Attachment 4

Planning Commission Staff Reports

City of Beverly Hills
Planning Division
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TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: September 23, 2010

Subject: **9936 Durant Drive** Development Plan Review (DPR), Tentative Tract Map (TTM No.70035), R-4 Permit and Density Bonus Permit to allow construction of a 14-unit Condominium Project

Recommendation: 1. Open the Public Hearing;
2. Adopt a Resolution Certifying an Environmental Impact Report (EIR), Adopting a Statement Overriding Considerations and Conditionally approving a Plan Development Review, and R-4 Permit, Density Bonus and Tentative Tract Map

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REPORT SUMMARY

As requested by the Planning Commission at its meeting of July 8, 2010, this report transmits resolutions: 1) certifying the project EIR and adopting a Statement of Overriding Considerations and Mitigation Reporting Program; and 2) conditionally approving a Plan Development, R-4 Permit, Density Bonus and Tentative Tract Map. The resolutions are based on revisions to the project, including the granting of two one-bedroom affordable housing units to the City, which would be the first residential units owned by the City.

Subsequently, at its Study Session on July 22, 2010, the City Council indicated a willingness to accept residential units that are offered to the City in certain instances.

Upon adoption of the attached resolutions, the City Council (at a future date) will consider the legal documents required to accept these two affordable units.

Report Reviewed By:

David Reyes
Principal Planner

Attachment(s):
1. Resolutions
2. Correspondence
3. Project Plans and Tentative Tract Map N0. 70035

Report Author and Contact Information:
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Staff Report
CITY OF BEVERLY HILLS

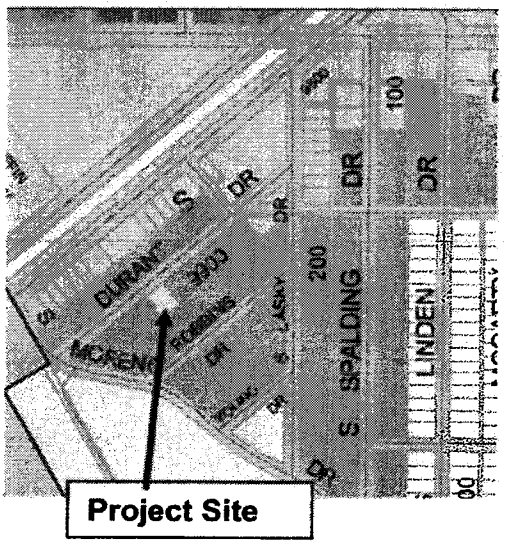
For the Planning Commission Meeting of July 8, 2010

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Jonathan Lait, AICP, City Planner

SUBJECT: Development Plan Review (DPR), Tentative Tract Map (TTM No.70035), R-4 Permit and Density Bonus Permit to allow construction of a 14-unit Condominium Project at **9936 Durant Drive**



Continued from the meeting of May 27, 2010

RECOMMENDATION

It is recommended that the Planning Commission direct staff to prepare a resolution certifying an Environmental Impact Report (EIR), adopting a statement of overriding considerations and conditionally approving a Development Plan Review, an R-4 Permit, Density Bonus Permit and Tentative Tract Map.

EXECUTIVE SUMMARY

At its meeting of May 27, 2010, the Planning Commission reviewed the revised project and requested clarification of the project benefits and further directed the applicant to meet with the already established Planning Commission Subcommittee prior to bringing the matter back to the Planning Commission for a subsequent public hearing.

After meeting with the Subcommittee on June 10, 2010, the applicant has revised the project to include two (2) low-income units versus the two moderate-income units previously proposed. State law permits a greater density bonus for projects that include low-income units compared to those with moderate income units. Consequently, the applicant is now seeking three (3) density bonus units above the code allowed eleven (11) units, resulting in a condominium project with fourteen (14) units. The applicant proposes to deed the two affordable units to the City as a component of the project.

The two affordable units are proposed to offset the loss of the existing historic building that would be demolished to establish the new condominium development.

BACKGROUND

On May 27, 2010, the Planning Commission held a public hearing on the project and the EIR (Attachment 3, Staff Report). As detailed in the report for that meeting, staff indicated that the Statement of Overriding Considerations (SOC) required by the California Environmental Quality Act (CEQA) could possibly be made through the inclusion of two moderate income units within the development. However, the applicant proposed that the two affordable units be given to the City, less the costs of constructing those units. After receiving testimony from the applicant and deliberating, the Commission requested the applicant to return at a later meeting after first clarifying the proposed project benefits and meeting with the Subcommittee. The Subcommittee held a meeting on June 10, 2010 (Attachment 2, Subcommitte notes).

As a result of the Subcommittee meeting the applicant has revised the project to add an additional density bonus unit and has changed the income level of the two affordable units from moderate to low and has further clarified the project benefits.

PROPOSED PROJECT BENEFITS

A letter from the applicant dated June 18, 2010, outlines the project benefit package (Attachment 1) as follows:

1. The project will include two affordable efficiency units which would be deeded free and clear to the City. Due to the estimated construction cost of $500,000 for the two affordable units, the developer will post a security cash bond in the sum of $500,000 prior or concurrent with the issuance of building permit. Upon completions of the units, the issuance of a Certificate of Occupancy and a deed being delivered to the City, the security bond shall be released.
2. The project square footage is less than allowed by Code
3. The proposed building contains additional modulation in the front of building. In addition additional front setback is provided.
4. A design that includes a fourth floor setback that provides the appearance of a 3-story building.
5. The building will comply with the City's green building ordinance.
6. The building is redesigned to be compatible with the American Colonial Revival architectural style, reinforcing the continuity of the neighborhood architectural style.

DISCUSSION

The applicant has revised the interior layout to include a total of fourteen units, two of which are proposed to be deeded to the City in consideration of the project's significant unmitigable impact identified in the Environmental Impact Report prepared for the project. While the exterior and footprint of the building remains the same as proposed at the previous hearing, the interior has been reconfigured to allow for an additional unit. The two low-income units that are proposed to be deeded to the City will be efficiency units (studio style, no bedrooms). The remaining 12 units will be market rate.

As detailed in the previous report, the project will be in compliance with all the development standards of the City's Municipal Code, except for the reduced rear yard setback, which is requested as a development incentive for the inclusion of the affordable units.

Deeding two units to the City could be desirable because it would enhance the City's housing goals through the production of affordable housing and provide a revenue source to the City. However as previously indicated, the City does not currently own any residential units and does not have a program to manage any residential units. Therefore, any project that includes acceptance of residential units for ownership by the City would be subject to City Council approval.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on June 25, 2010 to all property owners and residential tenants within a 300-foot radius of the property, and all owners of single-family zoned properties within 500 feet from the exterior boundaries of the property, if any. The notice of this hearing was published in the *Beverly Hills Courier* on June 25, 2010 and in the *Beverly Hills Weekly* on July 1, 2010. Public comments were previously received at the first hearing in July of 2009. These comments, along with responses, are included in the Final EIR. As of the date of writing this report, one additional letter is received by the Planning Division in opposition to the proposed project (Attachment 4).

ALERNATIVE ACTIONS

In addition to the recommended action the Planning Commission could also consider the following with respect to the project:

1. Continue this matter for specific reasons;

2. Articulate revised findings and/or conditions to Approve or deny the subject application.

RITA NAZIRI

Attachments:

1. Project benefit package
2. Planning Commission Sub Committee Notes
3. May 27, 2010 Staff Report
4. Correspondence
5. BHMC Sections 10-3-1521-10-3-1530.5,Residential Density Bonus

Staff Report
CITY OF BEVERLY HILLS

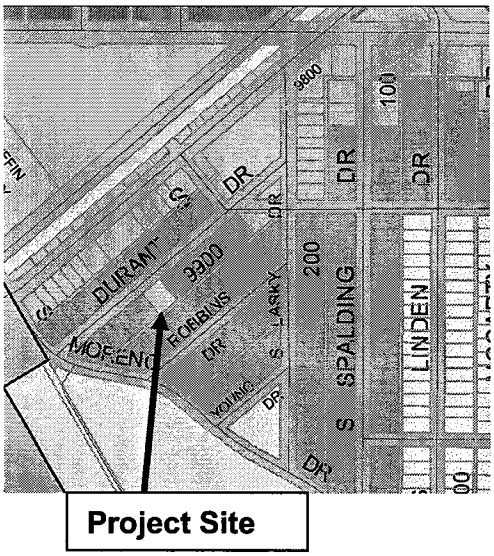
For the Planning Commission Meeting of May 27, 2010

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Jonathan Lait, AICP, City Planner

SUBJECT: Development Plan Review (DPR), Tentative Tract Map (TTM No.70035), R-4 Permit and Density Bonus Permit to allow construction of a 13-unit Condominium Project at **9936 Durant Drive**



RECOMMENDATION

It is recommended that the Planning Commission direct staff to prepare a resolution certifying an Environmental Impact Report (EIR), adopting a statement of overriding considerations and conditionally approving a Development Plan Review, an R-4 Permit, Density Bonus Permit and Tentative Tract Map and continue the hearing to the Planning Commission meeting of July 8, 2010.

EXECUTIVE SUMMARY

Proposed is a four-story, 45 foot tall building containing 13 units, including two moderate income affordable units and 42 parking spaces within a two level subterranean garage. The loss of the existing building results in a significant and unavoidable impact as the current structure is eligible as a historic resource on the California Register. To approve the project, the Planning Commission would need to adopt a statement of overriding considerations (SOC).

On July 23, 2009, the Planning Commission conducted a public hearing to review the Draft EIR and the proposed project. Subsequently a subcommittee was formed and

met once, on January 22, 2010. The project has been revised and responses to the DEIR have been prepared.

It is recommended that the Planning Commission direct staff to prepare the appropriate resolutions to approve the project, including certification of the Final EIR, and adoption an SOC.

BACKGROUND

On July 23, 2009, the Planning Commission held a public hearing on the project and the EIR (See Attachment 2 Staff Report and Minutes). At the hearing, the Planning Commission requested the following information be submitted along with the Draft EIR response to comments:

- A cost analysis/feasibility study for alternatives 3 and 4 of the Draft EIR;
- A copy of the Master's Thesis by Michael F. Zimmy entitled "Robert Vincent Derrah and the Nautical Moderne, University of Virginia, 1982 (Attachment 7);
- Additional analysis to determine if project would impact alley circulation; and
- Consideration of a revised project design to be more compatible with the neighborhood.

GENERAL INFORMATION	
Applicant	Judah Farahi
Project Owner	Gale One Properties
Zoning District	Multi-Family Residential (R-4)
Parcel Size	11,991 Square Feet
Permit Streamlining Act Deadline	180 days from the date of certification of the EIR

COST ANALYSIS STUDY

The California Environmental Quality Act (CEQA) requires an Environmental Impact Report to evaluate alternatives to the proposed project. The primary goal of evaluating alternatives is to explore whether there is another way to achieve project objectives that are better for the environment. The Commission requested a cost analysis study be provided to analyze Alternatives 3 and 4 of the Draft EIR. To assist in this analysis, the applicant provided this study and the City hired Keyser Marston Associates, Inc. (KMA) to perform a peer review of this document (Attachment 3). The study is included in the Final EIR.

Both Alternative 3 and 4 contemplated keeping portions of the existing building, construction of new units and construction of a subterranean garage to provide the required parking for the new units. In order to keep the existing building and build subterranean parking, these alternatives proposed to relocate and store the existing structure off-site while the subterranean parking is built. The cost analysis indicates that the proposed project is projected to produce a $3.4 million or a 17.8% profit. Due to the cost of removing and storing the existing building off-site and the reduction in units, Alternatives 3 and 4 have been projected to eliminate profitability for the development and the KMA report concludes that Alternatives 3 and 4 are not financially feasible.

REVISED PROJECT

DESIGN CHANGES

The Planning Commission has expressed concern regarding the compatibility of the project in relation to the surrounding neighborhood. The Commission indicated that the mass and bulk of the project, along with its modern architectural style should be re-evaluated. The applicant has hired an historian architect to modify the project design in response to concerns expressed by members of the Planning Commission related to compatibility with the neighborhood at the first hearing. Subsequently, Commissioners Furie and Yukelson were appointed to a Subcommittee for this project and met on January 13, 2010. At that meeting, the applicant's architect presented a revised conceptual façade that had been designed to be more compatible with the neighborhood. The revised concept exhibited features common within the American Colonial Revival Style of architecture. Although it was consensus of the subcommittee that the new design was an improvement over the previously proposed design, concern was expressed that the mass and scale of the revised design could still be an issue. (Attachment 5, Subcommittee Meeting Notes).

Subsequent to the subcommittee meeting, the applicant submitted revised plans on May 9, 2010. The revised project includes a design which is more relevant to the existing street character, a reconfiguration of the units layouts, more articulation along the front facade achieved by stepping back the building on the ground floor and fourth floor and creating a 12-foot recessed area at the building entrance. The new design provides the same design elements for all four sides of building.

The required front setback for this project is 10 feet. In response to subcommittee comments, the revised building façade is set back 14-feet from the front property line with architectural features extending four feet from the façade. The prior design included a building façade at the 10' feet setback line. The building is set back an additional 10 feet from the edge of building on fourth floor to reduce the building mass as viewed from the street. Further, the building entrance is within a recessed setting

that is setback at least 10 feet from the front facade. This recessed area /courtyard is covered with a glass element on third level.

The following table compares the original building design with the revised project:

PROJECT COMPONENT	PROJECT REVIEWED ON JULY 2009.	REVISED SUBMITTAL MAY 2010
Architectural Style	Contemporary/International	American Colonial Revival/Georgian
# of Units	11 units plus 2 affordable units Total: 13 units	11 units plus 2 affordable units Total: 13 units
Units area & Number of bedrooms	Units size range from 1,415 sq.ft. to 3,161 sq.ft. Two affordable units 635 sq.ft. and 710 sq.ft. in size	Units size range from 1,304 sq.ft. to 2,643 sq.ft. Two affordable units 1,014sq.ft. and 1,060 sq.ft. in size
Height	45 feet in height and 4 stories.	45 feet in height and 4 stories and a mansard roof parapet that extends 30 inches in height above maximum height of the building
Front façade modulation	Required 1,035 sq.ft. Provided 1048 sq.ft.	Required 1,055 sq.ft. Provided 1,257 sq.ft.
Step-backs	None	On ground floor the building is set back 4 feet from the front setback line. Fourth floor is step-back 10' from the edge of the front facade wrap around the building sides up to 22'
Outdoor living area	Required: 2,600 sq.ft. Provided: 3,670 sq.ft.	Required: 2,600 sq.ft. Provided: 2,840 sq.ft.
Parking	Required 39 spaces Provided 41 spaces.	Required: 39 spaces Provided: 42 spaces and 1 bicycle
Front Setback	Required:10 feet Provided: 10 feet	Required : 10 feet Provided: 10 feet (building façade is set back 14 feet)
Side Setbacks	North: 10 feet South: 9 feet (19 feet combined)	North: 9.5 feet South: 9.5 feet (19 feet combined)
Rear Setback	Required:15 feet Provided: 15 feet and 2.5' alley Dedication	Required:15 feet Provided: 10'5" (incentive for affordable units) and 2.5' alley dedication
Front yard paving	Two 5-foot walkways and an accessible ramp(exempt) and exit stairs	Two walk walkways, a 6'4" main entry walk and 3'8" garage exit walkway. Exit stairs were removed from the front yard.

NEIGHBORHOOD COMPATIBILITY

Durant Drive is a residential, tree-lined street occupied by two-story Period-style multi-family structures and three, four and five story contemporary apartment structures. An existing 5-unit Colonial Revival apartment building with a Monterey Revival central entry area will be demolished to establish the proposed project. Views to the commercial buildings of Century City and Beverly Hills are visible from Durant Drive due to its northeast/southwest orientation. Despite these commercial views and the fact that the volume of high school related pedestrian and vehicular traffic increases during morning and afternoon hours, the street is distinctly residential. Older Period-style buildings establish much of the residential quality of this street. These structures typically incorporate generous courtyards or enhanced side yards and lush landscaping.

To the west of the site is a recent boxy, five-story stucco structure, "Durant Towers". This building incorporates a vehicle entrance to subterranean parking immediately to the west of the project site. To the immediate east of the project site is a two story eclectic Period-style structure with both Regency and Italianate influences.

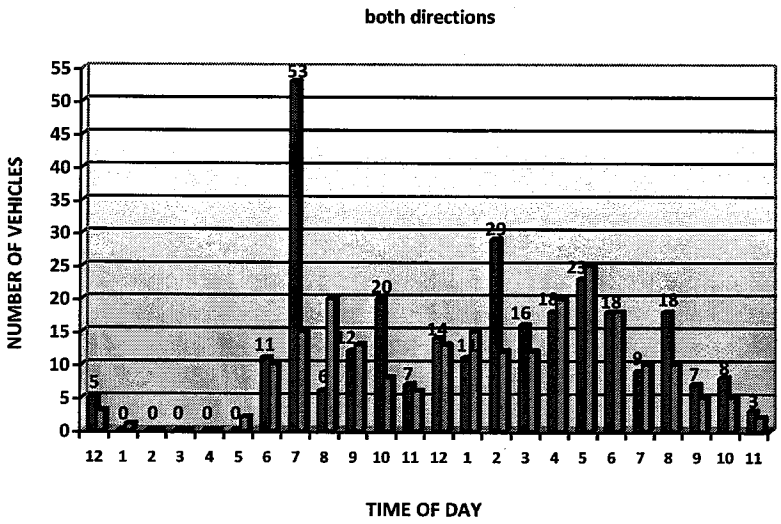
The revised project is more compatible than the previously proposed project to the existing street character and the design elements are carried to all four sides of building. The four-story design, while larger than other the buildings on the street, provides a transition to the five-story building abutting the site to the west. The project design includes a mansard roof with skylights. It is the applicant's intent that this element be considered a clerestory and be allowed to extend beyond the allowed 45-foot height limit. As proposed, this element is not considered a clerestory. As such, should the project be approved, it is recommended that conditions requiring the final clerestory design to be reviewed and approved by the Director of Community Development for code compliance prior to the issuance of a building permit and that the Architectural Commission pay particular attention to this element for design purposes. In addition, while the revised design is more compatible with the existing buildings along this portion of Durant Drive, it is further recommended that any approval require the Architectural Commission to focus on the front façade which, as shown on the plans submitted, appear overly busy.

ALLEY TRAFFIC

The Planning Commission requested that additional analysis be prepared to evaluate potential project impacts to the existing alley circulation. Staff conducted 24 hour traffic counts in the residential east-west alley between Durant and Robbins Drives on September 17 and 18, 2009. The automatic counts were taken at two ends of the alley to obtain the average hourly counts as shown in the graphs below.

The traffic counts studied shows that the alley traffic is similar to any residential alley in the area with an exception that between the hours of 7 to 8 am, the volume increases by as much as 25 vehicles. These are mostly high school students driving to school (most of this increase occurs specifically between the hours of 7:45 and 8 am when the high school opens). A small increase of traffic is also observed between the hours of 2 to 3 pm. This could be indicative of small number of high school students using this alley to leave school. During other hours the trend of traffic in the alley appears to be used by residents that have garage access to this alley.

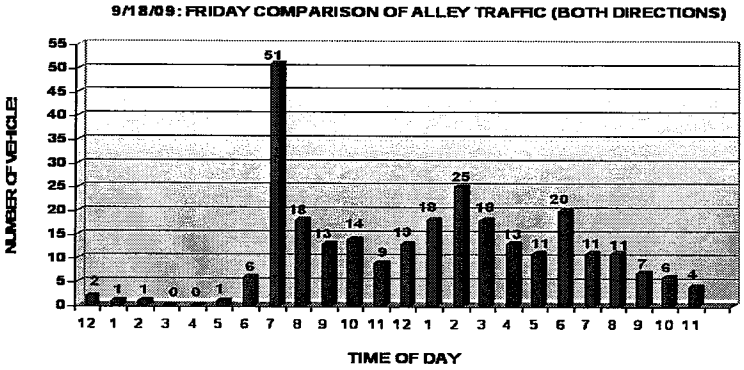
The City does not have any adopted threshold criteria for determining impacts to alleys. Moreover, traffic was studied as part of the EIR and no impacts were identified. It is not anticipated that the project would significantly affect alley use or circulation patterns.



Traffic count for two-way alley between Durant Drive and Robbins Drive
Thursday September 17, 2009

Durant/Robbins alley Count

Comparable alley Count located south of Olympic Boulevard between Roxbury and Camden Drives



Two-way alley traffic counts
Friday 9.18.09

DENSITY BONUS

Under the City's existing development density standards, the subject property may be developed with 11 units. The applicant is proposing that two of the units be provided for moderate income households. Consistent with State Law and the City's Density Bonus ordinance, the project qualifies for a thirteen percent (13%) density bonus and one development incentive.

Other California Cities have adopted local density bonus ordinances that provide a list of specific construction incentives that a developer can request for providing a density bonus. The City of Beverly Hills does not have a menu of incentives incorporated into its Density Bonus Ordinance. Therefore, applicants can propose preferred construction incentives. The applicant is proposing a reduced rear yard (from 15' to 10'5") as the development incentive. The proposed rear setback reduction allows for additional step-backs on the ground and fourth floors without losing any of the project's square footage. The design goal of this front step-back is to minimize the mass of the project from Durant Drive. Alley access to the garage is not affected by the reduced setback.

Previously the applicant had requested a development incentive that would reduce the minimum unit size for the affordable units. The revised project now has code compliant unit sizes, for these one-bedroom units (1,000 square feet).

FINAL EIR

Final EIR/Response to Comments

A total of seven letters and sixteen petition signatures were received on the project and DEIR during comment period and one additional letter was received after the close of the comment period. These letters are listed in the Comments and Responses document. In addition, the Final EIR includes responses to the Planning Commission's concerns regarding the alley and feasibility study. The EIR concludes that implementation of the project will result in significant environmental impacts in the areas of neighborhood compatibility and loss of an individual historic resource.

Statement of Overriding Considerations (SOC)

Pursuant to CEQA regulations, when a public agency decides to approve a project that will cause one or more significant environmental effects, the agency shall prepare a statement of overriding considerations (SOC) which reflects the ultimate balancing of competing public objectives. Specifically, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The applicant has identified proposed project benefits in an email included with this report as Attachment 6. To offset the environmental impacts of the project, the applicant is proposing to deed the two affordable units to the City and to build a project that complies with the City's Green Building Ordinance.

In balancing the loss of the cultural resource with the project benefits, there are several issues that need to be addressed. Deeding two units to the City is, in theory, a potentially desirable benefit because it would further the City's Housing Goals through the production of affordable housing and provide a revenue source to the City that could go into the City's General Fund, or a yet to be developed affordable housing trust fund. However, at present, the City does not own any residential units and does not have a program in place to manage any units. There are ongoing maintenance, liability and managing costs associated with being a residential landlord and the terms of an agreement between the developer and the City have not been established. Moreover, only the City Council has the ability to accept these units from the applicant and, given the lack of an affordable housing program, it is unclear whether these units would be accepted.

While the applicant's proposal to deed the units may not be appropriate at this time, two affordable units deed restricted to low income families for a 30 year period, regardless of ownership, is a benefit to the City because it would still advance the City's Goal of providing affordable housing in the City. Further, although this project does not have to comply with the City's Green Building Ordinance as it was deemed complete prior to its effective date, voluntary compliance would result in the City's first "green" multi-family residential building.

FINDINGS

The proposed project is subject to discretionary review before the Planning Commission and subject to appeal to the City Council. The findings contained in this section of the report are staff recommended findings. The Planning Commission or City Council on appeal may arrive at an alternative conclusion on the project and different findings based on the administrative record, applicant and public testimony.

Development Plan Review Findings

The Planning Commission may authorize a multi-family residential project involving five or more units if the following DPR findings are made:

A. The proposal is consistent with the General Plan and any specific plans adopted for the area.

If the Density Bonus Permit is granted, the development as proposed meets Zoning Code requirements, particularly regarding use, density, parking and height except for the architectural projections on the roof. The proposed project would be

consistent with the adopted General Plan of the City which designates this as a high density multiple-family residential area. The project consistent with the General Plan LU 5.10 goal which sufficiently supports the development of affordable housing as mandated by state law and the current Housing Element Objective 2.2, which states the City should "expand supply of housing affordable to lower income households" and Program 2.5 which states the City should promote utilization of the density bonus ordinance.

B. The proposed project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

As proposed, the project will not adversely effect existing and anticipated development in the vicinity. While the existing development in the block is predominantly two-stories, the current zoning standards allow for four stories. The 13-unit, 45-story project incorporates a fourth floor step-back to reduce the mass of the proposed structure as viewed from Durant Drive. The project contains architectural features associated with the American Colonial Style of Architecture, which is a prominent style in the district. As proposed and conditioned, the project will comply with applicable development regulations, will be subject to Architectural Review and is anticipated to be harmonious with the neighborhood.

C. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

A traffic impact analysis was conducted by Willdan who prepared an EIR for the proposed project to assess the potential impacts of the proposed condominium project. The traffic analysis was conducted based on the traffic, parking and circulation study that was prepared by Coco Traffic Planners, Inc. As proposed, the proposed project will result in a net increase of 50 new daily trips, including five new AM peak hour trips and four net new PM peak hour trips. There is only a small net increase in traffic because the project increases the net number of units on the site by eight units. During the project hearing on July 23, 2009, the Planning Commission requested that additional traffic counts for the alley behind the property be provided. Staff conducted additional 24 hour traffic counts in the residential east-west alley behind the property on two consecutive days (September 18 and 19, 2009) and compared the alley operation with a residential alley in the vicinity and found that the alley traffic trend is similar to any residential alley with an exception that between the hours of 7:00 to 8:00 a.m., the traffic volumes increases by as much as 25 vehicles which appears to be related to high school students who use the alley to get to school. Therefore, staff concludes that the traffic generated by the proposed multi-family project does not impact the alley. Therefore, it is not anticipated that the project would generate adverse traffic

impacts, traffic hazards, pedestrian/vehicle conflicts, or pedestrian safety hazards if the project were to be approved by the Commission. Access to nearby schools has been studied and the proposed project should not conflict with schoolchildren and other pedestrians who may travel in front of the project site. Regulatory measures are proposed during construction period to offset any temporary impacts which would occur over an approximately 18-month construction period.

D. The project will not be detrimental to the public health, safety or general welfare.

The project would be constructed in accordance with the City's Building Code standards and is consistent with the zoning for the area. Prior to the issuance of building permits, a construction management plan is required for review and approval by the Engineering Division and Building and Safety Division. Public safety issues such construction staging, hauling, off-site parking, and construction hours are addressed. Therefore, the project will not be detrimental to the public health, safety or general welfare.

Tentative Tract Map Findings

The Planning Commission may authorize a tentative tract map if the findings can be made (Government Code Section 66474):

(a) That the proposed tentative tract map and the design or improvements or improvements of the proposed subdivision are consistent with the General Plan of the City.

As proposed, the Project's design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is "Multi-family Residential – high density". This designation identifies a maximum density for this project of 14 DU and a maximum height of 60 feet. The project site is located in the R-4 Multiple Residential Zone which allows a maximum density for this site of 13-unit with the granting of a density bonus and a maximum height of 45'. The Project involves the construction of a 13-unit four-story 45' in height residential condominium building, which is in keeping with the Land Use designation and requirements of the zone.

(b) That the site is physically suitable for the type of development and the proposed density.

The site is zoned for high density multi-family residential development and suitable for development such as the proposed project. The proposed density of 13 units meets current code requirements with the granting of a density bonus and is appropriate to the site. All necessary utilities are in place to adequately serve the proposed project.

(c) That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The attached EIR indicates that the Project will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The EIR found no significant impacts to fish, wildlife, or habitat. The EIR identified aesthetics significant unmitigable adverse impact and significant unavoidable adverse impact on cultural resource impacts. However a statement of overriding considerations will be adopted in connection with the project.

(d) That the design of the subdivision or type of improvements are not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

The project design has been preliminarily reviewed by the Public Works Department and the Building and Safety Division for code compliance. The project will not encroach into any public easement areas. Therefore, the design of the subdivision and types of improvements are not likely to cause serious public health problems or conflict with any public easement. Access to nearby schools has been studied and the proposed project should not conflict with schoolchildren and other pedestrians who may travel in front of the project site.

(e) That the discharge of waste water from the proposed subdivision into the existing sewer systems will not result in a violation of existing requirements presented by the California Water Quality Act Control Board.

The project has been preliminarily reviewed by the Public Works Department. Discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the California Regional Water Board provided the NPDES water requirements are complied with. Appropriate conditions of approval are recommended to require compliance with the NPDES permit requirements. Therefore, the discharge of waste water from the proposed subdivision into the existing sewer systems will not result in a violation of existing requirements presented by the California Water Quality Act Control Board.

As conditioned, the project meets the five criteria as listed above.

Density Bonus Permit Findings

Both State of California Government Code Section 65915 and BHMC Article 15.2 provide that the City shall offer a 20% density bonus and one development incentive if the project contains 10% of total units of a housing development for lower income households. As conditioned, the project is in compliance with the affordable housing requirements of State and local law. The Planning Commission may determine the exact construction incentive to be offered to a project. The incentive of rear setback reduction appears to be suitable for the multi-family residential zone in which the project is located. As proposed, the proposed project has included 4th story stepped back from the edges of the building to reduce the mass impacts from the proposed building height compared to the existing buildings on Durant Drive.

R-4 PERMIT FINDINGS

The Planning Commission may grant the equivalent of one five-foot (5') wide walkway in the front yard per fifty feet (50') of frontage along the front line of the subject site, in any configuration if the Planning Commission finds:

That the proposal is compatible with the nearby streetscape; and, that the proposal is compatible with the scale of surrounding development.

(a) The subject lot is 100 feet wide; therefore, a maximum 10-foot wide walkway is permitted if authorized by an R-4 Permit. A 6'4" walkway is proposed in the middle of the site to gain access to the building. The second 3'8" walkway will provide access to the required exit from the subterranean garage. Although, no landscape plan is provided at this time, but the site plans notes that the front setback will be landscaped with a variety of planting materials and greenery in the front yard of the project offsetting the paved areas. As noted before, the project including the exterior improvements will be reviewed by the Architectural Commission to make sure that the landscape plan will enhance the streetscape. Therefore, the proposed walkways would be compatible with the scale of the structure and consistent with other structures in the multi-family residential zones.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on May 14, 2010 to all property owners and residential tenants within a 300-foot radius of the property, and all owners of single-family zoned properties within 500 feet from the exterior boundaries of the property, if any. The notice of this hearing was published in the

Beverly Hills Courier on May 14, 2010 and in the *Beverly Hills Weekly* on May 20, 2010. Public comments were previously received at the first hearing in July of 2009. These comments, along with responses, are included in the Final EIR. As of the date of writing this report, no additional comments have been received.

ALERNATIVE ACTIONS

In addition to the recommended action the Planning Commission could also consider the following with respect to the project:

1. Continue this matter for specific reasons;

2. Articulate revised findings and/or conditions to Approve or Deny the subject application.

RITA NAZIRI

Attachments:

1. Final EIR including the Comments and Responses and Draft Environmental Impact Report (DEIR)
2. July 23, 2009 Staff Report and Planning Commission Minutes
3. Applicant's Financial Feasibility Statements & KMA Peer Review
4. BHMC Sections 10-3-1521-10-3-1530.5,Residential Density Bonus
5. Planning Commission Sub Committee Notes
6. Applicant's e-mail regarding Project benefits
7. A copy of the Master's Thesis by Michael F. Zimmy entitled "Robert Vincent Derrah and the Nautical Moderne, University of Virginia, 1982

STAFF REPORT

CITY OF BEVERLY HILLS

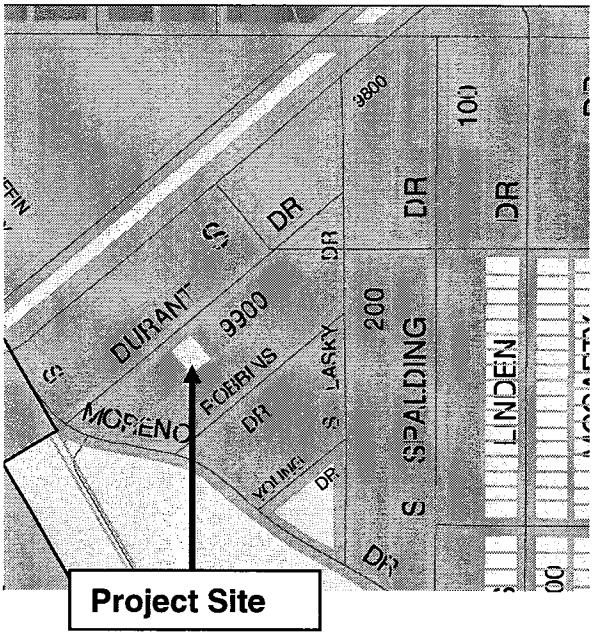
For the Planning Commission Meeting of July 23, 2009

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Jonathan Lait, AICP, City Planner

SUBJECT: Public Comment Meeting Regarding the Draft Environmental Impact Report for a Proposed 13-unit Condominium Project at 9936 **Durant Drive**



RECOMMENDATION

It is recommended that the Planning Commission receive the staff report, take public testimony and continue this item to allow time for the public to continue reviewing the Draft EIR, staff to prepare responses to questions and comments from the Commission and public, the EIR consultant to begin preparing responses to public comments, and to allow time for the applicant to consider any remarks and suggestions made at the hearing.

EXECUTIVE SUMMARY

The proposed project would demolish the existing five units, two-story, 28 foot tall, 12,145 square foot apartment building and replace it with a four-story, 45 foot tall, 24,906 square foot building containing 13 unit condominiums. The proposed 13-unit condominium building would include one four-bedroom unit, six three-bedroom units, four two- bedroom units and two one- bedroom units. Two of the 13 units would be set aside as moderate income affordable units. The project would include two levels of subterranean parking containing 41 parking spaces, two more spaces than required by

the Beverly Hills Municipal Code. Access to the subterranean parking would be from the alley behind the building.

The City of Beverly Hills as the Lead Agency under the California Environmental Quality Act (CEQA) prepared a Draft Environmental Impact Report (DEIR) for the proposed condominium project at 9936 Durant Drive. In accordance with the CEQA Guidelines, an initial study was prepared for this proposal and it was determined that an EIR is the appropriate level of analysis for a project that may have a significant effect on the environment.

The purpose of this meeting is to receive testimony on the adequacy of the Draft EIR, to provide the Planning Commission and the public with specific information regarding the environmental effects associated with development of the site, identify ways to minimize the significant effects, and provide rational alternatives to the project. Mitigation measures and regulatory measures are provided (Appendix A, attached), which may be adopted as conditions of approval, in order to reduce the significance of impacts resulting from the project.

The Draft Environmental Impact Report (DEIR) was released for public review on June 30, 2009. The period for public comment on the DEIR will run for 45 days (until August 14, 2009). At the July 23, 2009 meeting, staff will provide an overview of the project; and the City's environmental consultant for the project, Willdan Consulting, will present the EIR. The project applicant's representative will present the proposed project, and then the opportunity will be provided for questions and public comment on the project and the DEIR. At the meeting's conclusion, staff will request direction as to additional information needed by the Commission to facilitate a more detailed discussion about the project.

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

The project applicant, Bijan & Associates, on behalf of Gale One Properties proposes to construct a new four-story condominium building on the 11,991-square-foot site.

GENERAL INFORMATION	
Applicant	Bijan & Associates
Project Owner	Gale One Properties
Zoning District	Multi-Family Residential (R-4)
Parcel Size	11,991 Square Feet
Permit Streamlining Act Deadline	5/11/2010 (One year for the EIR Certification & 180 days from the date of certification for the project approval)

PROJECT DATA SUMMARY

Category	Existing	Proposed	Code Requirement (R-4 Standards)
Use	Multiple-family dwelling	Multiple-family dwelling	Multiple-family dwelling
Number of Lots	1	1	N/A
Lot Size	11,991 (approx. 100 feet wide by 150 feet long)	11,991 square feet (approx. 100 feet wide by 117'5" long)	N/A
Density/Number of Units	5 units	11 units plus two one-bedroom bonus unit	1 unit / 1100 sq.ft. of site area, or 11 units
Stories/Building Height	2-story/28 feet high	4-story / 45 feet	4-story / 45 feet

Category	Existing	Proposed	Code Requirement (R-4 Standards)
Parking Spaces	8 spaces within above ground garage	41 spaces within subterranean garage	39 spaces
Front Setback	10 feet	10 feet	10 feet
Side Setback	North: 4 feet South: 4 feet	North: 10 feet South: 9 feet (19 feet combined)	19 feet, each side setback at least 8 feet
Rear Setback	varies	15'7"	15 feet
Modulation	N/A	1,048 sq.ft.	1,035 sq.ft.
Outdoor Living Space	Approximately 2,500 sq.ft.	3,670 sq.ft.	2,600 sq.ft.
Front Yard Paving	7-foot walkway	5-foot wide walkway plus a 4-foot walkway to access the subterranean garage[1]	5-foot wide walkway[1]
Unit Size	N/A	• Two one-bedroom Units ranging in size from 635 to 710 sq.ft. (affordable units)[2] • Four two-bedroom units ranging from 1,415 to 1,685 sq.ft. • Six three-bedroom Units ranging in size from 1,773 to 2,241 sq.ft. • One four-bedroom unit 3,161 sq.ft.	• Efficiency: 600 sq.ft. minimum. • One bedroom: 1,000 sq.ft. minimum. • Two bedrooms: 1,300 sq.ft. minimum. • Three or more bedrooms: 1,500 sq.ft. minimum.

1 Front yard paving is limited to a five-foot wide walkway, unless authorized by an R-4 Permit.
2 The applicant is requesting a construction incentive to allow the two one-bedroom moderate units to have a floor area less than 1,000 square feet.

As required, the project will also comply with the City's Green Building Program. The project design includes design features which would eligible the building for Silver Level Certification under the City's Green Building Program.

Site and Area Characteristics

The Durant Drive is one block long and is oriented in a northeast-southwest direction. It is located close to the western City boundary and is bounded on the east by Lasky Drive and on the west by Moreno Drive. It is one block south of, and parallel to, Santa

Monica Boulevard. Beverly Hills High School is located at the western end of Durant Drive, immediately west of South Moreno Drive.

The street is 50 feet in width which is wider than surrounding residential streets. There are 30 parcels on Durant Drive, all of which contain at least one multi-family residential building. Twenty-five of the thirty properties were constructed in the short time period between 1935 and 1941. Of the remaining five properties, one was constructed in 1954 (9973 Durant Drive, located at the corner of Moreno Drive), three in the early 1960s (9955 Durant Drive, 9950 Durant Drive, and 9930 Durant Drive), and one in 1985 (9921 Durant Drive).

The project site is located on the south side of Durant Drive. An alley runs along the southern (rear) edge of the project site. The project site is currently developed with a two-story, 28 foot tall, 12,145 square foot apartment building with five dwelling units. The existing Colonial Revival-style apartment building was constructed in 1935. It was designed by architect Robert V. Derrah who is best known for his Streamline Moderne designs at the Southern California Gas Company, the Coca-Cola Bottling Plant and Crossroads of the World. The symmetrical building's center section is open on the ground floor and functions as a passageway to a center landscaped courtyard. Within the formally landscaped courtyard are brick paths flanked by low, clipped hedges, a center lawn area, a pavilion, and climbing vines and bougainvillea on wood trellises. Eight one-story rectangular garages open onto the rear (south) alley.

PROJECT ENTITLEMENTS

The following is a list of reviews and approvals that the Planning Commission will undertake for the proposed project:

- **Environmental considerations**, including the adequacy of the DEIR and findings contained therein;
- **Tentative Tract Map (Tentative Tract Map No. 70035) and Development Plan Review** for construction of the proposed 4-story 13-unit condominium project.
- **R-4 Permit** for additional walkway paving.
- **Density Bonus Permit** for the provision of a 20% density bonus. This bonus would be for two units above the Code allowed density of 11 units. Per Beverly Hills Municipal Code Section 10-3-1526 1 b in order to qualify for a 20% density bonus, 10% of the units in the project must be for moderate income households. Consistent with State and local law, the applicant requests a construction incentive to allow the two one-bedroom moderate units to have a floor area less than 1,000 square feet.
- The final design of the project would require approval from the City's Architectural Commission.

ENVIRONMENTAL ASSESSMENT

The potential environmental effects of the proposed project are analyzed for the following environmental issues:

- **Aesthetics** - The subject property is located in a potential locally-eligible historic district "Tract 7710 MFR District." This section of the EIR addresses the potential aesthetic impacts of the proposed project on the existing character of both the neighborhood and the potential historic district.

- **Cultural Resources** - The existing building on the project site appears individually eligible for listing in the California Register under criterion C, as a rare and distinctive Colonial Revival courtyard apartment designed by renowned architect Robert V. Derrah. The property therefore is considered a historical resource as defined by CEQA. In addition, the subject property was found during the Peer Review to appear eligible as a contributor to a potential locally-eligible historic district "Tract 7710 MFR District." The cultural resources section of this EIR, therefore, addresses the project's potential to impact an individual historical resource and a potential historic district.

- **Geology and Hydrology** - A Preliminary Soils Engineering Investigation Report has been prepared for the project. According to the report, the proposed development is considered feasible from a geotechnical engineer's standpoint. The report contains recommendations for addressing site conditions. This EIR includes a discussion of the findings of the Soils investigation. In addition, according to the Preliminary Soils Investigation for the project, seepage water was encountered at a depth of 26 feet in the test boring which was done for the project. Depth of seepage water will fluctuate over time and location. As indicated by the project plans, the proposed project includes two levels of subterranean parking with excavation of up approximately 22 feet. Therefore, construction has the potential for limited encroachment into groundwater. This EIR addresses this related hydrological issues and the potential for impact and identifies any special design features of the subterranean parking that may be necessary to control water seepage and respond to hydrostatic pressure.

- **Hazardous Materials** - The building currently on-site was constructed prior to 1979 and therefore, potentially contains asbestos containing building materials. This EIR briefly addresses this potential and includes mitigation measures to ensure appropriate testing and removal, should Asbestos Containing Building Materials (ACBM), PCBs, Lead Based Paint or other hazardous substances be present on site.

- **Transportation and Traffic** – As detailed in the Initial Study for the proposed project contained in Appendix A, the proposed project is anticipated to have a less than significant effect on transportation and traffic. However, a comment letter was received during the NOP period questioning the proposed project's

parking and alley impacts. Therefore a Transportation and Traffic section has been added to this EIR to address these specific concerns.

In addition to the potential environmental effects listed above, the EIR evaluates potential cumulative effects of the proposal and alternatives to the proposed project. Mitigation measures are included in the DEIR in order to reduce the significance of impacts resulting from the project. These mitigation measures are included in Attachment A.

Significant Unavoidable Impacts

The Draft EIR concludes that project implementation would result in significant and unavoidable impacts with respect to the following:

Aesthetics

- **Neighborhood Compatibility:** The proposed project would introduce a new building into a neighborhood which is part of a potential historic district. The proposed project is located adjacent to a contributing resource to a potential historic district and in the vicinity of other contributing resources on Durant Drive. The design of the proposed project is contemporary, but not compatible with these resources. The design does not: use similar or complimentary materials; repeat and/or respect the heights of floors, rhythms, depths of bays, and proportions of contributing resources on Durant Drive; does not use compatible window/door openings and types; or include similar roof heights and shapes. The proposed project would therefore result in a neighborhood compatibility impact due to incompatibility of design.

Cultural Resources

- **Individual Historic Resource:** The proposed project necessitates demolition of the existing 1935 building on the project site which is eligible for listing as an historical resource due to: (1) its remarkable representation of the mulit-family property type; (2) its association with Edward Dentzel, who was an important real estate developer, councilmember and mayor in Beverly Hills who developed approximately 25 properties in Beverly Hills, many in collaboration with master architect Robert Derrah; (3) its exceptional Colonial Revival design integrated with Courtyard Housing by master architect Robert Derrah, whose practice was based in Beverly Hills.

Environmental Impact Less Than Significant

The Draft EIR found that the following areas were less than significant either with or without mitigation. A summary discussion each can be found in Attachment A.

- Aesthetics
  - Construction Impacts
  - Shade and Shadows
- Cultural Resources
  - Archeological Resources
  - Human Remains
  - Potential Historic District

- Air Quality
- Geology and Hydrology
  - Seismic Safety
  - Slope stability
  - Drainage and stormwater
  - Water quality
- Hazardous materials
- Noise
- Transportation and Traffic

Regulatory Requirements

The EIR includes several measures that are regulatory requirements and are required for the proposed project and imposed as conditions of approval if the project is approved. These measures act to ensure project compliance with regulatory requirements, standard City procedures and to further reduce less than significant air quality, noise, geotechnical, transportation effects of the proposed project (please see the attached Appendix A).

Project Alternatives

The CEQA requires Environmental Impact Reports to evaluate alternatives to the project being assessed by the report. The primary goal of evaluating alternatives is to explore whether is another way to achieve the objectives of the project which might be better for the environment. The draft EIR evaluated five alternatives:

- Alternative 1 – No Project / No Change
- Alternative 2 -- Condo Conversion
- Alternative 3 -- New Four Story Building at Rear of Existing Building
- Alternative 4 – New Four Story Building At Rear of Existing Building With Truncated East and West Wings
- Alternative 5 – Contemporary Compatible Design

The Alternative 1 "no project" and Alternative 2 "Condominium Conversion" would be the environmentally superior alternatives as impacts would no less than significant. CEQA Guidelines 15126 (e) (2) requires that where the "no project" alternative the

environmentally superior alternative, another alternative be identified that is environmentally superior. Therefore, Alternative 2 "condominium conversion" is considered environmentally superior alternative. However, this alternative would fail to achieve most of the project objectives. Alternative 3 eliminates the significant unmitigated neighborhood compatibility impacts and cultural resources impacts resulting from demolition of the building, while achieving most of the project objectives, but it includes the cost of construction of subterranean parking under the existing building.

FINAL EIR

At the end of the 45-day comment period, the City's EIR consultant, Willdan, will prepare a written response to comments received on environmental issues. The written response will provide response to any environmental issues raised during the comment period. The Response to Comments along with the DEIR will then become the Final EIR and will be brought back to the Planning Commission for the EIR certification.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on June 26, 2009 to all property owners and residential tenants within a 300-foot radius of the property, and all owners of single-family zoned properties within 500 feet from the exterior boundaries of the property, if any. The notice of completion of the draft EIR and notice of this hearing was published in the *Beverly Hills Courier* on June 26, 2009 and in the *Beverly Hills Weekly* on July 2, 2009.

RITA NAZIRI

Attachments:

1. Draft Environmental Impact Report (DEIR) including the EIR Appendixes (Provided as part of July 9, 2009 Planning Commission packet)
2. Project Applications
3. Public Notice
4. Letters

Exhibit A

Proposed Mitigation Measures	
Aesthetics	
Neighborhood Compatibility	**Mitigation Aesthetics-1** – The Project shall be subject to review and approval by the City's Architectural Commission. As part of this review and approval, the Project applicant shall provide examples of the materials, finishes, and design elements of the Project, which may be subject to modification by the City's Architectural Commission. Modifications recommended by the City's Architectural Commission shall be incorporated into the design of the Project prior to the issuance of building permits. Any potential modifications, may include, but not be limited to alterations in the types of materials, finishes, exterior design elements, and landscaping.
Cultural Resources	
Archeological Resources	**Measure Archeo-1** - If archaeological resources are encountered during project construction, all construction activities shall halt until a qualified archeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. If the archeological resource is determined to be a unique archeological resource, options for avoidance or preservation in place shall be evaluated and implemented if feasible. In the event that avoidance or preservation in place is infeasible and the archaeologist determines that the potential for significant impacts to such resources exists, a data recovery program shall be expeditiously conducted. Construction in the vicinity of the find shall not resume until the site archaeologist states in writing that the proposed construction activities will not damage significant archaeological resources.
Human Remains	**Measure Archeo-2** - In the event that human remains are encountered during project construction, pursuant to State Health and Safety Code Section 7050.5, the applicant and project contractor(s) shall halt construction until the County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98.
Individual Historic Resources	**Mitigation Cultural-1** - Prior to issuance of a demolition permit, the existing condition of historical resource shall be documented photographically and in a written narrative. The photographs shall be taken by a professional photographer with experience documenting historic buildings under direction of an architectural historian who meets the *Secretary of the Interior's Professional Qualifications Standards* in architectural history. Photographic documentation shall include one set of large (4 x 5-inch) and medium (6 x 7-centimeter) format black and white negatives and two sets of 8 x 10 inch photographic prints on black and white paper. Film, contact prints, and enlargements shall be archivally processed. The architectural historian shall prepare a written narrative

Proposed Mitigation Measures	
	description of the historical resource based solely text of the cultural resources section of the environmental review document. The format of the written narrative shall be based on Historic American Buildings Survey (HABS) guidance for such written narrative documentation. The following documentary materials shall be submitted to the Community Development Director for review and comment: photographic quality black and white copies of all documentation photographs, and photocopies of the written narrative. Upon review and comment and when final edits are approved by the Community Development Director, the original documentation package items shall be deposited in the collection of the Beverly Hills Public Library (negatives, proof sheets, one set of 8 x 10 inch prints, written narrative, any other specified documentation) and in the collection of the California Historical Resource Information Center (one set of 8 x 10 inch prints, written narrative, State of California Department of Parks and Recreation "DPR" series forms, any other specified documentation).
Air Quality	
Air Quality	**Measure AQ– 1 –** The following actions shall be required to be performed by the contractor(s) during demolition, to limit fugitive dust: • Contractor(s) shall apply non-potable water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout. • Contractor(s) shall apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition unless construction activities begin within two weeks of completion of demolition. • Contractor(s) shall apply non-potable water to disturbed soils after demolition is completed or at the end of each day of cleanup. • Demolition activities shall be prohibited when wind speeds exceed 25 mph.
	Measure AQ-2- The following actions shall be required to be performed by the contractor(s) during construction, to limit fugitive dust: • Contractor(s) shall apply non-potable water every 3 hours to disturbed areas within the construction site. • The required minimum soil moisture shall be 12% for earthmoving. Contractor(s) shall achieve the standard by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe. • Contractor(s) shall insure that all trucks hauling dirt, sand, soil, or other loose materials shall be tarped with a fabric cover and

Proposed Mitigation Measures	
	maintain a freeboard height of 12 inches. • Contractor(s) shall apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Contractor(s) shall apply nonpotable water to the storage pile by hand or apply cover when wind events are declared. • During construction, street sweeping must be conducted frequently as directed by Public Works and Transportation Department. Dirt shall not be tracked out of the construction site.
Geology And Hydrology	
Seismic Safety and Slope Stability	**Measure Geo–1**–The proposed project shall be designed and constructed in accordance with the requirements and mitigations set forth in Preliminary Soils Engineering Investigation Report completed for the property dated July 17, 2006 and Update letter dated November 28, 2008 and included as Appendix D of the Draft EIR. Further, the applicant shall prepare and submit a project specific geotechnical report prepared for the project by a licensed geologist, under the direction of the City of Beverly Hills and in accordance with all applicable local, state, and federal regulations and standards such as the UBC and Title 9 of the Beverly Hills Municipal Code. The geotechnical report may refine the mitigation measures identified in the Preliminary Soils Engineering Investigation Report and Update letter, and shall also include whether any geologic fault transverses the project site, the potential for expansive soils, liquefaction hazards or other geologic conditions requiring remediation, as well as depth of groundwater. The geotechnical report shall be reviewed and approved by the Building and Safety Division prior to issuance of any grading or building permits. Should a fault, expansive soils, liquefaction hazards, shallow groundwater or other conditions requiring remediation be identified, then the report shall specify any additional remediation measures to be implemented with the approval of the Building and Safety Division. Project construction shall only be allowed to occur if remediation measures satisfy the requirements of the City and the State Division of Mines and Geology and the project can be constructed in a manner which complies with geotechnical safety-based building code requirements.
Drainage and Stormwater	**Measure Hydro –1** - A drainage plan shall be prepared for the project and shall be reviewed and approved by the City's Building and Safety Division and Public Works and Transportation Department prior to approval of project plan. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall provide the necessary detention and conveyance infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design flood via a selection of Best Management Practices from the "Municipal Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force or other

	Proposed Mitigation Measures
	mechanisms acceptable to the Building and Safety Division. Examples of BMPs that may be implemented to meet this regulatory requirement include: bio retention planter boxes, vegetated drainage swales and strips, and infiltration wells. **Measure Hydro–2** - Prior to the issuance of a grading permit by the City, a Water Quality Management Plan (WQMP) shall be prepared for the project and reviewed and approved by the City's Building and Safety Division and Public Works and Transportation Department. The Plan shall identify the site design, source control and treatment control Best Management Practices (BMPs) that will be implemented on the site to control predictable pollutant runoff and any dewatering of the subterranean parking structure. A selection of Best Management Practices that can be implemented on the site to control predictable pollutant runoff and any dewatering of the subterranean parking structure are listed in the "Municipal Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force. Examples of BMPs that may be implemented to meet this regulatory requirement include: fossil filters to treat and discharge shallow groundwater to the nearest storm drain; Baker tanks to collect shallow groundwater and haul it to an approved site; sand bags to retain activities runoff on site; and an appropriate tire washing station or tire sediment shakers to limit sediments from being carried off site. **Measure Hydro-3** - Prior to issuance of any grading or building permits, the project applicant shall comply with the requirements of Section 9-4-506 of the City's Municipal Code which are applicable to residential projects of 10 units or more and prepare and submit to the City of Beverly Hills a Standard Urban Stormwater Mitigation Plan (SUSMP), to be prepared in accordance with the Los Angeles County Manual for the Standard Urban Storm Water Mitigation Plan, which details the requirements of the SUSMP. The project's SUSMP shall be submitted along with the final building and drainage plans for the project for review and approval of the City's Public Works Department prior to issuance of demolition, grading and construction permits for the proposed project. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall demonstrate to the satisfaction of the City's Public Works Department that project plans include sufficient detention and conveyance infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design flood. The SUSMP shall demonstrate retention of runoff in-site to the satisfaction of the City's Public Works Department using best available technologies or practices selected by the applicant from the "Municipal Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force. Examples of BMPs that may be implemented to meet this regulatory

	Proposed Mitigation Measures
	requirement include: down spout filters to treat roof drain runoff; runoff captured by planter box filters which collect and further treat roof runoffs; infiltration basins to collect surface runoff for use as an additional irrigation water source; and inclusion of a fossil filter treatment system as part of the dewatering system to reduce any potential constituents discharged to the storm drain system. Any dewatering system must be permitted by the Regional Water Quality Control Board. The project plans shall demonstrate that adequate site drainage can be accomplished without use of curb drains and that downspouts are designed to discharge to vegetation areas without affecting the integrity of the building. **Measure Hydro- 4** - Prior to the start of soil disturbing activities at the site, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in accordance with, and in order to partially fulfill, the California SWRCB Order No. 99 -08 -DWQ, NPDES General Permit No. CAS000002 (General Construction Permit). The project applicant shall submit and have the SWPPP approved before issuance of the construction permit for the proposed project. The SWPPP shall specify the erosion control plans for the project and demonstrate that SWPPP includes adequate measures to protect nearby catch basins from pollution and to keep water in site. Structural or treatment control Best Management Practices (BMPs), including, as applicable, post construction treatment control BMPs set forth in project plans shall meet the design standards set forth in the SUSMP and the current municipal NPDES permit. The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction to meet this regulatory requirement include: sand bagging and fencing the site perimeter; protecting nearby catch basins using filter sheets or sand bags to prevent any debris from entering the storm drain system; tire washing stations or tire shakers to reduce sediment tracking off the site; designated areas for cement or chemical materials with BMPs that will contain any potential spill or runoff; and good housekeeping practices to reduce potential pollution runoff.
Water Quality	**Measure Hydro-5** –The project applicant shall comply with the requirements of the City's dewatering ordinance, Section 9-4-610 of Article 6 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code and obtain a dewatering permit for the proposed project from the City. The City shall not issue the dewatering permit unless dewatering activities would be consistent with requirement of the waste discharge requirements for municipal storm water and urban runoff discharges within the County of Los Angeles",

Proposed Mitigation Measures	
	issued by the California Regional Water Quality Control Board - Los Angeles region, (order no. 96-054), dated July 15, 1996. In addition, the applicant shall be required to obtain an NPDES permit for the dewatering phase of construction from the Regional Water Quality Control Board prior to issuance of construction permits. **Measure Hydro-6** – If it is determined by the project civil engineer that a permanent dewatering system is required for the project, the project applicant shall apply for and obtain a dewatering NPDES permit from the Regional Water Quality Control Board and a Shallow Groundwater Permit from the City of Beverly Hills, prior to issuance of the occupancy permit for the proposed project.
Hazardous Materials	
Lead and Asbestos	**Measure Haz-1 - Asbestos** - Pursuant to Section 9-1-104 of the City's Municipal Code, the building shall be inspected for the presence of asbestos. If the building is found to contain asbestos, the building owner or his representative shall submit a letter to the Director of Building and Safety so stating. If the building is found to contain asbestos, then an asbestos abatement permit shall be obtained from the department upon submittal by the applicant of all necessary documentation as required by Rule 1403 of the South Coast Air Quality Management District. Demolition permits shall then be issued upon submittal of an asbestos abatement completion certificate by qualified contractors. All testing procedures shall follow recognized local standards as well as established California and Federal assessment protocols and SCAQMD Rule 1403. The report of the results of the testing shall identify the location and type of all asbestos in the existing building and shall quantify the areas of asbestos containing materials. Prior to any demolition or renovation, of areas containing asbestos, the asbestos containing material shall be removed in accordance with proper abatement procedures recommended by the asbestos consultant and as required by the SCAQMD. Such measures may include requirements for encapsulation or transport to an appropriate disposal facility. All abatement activities shall be in compliance with California and Federal OSHA, and with the SCAQMD requirements including SCAQMD Rule 1403. Following completion of the asbestos abatement, the asbestos consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of asbestos-containing materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets. **Measure Haz-2 Lead** - Prior to the issuance of a permit for the demolition of any structure on the project site, the developer shall contract with a licensed lead-based paint consultant to conduct sampling of the structure to evaluate for the presence of lead-based paint. Any identified lead based

Proposed Mitigation Measures	
	paint located within the building scheduled for demolition shall be abated by a licensed lead based paint abatement contractor, and disposed of according to all state and local regulations. Such measures may include requirements for encapsulation or transport to an appropriate disposal facility. All abatement activities shall be in compliance with California and Federal OSHA requirements. Only lead-based paint trained and certified abatement personnel shall be allowed to perform abatement activities. All lead-based paint removed from these structures shall be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material shall be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead based paint abatement, the lead based paint consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of lead based paint materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets.
Noise	
Noise	**Measure Noise-1** - Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following noise attenuation measures: • Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director. • During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residences as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development. • Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential streets. The haul routes and staging areas for the project

Proposed Mitigation Measures	
	shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets. • All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes. • The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers.
Transportation And Traffic	
Parking Access	**Measure Trans-1** - The final design of access control to the parking structure will be subject to review and approval by the City Traffic Engineer prior to issuance of the occupancy permit for the project. **Measure Trans-3** – The project will be required to provide two feet six inches dedication to widen the alley as required by the Street Master Plan.
Construction Impact	**Measure Trans-2** - The applicant shall prepare a Construction Management Plan to include the following: • Hours of Construction shall be limited between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday. • All delivery trucks shall be scheduled during "off-peak" hours, when vehicle and pedestrian traffic is minimal. • Off-site on-street parking for project construction shall be prohibited on all adjacent streets and alleys. Construction-Related Parking shall be on-site. The contractor shall provide the City with Construction Management Plans, which address employee and construction-related parking, schedule of construction, and number of vehicle anticipated on-site. • All construction-related trucks destined to the site shall follow the City's truck route plan. The contractor shall coordinate with the City to determine the most adequate route, identify the volume of trucks destined to the site, and delivery/hauling logistics. • A fence shall be installed along the perimeter of the project site to ensure the safety of pedestrians in the neighborhood. The contractor shall provide a flagman at the project site entrance to reduce any conflicts with cars, trucks, and pedestrians. • All heavy hauling and delivery of large construction supplies will be subject to the issuance of heavy hauling permits issued by the

Proposed Mitigation Measures	
	Department of Public Works, Engineering Division. Heavy hauling and routing shall be approved by the Engineering Office of the City of Beverly Hills. • In addition, due to the proximity of the site to Beverly Hills High School, the Engineering Division shall require additional safety measures during the construction phase of the project, including prohibiting heavy vehicle delivery or hauling during the hours that school is opening or closing, as well as excluding the use of the roadway adjacent to the school for construction related transporting to and from the site. These measures will also include a requirement for flagmen to be present for traffic control purposes. • The project applicant shall be required to keep the site and adjacent areas clean during construction.