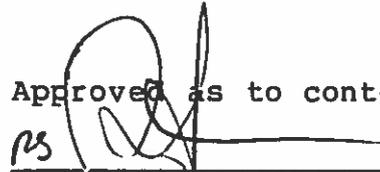
Approved as to form  
for the City Attorney



JOHN O'CONNOR  
Assistant City Attorney

wminictr 2/19/86

Approved as to content



IRWIN KAPLAN  
Director of Planning

**ATTACHMENT G**  
**URGENCY ORDINANCE 85-0-1956**

## URGENCY ORDINANCE NO. 85-0-1956

INTERIM URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS  
ESTABLISHING A CONDITIONAL USE PROCESS FOR COMMERCIAL  
MINI-SHOPPING CENTER DEVELOPMENT

WHEREAS, there is now pending before the Planning Commission of the City of Beverly Hills a contemplated zoning proposal which the Planning Department has prepared for City Council and the Planning Commission study and intends to further study relating to development of mini-shopping centers, and;

WHEREAS, it would be inimical to the public interest if, in the interim time necessary to process such amendments to adoption and taking full effect, there were to be erected or, constructed any structure or any use established which would be in conflict with, and nonconforming to, this contemplated zoning proposal; and

WHEREAS, Section 65858 of the California Government Code authorizes the adoption of an interim ordinance as an urgency measure to prohibit any usage of land which may be in conflict with a contemplated zoning proposal which a legislative body, Planning Commission, or Planning Department is considering or studying or intends to study within a reasonable period of time;

NOW, THEREFORE, the City Council of the City of Beverly Hills does ordain as follows:

Section 1. Any mini-shopping center development which is constructed or established in the City shall require a permit

17.1.73 (#66)  
10/31/85

1

issued in accordance with Section 2 of this ordinance. A mini-shopping center development is defined for purposes of this ordinance as any development with a site area of less than forty-five thousand square feet, which is developed for multiple uses of retail, personal services, or restaurants, or a combination thereof, with the structure or structures located in the close proximity of the rear property line and/or common property line; and with surface parking situated between the structure or structures and the street.

Section 2. The Planning Commission is authorized under the procedural notice and hearing requirements of Article 28, Chapter 3, Title 10 of the BHMC to consider applications for mini-shopping center use permits, in any C-3 zone; excluding Wilshire Boulevard and the area within the business triangle bounded by Santa Monica Boulevard, Wilshire Boulevard and Crescent Drive. The Commission may grant a mini-shopping permit if it finds:

1. That the proposed location will not be detrimental to the surrounding commercial and residential uses and the public welfare.

2. That vehicle traffic generation for the mini-shopping center uses based on the current Institute of Traffic Engineers publication entitled "Trip Generation" or if not specified therein, as designated by Director of Transportation of the City of Beverly Hills, do substantially not exceed either of the following per one thousand (1,000) gross square feet of floor area:

- a) Sixteen (16) vehicle trips per hour
- b) Two Hundred (200) vehicle trips per day.

3. That access to the mini-shopping center does not cause traffic hazards or undue traffic congestion.

4. That the design of the project is compatible with the surrounding residential and commercial properties.

Section 3. If the maximum floor area ratio of the site is eight tenths (0.8) or less, provisions for limited intensity use under subsection (a), (b) and (c) of Section 10-3.2748 may be granted by the Planning Commission in approving a mini-shopping center permit.

Section 4. A mandatory EIR is not required for a mini-shopping center project, however, any such project shall require environmental assessment under the regulations and procedures of the State of California and the City of Beverly Hills.

Section 5. The City Council hereby finds that the approval of building permits or other applicable entitlements for mini-shopping centers, without individual project evaluation under the criteria of Section 2 of the ordinance, will result in a current and immediate threat to the public health, safety and welfare due to (a) the constant increase in traffic volume and congestion generated from an extensive increase in the density of development in areas surrounding the City; (b) an increase in traffic volume generated by the cumulative impact of a number of projects in the City creating additional commercial activity and correlative increase in traffic volume on City streets; (c) proposed commercial projects both within and outside the City which will cause substantial adverse impacts upon the already congested traffic situation within the City; (d) there appears to be a trend toward development of strip commercial mini-shopping centers which generate excessive traffic

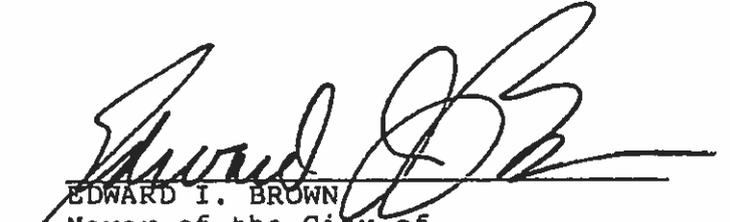
in relation to other uses, and unless the location type and activity are appropriate, severe traffic congestion will result from establishment of this type of use, and (e) the City is in the process of evaluating and analyzing the implementation of several traffic management programs, and needs time to alleviate traffic congestion within the City prior to the ministerial issuance of building permits for mini-shopping centers.

Section 6. This ordinance, being an interim ordinance for the immediate protection of the public safety, health, and general welfare, and containing a declaration of the facts constituting the urgency, and passed by a four-fifths (4/5ths) vote of the Council, shall take effect immediately upon its adoption and shall continue in effect for a period of forty-five (45) days; provided, however, that after notice pursuant to Section 65858 of the Government Code, and public hearing, the Council may extend the effectiveness of this interim ordinance as provided therein.

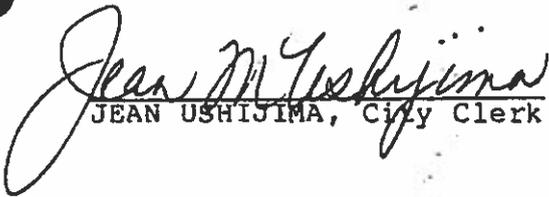
Section 7. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of

this City.

Adopted November 5, 1985.

  
EDWARD I. BROWN  
Mayor of the City of  
Beverly Hills, California

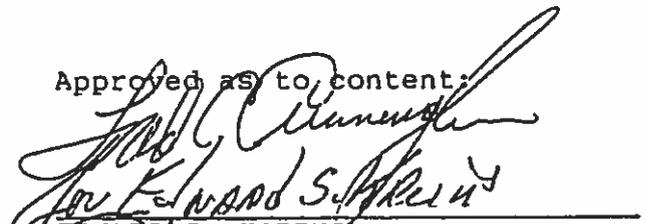
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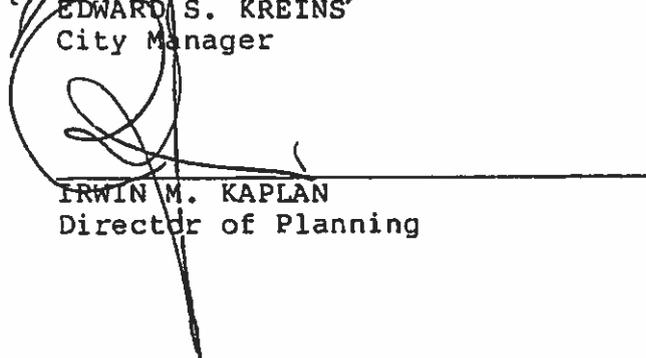
  
JEAN USHIJIMA, City Clerk

Approved as to form  
for the City Attorney:

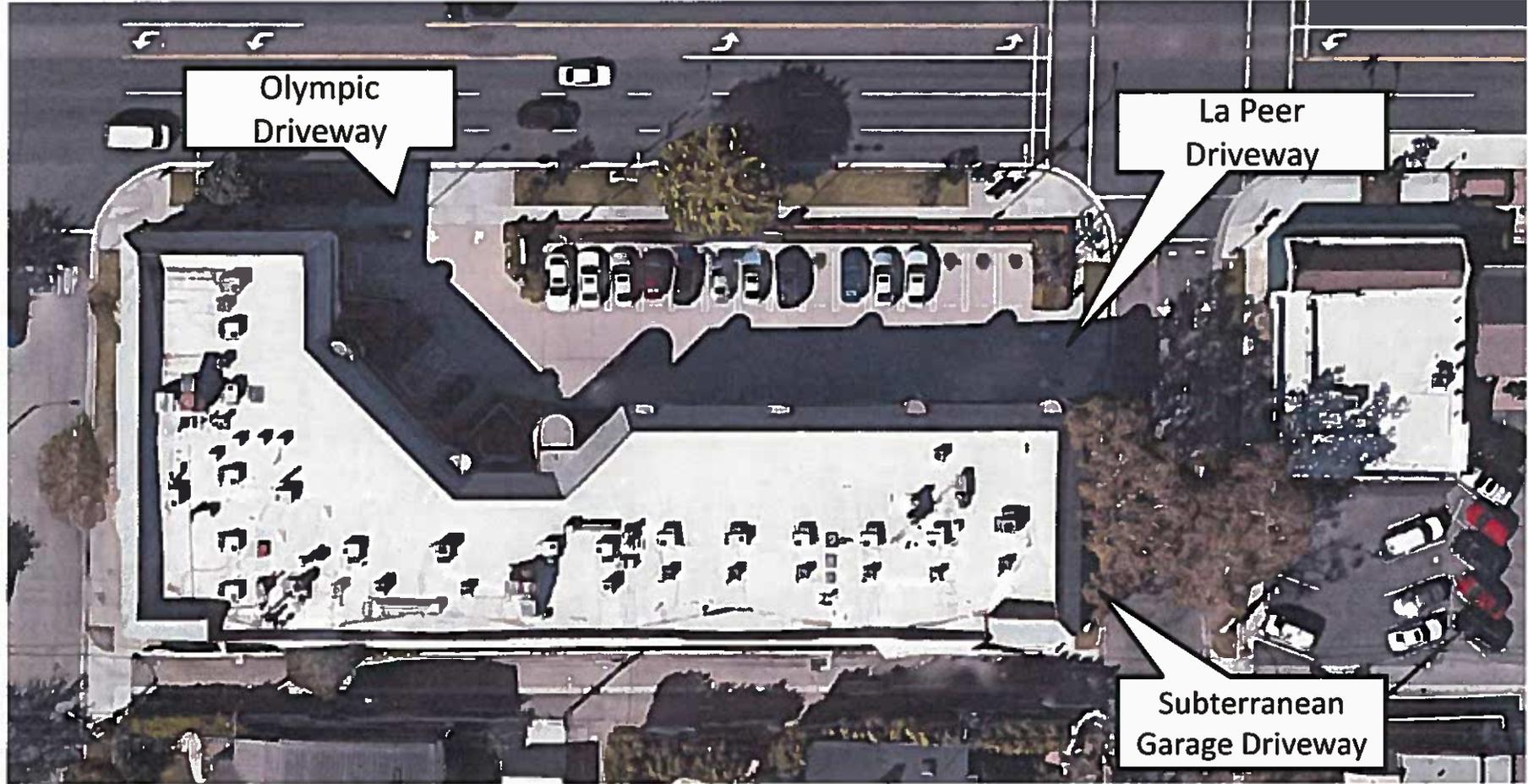
  
JOHN O'CONNOR  
Assistant City Attorney

Approved as to content:

  
EDWARD S. KREINS  
City Manager

  
IRWIN M. KAPLAN  
Director of Planning

**ATTACHMENT H**  
**TRAFFIC COUNT INFORMATION**

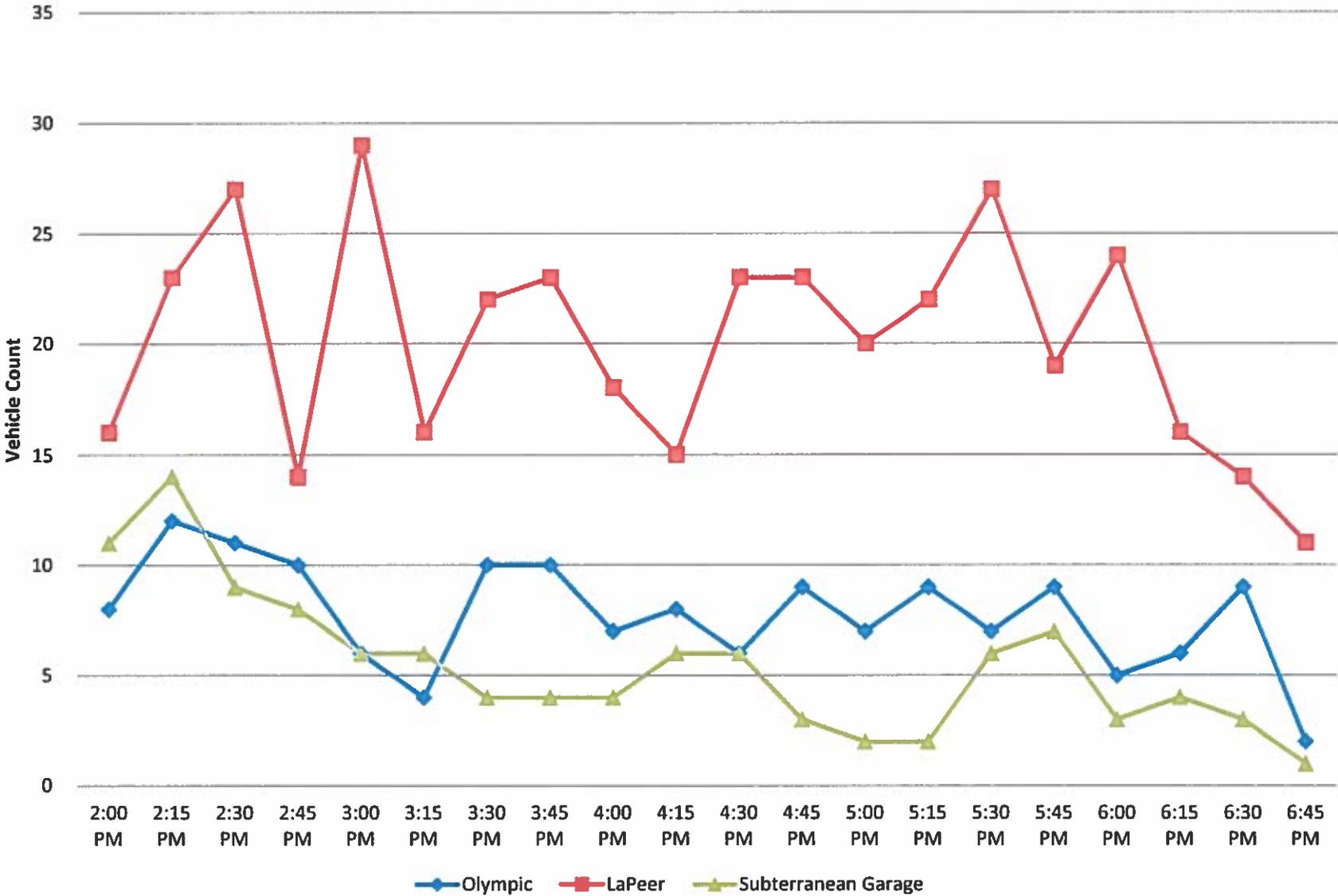


Olympic  
Driveway

La Peer  
Driveway

Subterranean  
Garage Driveway

### Combined Ins/Outs by Driveway at 8950 W. Olympic Blvd.



## Overall Ins/Outs by Time at 8950 W. Olympic Blvd.

