



Planning Commission Report

Meeting Date: December 10, 2015

Subject: **9031 Olympic Boulevard (Lexus/Infiniti)**
Amendment to a Conditional Use Permit

Request to amend a Conditional Use Permit that authorizes vehicle servicing within the existing commercial building located at 9031 Olympic Boulevard to be occupied by Jim Falk Lexus in lieu of Infiniti of Beverly Hills. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider a determination of exemption from CEQA.

PROJECT APPLICANT: Thomas S. Levyn on behalf of Jim Falk Lexus

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt the attached resolution conditionally approving the requested amendment to the Conditional Use Permit.

REPORT SUMMARY

The subject property is currently being used as a vehicle servicing facility by Infiniti of Beverly Hills through an existing Conditional Use Permit (CUP) that was approved by the Planning Commission in 2013. Infiniti presently occupies three properties along Olympic Boulevard (9000, 9001, and 9031 as depicted on page 3 of this report); however, the CUP specifically applies to 9031 Olympic Boulevard. The conditions of approval set forth in the CUP state that the CUP is specific to Infiniti of Beverly Hills, and that any changes in dealership or ownership/management trigger review by either the Director of Community Development or the Planning Commission. At this time, the City has received a request to amend the CUP to authorize Jim Falk Lexus to occupy the property in lieu of Infiniti of Beverly Hills. The proposed amendment has been determined to be subject to Planning Commission review, and is therefore presented for consideration. This report outlines the existing operations and proposed changes to the CUP, provides analysis, and concludes that the proposed changes are minor in nature relative to the prior approvals granted for the Infiniti service center. Accordingly, the recommendation in this report is that the Planning Commission adopt the attached resolution amending the CUP to allow Jim Falk Lexus to occupy the subject property.

Attachment(s):

- A. Required Findings
- B. Public Notice
- C. Business Operation Plan
- D. Draft Resolution
- E. Planning Commission Resolution No. 1678
- F. Architectural Plans

Report Author and Contact Information:

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(310) 285-1127

asahakian@beverlyhills.org

BACKGROUND

File Date	11/20/2015
Application Complete	12/3/2015
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	2/2/2016 without extension request from applicant
Applicant(s)	Jim Falk Lexus
Property Owner(s)	Prime West Inc.
Representative(s)	Thomas S. Levyn
Prior PC Action	Resolution No. 1678 - Approval of CUP to allow vehicle service operations at 9031 Olympic Blvd.
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9031 Olympic Boulevard
Legal Description	TRACT #6380 EX OF ALLEY LOT 725 AND LOT 726
Zoning District	C-3T-2 Commercial-Transition Zone
General Plan	General Commercial - Low Density
Existing Land Use(s)	General Commercial
Lot Dimensions & Area	120' x 127.5' – 15,300 square feet
Year Built	1945
Historic Resource	The property is not identified on the City's list of potentially historic properties and, according to the City's permit records, has not been designed by a Master Architect
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1.6X – One-Family Residential Zone
South (across Olympic Blvd)	C-3T-2 – Commercial-Transition Zone
East	C-3T-2 – Commercial-Transition Zone
West	C-3T-2 – Commercial-Transition Zone

Circulation and Parking

Adjacent Street(s)	Olympic Boulevard and South Wetherly Drive
Adjacent Alleys	15' one-way northbound alley along the west side of the property and a 15' one-way eastbound alley along the north side of the property
Parkways & Sidewalks	Olympic Boulevard sidewalk/parkway – 15' from face of curb to property line, South Wetherly Drive sidewalk/parkway – 12.5' from face of curb to property line
Parking Restrictions	2 hour parking east side of project site (South Wetherly Drive). 2 hour

Nearest Intersection	parking south of the project site (Olympic Boulevard). Olympic Boulevard and South Wetherly Drive
Circulation Element	Olympic Boulevard is an arterial street; South Wetherly Drive is a local street.
Estimated Daily Trips	Olympic Boulevard carries approximately 25,850 daily trips, and South Wetherly Drive carries approximately 936 daily trips

Neighborhood Character

Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property. Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence which runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The following image provides an aerial of the neighborhood and illustrates the surrounding development and land uses.



PROJECT DESCRIPTION

The following provides information on existing Infiniti facilities and operations, as well as the intentions of Jim Falk Lexus to occupy specific properties along Olympic Boulevard.

- **9031 Olympic Boulevard.** This property houses the service bays used by Infiniti, and is the property where vehicles are actually serviced. There are a total of 19 service bays within this building. This is the only building specifically controlled by the subject CUP, and the intention is for Jim Falk Lexus to transfer its service operations at 194 North Robertson Boulevard to this facility, with Infiniti vacating the premises entirely and taking over control of the 194 North Robertson Boulevard facility. The 194 North Robertson Boulevard facility is legally nonconforming and not regulated by a CUP, so this component of the transfer of occupancy is not subject to review by the Planning Commission. As a part of taking over the 9031 Olympic Boulevard property, Lexus proposes limited modifications to this facility, including replacing one service bay with a vehicle washing bay that would be fully contained within the building. Proposed hours of operation are 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service is proposed on Sundays.
- **9001 Olympic Boulevard.** This property is occupied by Infiniti and serves as the reception point for vehicles requiring service. Vehicles are dropped off by patrons and then transferred to 9031 Olympic Boulevard by Infiniti porters for service to be performed. Once service is completed, the vehicles are returned to 9001 Olympic Boulevard by Infiniti porters. This property is not specifically regulated by the CUP in question, except that there are limitations on vehicle turning movements for ingress and egress to the site. The intention is for Jim Falk Lexus to occupy this property and use it in the same manner as Infiniti, with the only modifications consisting of aesthetics and signage. Infiniti of Beverly Hills would vacate the premises entirely.
- **9000 Olympic Boulevard.** This property is occupied by Infiniti and is primarily used for new car prep and the washing of vehicles that are sold or serviced by Infiniti. The property is considered to be legally nonconforming and is not regulated by the CUP in question. Jim Falk Lexus proposes to take over control of this property, but would lease the property back to Infiniti for three years prior to the property being occupied by Lexus. Although not specifically regulated by the CUP, Jim Falk Lexus has proposed several conditions that it would apply to this property to reduce any impacts from current and future vehicle washing. These conditions are addressed later in this report.

Beyond the operational changes noted above, Jim Falk Lexus intends to operate the subject facilities in a manner consistent with the existing conditions of approval, as well as the additional conditions addressed below (see Attachment B, Business Operation Plan).

GENERAL PLAN¹ POLICIES

The General Plan includes 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 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 2.10 Development Transitions and Compatibility.** Require that sites and buildings be planned, located, and designed to assure functional and visual transitions between areas of differing uses and densities by addressing property and height setbacks, window and entry placement, lighting, landscape buffers, and service access.
- **Policy LU 4.2 Circulation.** As a related but separate element to be considered on its merits, a variety of recommendations to enhance the overall quality of land use within the City were set forth. Among these were proposals to protect the quality of residential areas by discouraging through traffic which finds its way into these areas.
- **Policy LU 5.8 Encroachment of Incompatible Land Uses.** Protect residential neighborhoods from the encroachment of incompatible nonresidential uses and disruptive traffic, to the extent possible. Zoning and design review should assure that compatibility issues are fully addressed when nonresidential development is proposed near or within residential areas.
- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- **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 ES 1.5 Attract New Business 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.

¹ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

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. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in business operator under the same category of use within an existing structure including limited interior or exterior alterations. Therefore, this project has been determined to be exempt from further environmental review.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	12/3/2015	7 Days
Newspaper Notice	10 Days	11/27/2015	11/27/2015	13 Days
Mailed Notice (Owners & Residents - 500' Radius plus block face)	10 Days	11/30/2015	11/30/2015	10 Days
Property Posting	10 Days	11/30/2015	11/30/2015	10 Days
Website	N/A	N/A	12/3/2015	7 Days

As of the writing of this report, staff has not received formal written comments on this project.

ANALYSIS²

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 entitlements, the Commission may wish to consider the following information as it relates to the project and required findings:

Operational Changes. The proposed change of dealerships at the subject property represents a limited change from existing operations, and as outlined in the attached business operation plan, Jim Falk Lexus would continue to use the property in the same manner as it has been used by Infiniti. The primary difference will be the installation of one vehicle washing bay in place of one service bay, with all other operational aspects remaining unchanged.

² 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.

Traffic and Circulation. According to the Business Operations Plan submitted by the applicant, based upon the current level of service traffic at the 194 North Robertson Boulevard Lexus service facility, it is anticipated that 35-40 vehicles will be serviced at the 9031 Olympic Boulevard facility per service day. This number is consistent with the approvals granted for Infiniti, and the overall capacity of the facility will not be increased as a result of the change in dealer brand. The majority of all service will be on an appointment basis, which will limit the amount of vehicles coming to the site and will allow an orderly and controlled operation. Vehicles requiring a road test will follow the previously approved City of Beverly Hills test drive routes, which include Olympic Boulevard, Doheny Drive, Robertson Boulevard, and Wilshire Boulevard. Computer verified repairs are anticipated to limit the need for test drives. All employees will continue to be parked off-site in free off-site facilities and will be shuttled to the facilities. Due to the limited change in operations, the project does not necessitate a new traffic study, since the proposal remains consistent with the vehicle volumes and vehicle routes previously studied by the Planning Commission.

Conditions of Approval. As part of the proposal to allow Jim Falk Lexus to occupy the subject property, the applicant has offered to impose the following conditions on the vehicle prep/washing facility located at 9000 Olympic Boulevard:

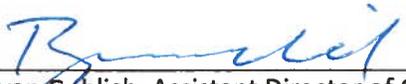
- Prohibit car washing after 7:00 PM daily, with Sunday washing being limited to new or used cars being delivered to a customer on a Sunday or Monday.
- Installation of a central vacuum system, rather than the use of individual shop vacs, to limit noise.
- Installation of sound curtains around vehicle washing areas to limit noise.

Although the above conditions proposed by the applicant are not specific to the property used for vehicle servicing, the conditions are expected to lessen any noise impacts that may be generated from vehicle washing at 9000 Olympic Boulevard.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare resolutions memorializing the Commission's findings.

Report Reviewed By:



Ryan Gohlich, Assistant Director of Community
Development/City Planner

ATTACHMENT A

REQUIRED FINDINGS

ATTACHMENT A

Required Findings

Conditional Use Permit Findings. When reviewing conditional use permit applications for vehicle sales, service or fuel station uses, the Planning Commission shall consider the following criteria:

1. The proposed use is compatible with the area and surrounding uses;
2. The proposed use will have adequate buffering between the use and residential areas;
3. The proposed use will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and
4. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation

ATTACHMENT B

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: December 10, 2015
TIME: 7:00 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, December 10, 2015, will hold a public hearing beginning at 7:00 PM, or as soon thereafter as the matter may be heard to consider:

A request to amend a Conditional Use Permit that authorizes vehicle servicing within the existing commercial building located at 9031 Olympic Boulevard (Infiniti of Beverly Hills). The previously approved Conditional Use Permit is specific to the Infiniti dealership and service center, and the proposed amendment would allow for the subject property to be occupied by **Jim Falk Lexus** in-lieu of Infiniti of Beverly Hills.

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 an existing structure to which minor alterations and operational changes are proposed. Consequently, 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 **Andre Sahakian, Associate Planner** in the Planning Division at 310.285.1127, or by email at asahakian@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:

A handwritten signature in blue ink, appearing to read "Ryan Gohlich", is written over a horizontal line.

Ryan Gohlich

Assistant Director of Community Development

Mailed: November 30, 2015

ATTACHMENT C
BUSINESS OPERATIONS PLAN

BUSINESS OPERATION PLAN - JIM FALK LEXUS OF BEVERLY HILLS - OLYMPIC SERVICE CENTER

9001 AND 9031 OLYMPIC FACILITIES

The service center will be comprised of 2 locations: a reception center at 9001 Olympic Boulevard and a service facility at 9031 Olympic Boulevard, directly west of the reception center across Wetherly Drive. Both facilities will be located in existing buildings that are currently utilized in a similar manner.

The reception center at 9001 Olympic Boulevard will be the designated service customer drop-off/pick-up area. This area will house six service writers, an accessories boutique, a customer lounge area, an area for loaner cars, and parking. Anyone who desires service, Lexus boutique items, or retail parts will utilize this location. To obtain service, the customer will drive in to the service reception lane where they will be greeted by a service advisor. Thereafter, the vehicle will be taken by valet to a holding parking stall on site or directly to the service center. Customers not waiting in the lounge for the completion of their service will be provided a Lexus loaner vehicle and proceed off of the premises. The loaner vehicles will be parked on site at 9001 Olympic Boulevard. All customer parking shall be provided free of charge.

Vehicles received for service will be taken by valet to 9031 Olympic Boulevard. The valet will exit the property from the east side, taking Olympic Boulevard to Wetherly Drive and entering the service center where the vehicle will be placed in a service bay inside the building. Following service, a valet will return the vehicle to a holding area at 9001 Olympic Boulevard for customer pick-up. Customers shall be prohibited from taking vehicles from 9001 Olympic Boulevard to 9031 Olympic Boulevard.

When a customer is notified of the completion of their vehicle service, he/she will return to the service facility. The customer will meet with their advisor, pay at the cashier, and their serviced vehicle will be returned to them.

At 9031 Olympic Boulevard, in addition to the existing service stalls within the service center building, there is also a parts storage area. A lunch room and restroom facilities for the employees will limit the employees from coming and going at this location. The facility will not have any outdoor paging or loud speakers and both locations have been soundproofed to limit any noise directed toward the residential area.

Based upon the current level of service traffic at our 194 North Robertson Boulevard service facility, we anticipate 35-40 vehicles being serviced at 9031 Olympic Boulevard per service day. The majority of all service will be on an appointment basis which will limit the amount of vehicles coming to the site and will allow an orderly and controlled operation.

Vehicles requiring a road test will be prohibited from any residential street and will take place on previously approved City of Beverly Hills test drive routes which include Olympic Boulevard, Doheny Drive, Robertson Boulevard, and Wilshire Boulevard. Computer verified repairs will limit test drives. All employees will be parked off-site in free off-site facilities and will be shuttled to the facilities. All employees are provided with all company rules and regulations which include prohibitions against operating in any residential area and employees are subject to discipline if any of these operational rules are violated up to and including termination.

The operations comply with Resolution No. 1678.

SERVICE HOURS

Service hours at 9031 Olympic Boulevard will be from 7AM to 7PM Monday through Friday and 9AM to 5PM on Saturdays. The facility is closed Sundays.

PARTS DELIVERY

All parts deliveries will be dropped off on-site at the 9001 Olympic Boulevard location, and transported as needed to the parts area at the 9031 Olympic Boulevard service facility via company employees. No delivery parking will be permitted on City streets.

PARKING

The pick-up and drop-off area has been designed to provide a sufficient amount of parking for vehicles waiting for service or waiting for return to the customer. Lexus shall actively discourage vendors or other vehicles doing business with these facilities from parking on City streets. There are 64 parking stalls available.

LEXUS-OLYMPIC AND MAPLE

Movement of vehicles by employees or customers between the Olympic or Maple facilities is not a part of regular operations. Customers make telephone appointments through a central phone number which will direct the customer to the appropriate facility, i.e., Olympic or Maple based on the customer's requirements.

9000 OLYMPIC BOULEVARD

The property at 9000 Olympic Boulevard will be subleased to Infiniti ("Sublessee") for three years. The sublease shall include the following conditions:

1. Car Wash Days and Hours: Sublessee shall operate the car wash as follows: Monday through Friday from 8:00 am to 7:00 pm.; Saturday from 8:00 am to 7:00 pm but only for those

new or used cars within the inventory of the Sublessee and Sublessee branded cars serviced or to be serviced by Sublessee, and only for the purpose of delivering those cars to customers on that Saturday; and Sunday, no car washing, except those new or used cars within the Sublessee inventory and Sublessee branded cars and only for the purpose of delivering those cars to customers on that Sunday or the following Monday.

2. Types of Vehicles to be Washed: Only those new and used cars within the Sublessee inventory and Sublessee branded cars serviced or to be serviced by Sublessee.

3. Noise Restriction: In order to lessen the sound of car washing (but not to completely eliminate it) and to prevent, to the extent reasonably practicable, the sound from the car wash area from leaving the inside of the building, Sublessee may install within the Premises, without the pre-approval of the Sublessor, a sound or fabric curtain or series of sound or fabric curtains, and a vacuum system.

Jim Falk Lexus of Beverly Hills will impose these conditions on the Infiniti car wash parcel located at 9000 Olympic Boulevard and will agree that these conditions may be added as a condition under the existing CUP on 9001 Olympic Boulevard and 9031 Olympic Boulevard to allow enforcement by the City of Beverly Hills through the CUP.

ATTACHMENT D
DRAFT RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AMENDMENTS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW JIM FALK LEXUS TO OPERATE A VEHICLE SERVICE USE ON THE PROPERTY LOCATED AT 9031 OLYMPIC 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 Thomas S. Levyn, has submitted an application to amend an existing Conditional Use Permit (CUP) to allow Jim Falk Lexus to operate a vehicle service use within an existing commercial building located at 9031 Olympic Boulevard (the "Project"). The proposed service use would occupy the building, which contains approximately 15,300 square feet of floor area. The building will contain eighteen (18) service bays, one tire changing area, one alignment area, and a car washing station. The existing vehicle service use currently operates under an approved CUP; however that CUP is specific to Infiniti of Beverly Hills. An amendment to the CUP is required in order to allow Jim Falk Lexus to operate the vehicle service use.

Section 2. The Project site is located on the northwest corner of Olympic Boulevard and South Wetherly Drive. Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property.

Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence that runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The commercial property located to the east across South Wetherly Drive is currently used as a vehicle drop off/pick-up area for the existing Infiniti service operations. The Project would operate in conjunction with the neighboring property located at 9001 Olympic Boulevard.

Section 3. The request to allow Jim Falk Lexus to operate the vehicle services use requires an amendment to the existing CUP, which is specific to Infiniti of Beverly Hills. Vehicle service would occur from 7:00 AM to 7:00 PM on weekdays, and from 9:00 AM to 5:00 PM on Saturdays. No service would be performed on Sundays. Customers will drop vehicles off at 9001 Olympic Boulevard, and the vehicles will then be driven to 9031 Olympic Boulevard by Infiniti employees. Once service is completed, vehicles will be returned to 9001 Olympic Boulevard for customer pick up.

Section 4. 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. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project includes a change in operator under the same use classification within an existing structure including minor interior and exterior alterations. Therefore, the Planning Commission hereby finds the Project to be exempt from further environmental review.

Section 5. Notice of the Project and public hearing was mailed on November 30, 2015 to all property owners and residential occupants 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 *Beverly Hills Weekly*. On December 10, 2015 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Conditional Use Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed use is compatible with the area and surrounding uses;
2. The proposed use will have adequate buffering between the use and residential areas;
3. The proposed use will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and

4. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Conditional Use Permit (CUP):

1. The proposed change in vehicle service use operator represents substantially the same operations as what is currently approved as part of the existing CUP. The vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. The new operator's vehicle service facilities will be located within an existing commercial building on the property, which is part of the existing neighborhood fabric. To the north of the project site is a residential neighborhood which is separated from the site by alleys along the north and west sides of the project site. A traffic, parking, and circulation study that was considered as part of the original CUP approval indicated that the proposed use will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed on the project that will further limit traffic impacts, specifically in the residential neighborhood to the north. An acoustical study of the use was also considered as part of the original CUP, which

concluded that certain steps could be taken to minimize noise impacts. As a result, conditions have been imposed to minimize noise impacts. Since the proposed use will be substantially the same as the existing CUP, will be located within an existing commercial building in the neighborhood, and conditions have been incorporated in the project that will minimize the traffic and noise impacts, the proposed change in operator will be compatible with the area and the surrounding uses.

2. The proposed change in operator will not result in material changes to the building on the subject property, nor will the change in operator result in changes to the buffer provided between the vehicle service use and the adjacent residential uses. The vehicle service use is separated from residential uses by a 15' wide alley, has no openings facing residential properties, and as a result of previously imposed conditions has implemented noise mitigation measures into the building's construction. For these reasons, the proposed vehicle service use will be adequately buffered from residential properties.

3. A traffic, parking, and circulation study was prepared for the proposed use and considered by the Planning Commission as part of its approval of the original CUP that allowed the vehicle service use to be operated by Infiniti of Beverly Hills. The proposed amendment to the CUP would allow Jim Falk Lexus to operate the vehicle service use in substantially the same manner, processing a similar number of vehicles as was studied for the original CUP. This study, which was peer reviewed by the City's Transportation Engineer, indicated that the proposed use will not result in any significant traffic, parking, or circulation related

impacts on the neighborhood. While the study determined that the impacts would not be significant, it is recognized that the project will result in additional traffic in the area and conditions have been imposed on the project to minimize the traffic impacts. Specific conditions regarding the operational traffic associated with the use, including vehicle service test drives and the circulation of the vehicles to and from the site have been included. These conditions will reduce the amount of traffic in the residential areas, thereby reducing the potential traffic safety hazards to pedestrians. Therefore, the Project will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including but not limited to, an adverse impact on traffic circulation or parking.

4. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. An acoustical study was prepared for the project as part of the approval of the original CUP. This study concluded that certain steps could be taken to minimize noise impacts. The recommended steps have been incorporated as conditions of approval on the project, and incorporated into the existing building's construction. The operational impacts of the project were also analyzed. For projects located in the general commercial-residential transition area of the City, such as the subject site, specific operational restrictions apply. These restrictions regulate operational elements such as the hours of operation, noxious fumes, and unpleasant odors. A condition of approval has been included on the project that requires full compliance with the operational standards for uses located

in the commercial-residential transition area. Finally, the proposed amendment to the CUP would allow Jim Falk Lexus to operate the vehicle service use in substantially the same manner as Infiniti of Beverly Hills. Since the proposed use is generally consistent with the surrounding commercial uses and conditions have been imposed that would minimize noise and the other operation impacts, the Project will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to activities association with the propose use or its hours of operation.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested CUP, subject to the following conditions:

1. Upon recordation, this Resolution shall supersede Planning Commission Resolution No. 1678.

2. The Planning Commission expressly reserves jurisdiction relative to traffic, parking, and noise 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 mitigations measures shall be paid for by the Applicant.

3. The conditions set forth in this resolution are specifically tailored to address the operations of Jim Falk Lexus as presented and approved by the Planning Commission. To ensure that any subsequent automobile service uses

operated at the subject site do not cause adverse impacts to the surrounding neighborhood, any transfer of ownership, management, or control of the dealership shall be reviewed by the Director of Community Development 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 provisions of Section 10-3-3801 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 the 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 the Applicant.

4. The project shall comply with all operational requirements for businesses located in the commercial-transition zone pursuant to Beverly Hills Municipal Code Section 10-3-1956.

5. The hours of operation for the vehicle service station shall be limited to 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service shall be performed on Sundays. The Project shall not exceed the maximum limit of operational hours permitted in this condition. This condition shall not prevent the dealership from assisting customers beyond operating hours outlined above, provided that said customer entered the dealership prior to the close of business.

6. A combination of thermal and acoustical insulation shall be applied to the underside of the roof structure between the joists and the entire service pay area.

7. Perforated metal acoustical wall panels shall be provided along the interior of the north building wall.

8. Dual glazed, fixed, non-operable windows with a minimum of 45 STC rating shall be provided in the existing window openings along the north building elevation.

9. Sound control doors with a minimum 50 STC rating shall be installed at exterior door openings.

10. No public address system shall be utilized by the vehicle service center unless such system is inaudible beyond the property boundaries.

11. After the installation of the noise minimizing measures recommended by the Acoustical Study and further conditioned herein, the acoustical consultant shall inspect the installation and verify that recommended measures have been met. The acoustical consultant shall submit written documentation to the Director outlining the inspection and verifying proper installation of all materials.

12. The northern east-facing building opening that provides vehicle access to the Project from South Wetherly Drive shall be permitted to remain open during the approved vehicle service hours outlined in this resolution, but shall remain closed at all other times. Pursuant to Condition No. 19 herein the southern building opening shall be closed permanently.

13. At all times the vehicle service use shall operate in compliance with the City's noise ordinance and the noise study presented to the Planning Commission during the public hearing process.

14. All deliveries shall occur during the approved hours of operation outlined in this resolution.

15. Employees shall be provided free off-site parking. Employees shall be transported by company-funded shuttles from the off-site parking location to the project site. The shuttle vehicles shall be prohibited from driving on residential streets.

16. Except as expressly required by law, employees shall be prohibited from parking on City streets. The applicant shall actively discourage vendors and other vehicles associated with or doing business with the dealership or its employees from parking on City streets.

17. Vehicle test drives must follow the approved test drive route provided in Attachment E of the Traffic and Parking Analysis.

18. Vehicles shall be moved to and from the Project site by porters only. Customers shall not come directly to or from the Project site for the purpose of dropping-off/picking-up of vehicles.

19. When driving vehicles to and from the Project site the porters shall follow the amended circulation route approved by the Planning Commission on March 28, 2013. Vehicles shall enter and exit the Project site's northern driveway. This shall be achieved through the closure of the southern driveway and the widening of the northern driveway apron to a minimum width of 18 feet. This

condition shall not require the widening of the building opening associated with the northern driveway provided that a minimum building opening width of 14 feet is maintained.

20. All vehicle service shall be conducted within the service structure on the site. Vehicle service shall not occur within any public streets or public right-of-way.

21. Delivery vehicles shall be prohibited from parking along the public streets or alleys.

22. All deliveries shall occur on the adjacent site at 9001 Olympic Boulevard. No other streets or rights-of-way shall be used for such purposes. Goods may be transported to the project site as needed by company employees. When transporting goods via car or truck the employees must follow the same vehicular route approved for the porter operations. The transporting of goods shall occur during the approved hours of operation outlined in this resolution.

23. All customers of the vehicle service use shall be provided with free parking.

24. 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.

25. 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 alleys, regardless of whether said trash or debris was generated by the service operations.

26. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from eating, drinking, or smoking in the alley and other public rights-of-way.

27. Lunch trucks/catering trucks shall be directed by the service operation to park only on the public streets directly adjacent to the site. Said trucks shall be prohibited from parking in the alleys or within the residential neighborhoods.

28. The Applicant shall make available the phone number of the service operations manager who will serve as a single-point of contact for property owners and residential and commercial occupants within the surrounding neighborhood. The phone number shall be posted on the Project site at all times (even during construction) and shall be mailed to all property owners and residential and commercial occupants within a 500-foot radius of the Project site. In the event that the 500-foot radius ends within a street block and does not capture all properties within the block, the mailing radius shall be expanded to capture all the properties located within the block.

29. The Applicant shall install a vehicle directional sign at the east exit of the 9001 Olympic Boulevard site which indicates that a left-hand turn onto South Almont Drive is prohibited. The sign shall be installed on private property and shall be maintained by the Applicant.

30. At the Project site's vehicle entry/exit a directional sign shall be installed that prohibits outbound vehicles from making a left-hand turn onto South

Wetherly Drive. The sign shall be installed on private property and shall be maintained by the Applicant.

31. At the Project site's vehicle entry/exit the Applicant shall install lights that will flash to notify pedestrians when a vehicle is exiting the building. The Applicant shall also install mirrors that will provide vehicles exiting the property with visibility of the public right-of-way.

32. The Applicant shall be responsible for notifying all employees of the operational conditions within this resolution. The notification document(s) utilized shall be consistent with the materials provided by the applicant during the Planning Commission meeting on March 28, 2013. A copy of the document(s) is on file with the Community Development Department.

33. The Applicant shall be responsible for notifying patrons of how to best access the service facility from Olympic Boulevard and shall discourage patrons from using residential streets. This information shall be provided to patrons on the service facility's webpage, within written and email correspondence to patrons, and through verbal communications with the service facility employees. The notification documents shall be consistent with the materials provided by the applicant during the Planning Commission meeting on March 28, 2013. A copy of the document(s) is on file with the Community Development Department.

34. The vehicle washing bay within 9031 Olympic Boulevard shall be equipped with a water recycling system to ensure capture and reuse of water used for vehicle washing.

35. The vehicle washing bays within 9000 Olympic Boulevard shall be equipped with a water recycling system to ensure capture and reuse of water used for vehicle washing.

36. The vehicle washing facility located at 9000 Olympic Boulevard shall be prohibited from washing vehicles after 7:00 PM daily, with Sunday vehicle washing limited only to new or used cars that are to be delivered to a customer on a Sunday or Monday.

37. A central vacuum system shall be installed within the building at 9000 Olympic Boulevard to limit noise associated with vehicle cleaning.

38. Sound curtains shall be installed around the vehicle washing bays located at 9000 Olympic Boulevard to limit noise associated with vehicle washing.

STANDARD CONDITIONS:

39. 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. An appeal fee is required.

40. 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.

41. 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.

42. 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.

43. At all times the Project shall comply with the standards of the City's Municipal Code and all other applicable State and Federal regulations.

44. This 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.

45. A violation of any 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.

46. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.

47. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

48. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

Section 9. 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: December 10, 2015

Alan Robert Block
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Ryan Gohlich, AICP
Secretary

Approved as to form:

David M. Snow
Interim City Attorney

Approved as to content:

Ryan Gohlich, AICP
Assistant Director of Community
Development / City Planner

ATTACHMENT E

PLANNING COMMISSION RESOLUTION 1678

RESOLUTION NO. 1678

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW VEHICLE SERVICE OPERATIONS ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD.

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

Section 1. Roundtree Automotive Group (Infiniti), through its agent Murray D. Fischer, has submitted an application to allow vehicle service operations within an existing commercial building located at 9031 Olympic Boulevard (the "Project"). The proposed service use would occupy an existing building that contains approximately 15,300 square feet of floor area. The building will contain nineteen (19) service bays, one tire changing area, and one alignment area. Vehicle service uses require approval of a Conditional Use Permit (CUP).

Section 2. The Project site is located on the northwest corner of Olympic Boulevard and South Wetherly Drive. Olympic Boulevard is developed with various retail, restaurant, and office uses on both sides of the street for several blocks east and west of the project site. South Wetherly Drive to the north of the site is developed with single-family residential homes. The site directly abuts alleys along the north and west sides of the property. Directly to the west of the site, across the 15' alley is a two-story commercial building with a surface parking lot. The property located directly to the northwest of the site, also across the alley, is owned by Southern California Edison and houses service equipment. The property located directly north of the project site, across the northern alley, is developed with a one-story single-family residence with

detached garage, which is accessed from the alley. The residence is separated from the alley by a tall hedge and picket fence that runs parallel to the alley. The property located directly to the northeast of the site, across South Wetherly Drive, is a two-story single-family residence. The commercial property located to the east across South Wetherly Drive is currently vacant (but was used most recently for vehicle dealership operations) and is proposed to be the location of the vehicle drop off/pick-up area for the Infiniti service operations. The Project would operate in conjunction with neighboring properties located at 9001 and 9000 Olympic Boulevard.

Section 3. The request to allow a vehicle services use requires a Conditional Use Permit. Vehicle service would occur from 7:00 AM to 7:00 PM on weekdays, and from 9:00 AM to 5:00 PM on Saturdays. No service would be performed on Sundays. Customers will drop vehicles off at 9001 Olympic Boulevard, and the vehicles will then be driven to 9031 Olympic Boulevard by Infiniti employees. Once service is completed, vehicles will be returned to 9001 Olympic Boulevard for customer pick up.

Section 4. The Project has been environmentally reviewed 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 categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the Project includes a change in use within an existing structure including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances are proposed.

Section 5. Notice of the Project and public hearing was mailed on March 15, 2013 to all property owners and residential occupants within a 500-foot radius of the property. Additionally, notice was published in two newspapers of local circulation. On March 28, 2013 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. 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 use is compatible with the area and surrounding uses;
2. The proposed use will have adequate buffering between the use and residential areas;
3. The proposed use will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including, but not limited to, an adverse impact on traffic circulation or parking; and
4. The proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to the activities associated with the proposed use or its hours of operation.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Conditional Use Permit (CUP):

1. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. The

new use will be located within an existing commercial building on the property, which is part of the existing neighborhood fabric. To the north of the project site is a residential neighborhood which is separated from the site by alleys along the north and west sides of the project site. A traffic, parking, and circulation study that has been peer reviewed by the City's Transportation Division indicates that the proposed use will not result in any significant traffic or parking related impacts on the neighborhood. Although the study determined the impacts would not be significant, conditions have been imposed on the project that will further limit traffic impacts, specifically in the residential neighborhood to the north. An acoustical study of the use was prepared which concluded that certain steps could be taken to minimize noise impacts. As a result, conditions have been imposed to minimize noise impacts. Since the proposed use will be located within an existing commercial building in the neighborhood and conditions have been incorporated in the project that will minimize the traffic and noise impacts, it is anticipated that the proposed use will be compatible with the area and the surrounding uses.

2. The proposed vehicle service use will be located within the existing commercial building on the property that is part of the existing neighborhood fabric. The existing building is physically separated from the neighboring residential uses by alleys along the north and west sides of the property. The building contains small fixed windows along the north and west elevations directly facing the residential areas, one pedestrian door on the west elevation, and the two vehicular access openings on the east elevation. Pursuant to the recommendations of the acoustical study, the project is required to comply with certain conditions of approval intended to reduce noise

levels. The conditions include the requirement to install soundproofing materials in the building, regulating the hours during which the vehicle doors are open, and restricting the congregation of employees. A traffic study was also conducted for the project, and while it has been determined that the proposed project will not have a significant impact on traffic in the area, conditions have been imposed to regulate the operations of the use as they relate traffic. The conditions include regulating the circulation of traffic between the project site and the 9001 Olympic site, and establishing a vehicle test drive route. As a result of the existing site configuration and building design, as well as the incorporation of specific conditions of approval, the Project is anticipated to be compatible with the area and the surrounding uses.

3. A traffic, parking, and circulation study has been prepared for the proposed use. This study, which has been peer reviewed by the City's Transportation Engineer, indicates that the proposed use will not result in any significant traffic, parking, or circulation related impacts on the neighborhood. While the study determined that the impacts would not be significant, it is recognized that the project will result in additional traffic in the area and conditions have been imposed on the project to minimize the traffic impacts. Specific conditions regarding the operational traffic associated with the use, including vehicle service test drives and the circulation of the vehicles to and from the site have been included. These conditions will reduce the amount of traffic in the residential areas, thereby reducing the potential traffic safety hazards to pedestrians. Therefore, it is anticipated that the proposed project will not create an adverse traffic impact or traffic safety hazard to pedestrians or to vehicles, including but not limited to, an adverse impact on traffic circulation or parking.

4. The proposed vehicle service use is commercial in nature, has traditionally been located in this area of the City, and is generally consistent with the surrounding uses along Olympic Boulevard which are comprised of retail, restaurants, and offices. An acoustical study was prepared for the project which concluded that certain steps could be taken to minimize noise impacts. The recommended steps have been incorporated as conditions of approval on the project. The operational impacts of the project were also analyzed. For projects located in the general commercial-residential transition area of the City, such as the subject site, specific operational restrictions apply. These restrictions regulate operational elements such as the hours of operation, noxious fumes, and unpleasant odors. A condition of approval has been included on the project that requires full compliance with the operational standards for uses located in the commercial-residential transition area. Since the proposed use is generally consistent with the surrounding commercial uses and conditions have been imposed that would minimize noise and the other operation impacts, it is anticipated that the proposed use will not create excessive noise, unpleasant odors, noxious fumes, excessive lighting, or substantial interference with neighboring properties or uses due to activities association with the propose use or its hours of operation.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested CUP, subject to the following conditions:

1. The Planning Commission expressly reserves jurisdiction relative to traffic, parking, and noise 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 mitigations measures shall be paid for by the Applicant.

2. The conditions set forth in this resolution are specifically tailored to address the operations of Infiniti as presented and approved by the Planning Commission. To ensure that any subsequent automobile service uses operated at the subject site do not cause adverse impacts to the surrounding neighborhood, any transfer of ownership, management, or control of the dealership shall be reviewed by the Director of Community Development 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 provisions of Section 10-3-3801 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 the 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 the Applicant.
3. The project shall comply with all operational requirements for businesses located in the commercial-transition zone pursuant to Beverly Hills Municipal Code Section 10-3-1956.

4. The hours of operation for the vehicle service station shall be limited to 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays. No service shall be performed on Sundays. The Project shall not exceed the maximum limit of operational hours permitted in this condition. This condition shall not prevent the dealership from assisting customers beyond operating hours outlined above, provided that said customer entered the dealership prior to the close of business.
5. A combination of thermal and acoustical insulation shall be applied to the underside of the roof structure between the joists and the entire service pay area.
6. Perforated metal acoustical wall panels shall be provided along the interior of the north building wall.
7. Dual glazed, fixed, non-operable windows with a minimum of 45 STC rating shall be provided in the existing window openings along the north building elevation.
8. Sound control doors with a minimum 50 STC rating shall be provided to all doors.
9. No public address system shall be utilized by the vehicle service center unless such system is inaudible beyond the property boundaries.
10. After the installation of the noise minimizing measures recommended by the Acoustical Study and further conditioned herein, the acoustical consultant shall inspect the installation and verify that recommended measures have been met. The acoustical consultant shall submit written documentation to the Director outlining the inspection and verifying proper installation of all materials.
11. The northern east-facing building opening that provides vehicle access to the Project from South Wetherly Drive shall be permitted to remain open during the approved vehicle service hours outlined in this resolution, but shall remain closed at all other

- times. Pursuant to Condition No. 18 herein the southern building opening shall be closed permanently.
12. At all times the vehicle service use shall operate in compliance with the City's noise ordinance and the noise study presented to the Planning Commission during the public hearing process.
 13. All deliveries shall occur during the approved hours of operation outlined in this resolution.
 14. Employees shall be provided free off-site parking. Employees shall be transported by company-funded shuttles from the off-site parking location to the project site. The shuttle vehicles shall be prohibited from driving on residential streets.
 15. Except as expressly required by law, employees shall be prohibited from parking on City streets. The applicant shall actively discourage vendors and other vehicles associated with or doing business with the dealership or its employees from parking on City streets.
 16. Vehicle test drives must follow the approved test drive route provided in Attachment E of the Traffic and Parking Analysis.
 17. Vehicles shall be moved to and from the Project site by porters only. Customers shall not come directly to or from the Project site for the purpose of dropping-off/picking-up of vehicles.
 18. When driving vehicles to and from the Project site the porters shall follow the amended circulation route approved by the Planning Commission on March 28, 2013. Vehicles shall enter and exit the Project site's northern driveway. This shall be achieved through the closure of the southern driveway and the widening of the

northern driveway apron to a minimum width of 18 feet. This condition shall not require the widening of the building opening associated with the northern driveway provided that a minimum building opening width of 14 feet is maintained.

19. All vehicle service shall be conducted within the service structure on the site. Vehicle service shall not occur within any public streets or public right-of-way.
20. Delivery vehicles shall be prohibited from parking along the public streets or alleys.
21. All deliveries shall occur on the adjacent site at 9001 Olympic Boulevard. No other streets or rights-of-way shall be used for such purposes. Goods may be transported to the project site as needed by company employees. When transporting goods via car or truck the employees must follow the same vehicular route approved for the porter operations. The transporting of goods shall occur during the approved hours of operation outlined in this resolution.
22. All customers of the vehicle service use shall be provided with free parking.
23. 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.
24. 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 alleys, regardless of whether said trash or debris was generated by the service operations.
25. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from eating, drinking, or smoking in the alley and other public rights-of-way.

26. Lunch trucks/catering trucks shall be directed by the service operation to park only on the public streets directly adjacent to the site. Said trucks shall be prohibited from parking in the alleys or within the residential neighborhoods.
27. The Applicant shall make available the phone number of the service operations manager who will serve as a single-point of contact for property owners and residential and commercial occupants within the surrounding neighborhood. The phone number shall be posted on the Project site at all times (even during construction) and shall be mailed to all property owners and residential and commercial occupants within a 500-foot radius of the Project site. In the event that the 500-foot radius ends within a street block and does not capture all properties within the block, the mailing radius shall be expanded to capture all the properties located within the block.
28. The Applicant shall install a vehicle directional sign at the east exit of the 9001 Olympic Boulevard site which indicates that a left-hand turn onto South Almont Drive is prohibited. The sign shall be installed on private property and shall be maintained by the Applicant.
29. At the Project site's vehicle entry/exit a directional sign shall be installed that prohibits outbound vehicles from making a left-hand turn onto South Wetherly Drive. The sign shall be installed on private property and shall be maintained by the Applicant.
30. At the Project site's vehicle entry/exit the Applicant shall install lights that will flash to notify pedestrians when a vehicle is exiting the building. The Applicant shall also

install mirrors that will provide vehicles exiting the property with visibility of the public right-of-way.

31. The Applicant shall be responsible for notifying all employees of the operational conditions within this resolution. The notification document(s) utilized shall be consistent with the materials provided by the applicant during the Planning Commission meeting on March 28, 2013. A copy of the document(s) is on file with the Community Development Department.

32. The Applicant shall be responsible for notifying patrons of how to best access the service facility from Olympic Boulevard and shall discourage patrons from using residential streets. This information shall be provided to patrons on the service facility's webpage, within written and email correspondence to patrons, and through verbal communications with the service facility employees. The notification documents shall be consistent with the materials provided by the applicant during the Planning Commission meeting on March 28, 2013. A copy of the document(s) is on file with the Community Development Department.

STANDARD CONDITIONS:

33. 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. An appeal fee is required.

34. 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.

35. 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.
36. 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.
37. At all times the Project shall comply with the standards of the City's Municipal Code and all other applicable State and Federal regulations.
38. 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.
39. 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.
40. A violation of any 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.

41. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.
42. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
43. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

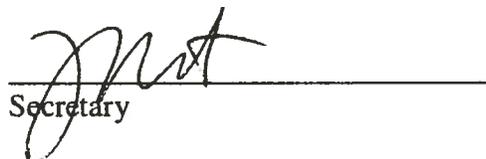
Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: March 28, 2013



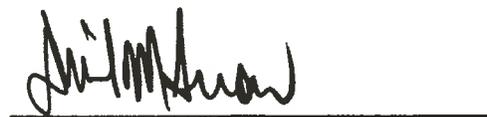
Daniel Yukelson, Acting Chair of the
Planning Commission of the City of Beverly
Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1678 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on March 28, 2013, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Block, Fisher, Yukelson.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Chair Rosenstein, Chair Corman



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California

ATTACHMENT F
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)