

**TAB 2**

**121 Spalding Project Staff Report**

**Part 1: Staff report and Attachments A-C**

**Part 2: Attachment D with Appendix A**

**Part 3: Attachment D Appendix B**



# Planning Commission Report

---

**Meeting Date:** July 12, 2012

**Subject:** **121 Spalding Drive**  
**New Office Building with Parking Garage**

Request for a Development Plan Review, encroachment permit and partial alley vacation for the construction of a new office building with parking garage on the property located at 121 Spalding Drive.

PROJECT APPLICANT: The Gores Group

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolutions conditionally approving the requested Development Plan Review and recommending City Council approval of certain right-of-way encroachments.

---

## REPORT SUMMARY

The proposed project involves the demolition of a three-level parking structure, and the construction of a new commercial building containing approximately 9,000 square feet of general office space and 140 parking spaces. With the exception of certain right-of-way encroachments, the project is fully code-compliant and includes replacement parking spaces for the adjacent office building at 9800 Wilshire Boulevard that will be lost due to the demolition of the existing parking structure. This report analyzes the configuration and construction of the proposed project, and specifically outlines measures to be undertaken during the construction process in order to limit the project's impact on the adjacent Mosaic Hotel and residential neighborhood.

**Attachment(s):**

- A. Staff Recommended Findings and Conditions of Approval
- B. Public Notice
- C. Draft Planning Commission Resolution
- D. Class 32 Categorical Exemption Report
- E. Architectural Plans

**Report Author and Contact Information:**

Ryan Gohlich  
(310) 285-1194  
[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date	3/29/2012
Application Complete	6/7/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	8/6/2012 without extension request from applicant

Applicant(s)	The Gores Group
Owner(s)	The Gores Group
Representative(s)	Tom Levyn

Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	121 Spalding Drive
Legal Description	Lots 654 and 655, Tract 7710
Zoning District	C-3 General Commercial
General Plan	General Commercial - Low Density
Existing Land Use(s)	Parking Structure
Lot Dimensions & Area	100' x 117.5' – 12,240 square feet
Year Built	1958
Historic Resource	The property is not identified on the City's list of potentially historic properties.
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	C-3 – General commercial offices
South (across Wilshire)	C-3 – Hotel
East	C-3 – General commercial offices
West	C-3 – General commercial

### Circulation and Parking

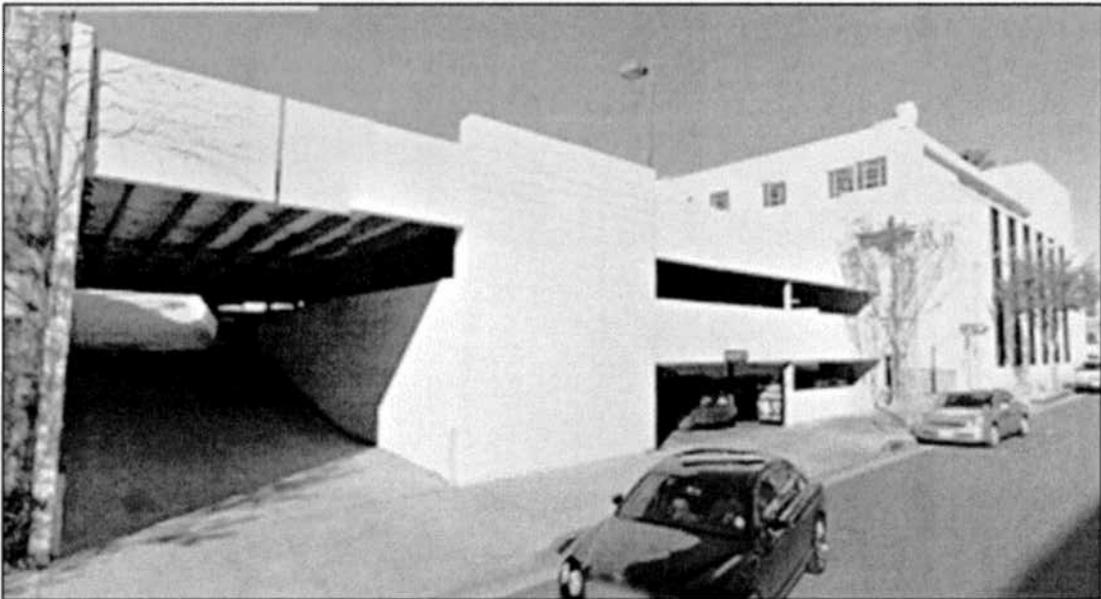
Adjacent Street(s)	Spalding Drive
Adjacent Alleys	One-way, westbound alley located north of the property, and two-way north/south alley located west of the property
Parkways & Sidewalks	Spalding Drive sidewalk/parkway – 10' from face of curb to property line
Parking Restrictions	1 hour metered parking adjacent to project site
Nearest Intersection	Spalding Drive and Wilshire Boulevard
Circulation Element	Spalding Drive is a local street and Wilshire Boulevard is an arterial street.
Estimated Daily Trips	Spalding Drive carries approximately 2,000 daily trips, and Wilshire Boulevard carries approximately 44,000 daily trips.

Neighborhood Character

The project site is located just south of the Wilshire Boulevard and Spalding Drive intersection. Adjacent uses consist of a hotel and general commercial uses. Additionally, multi-family residential uses are located approximately 100 feet south of the project site.



Project Site Looking North



Existing Parking Structure Viewed From Spalding Drive

## PROJECT DESCRIPTION

The proposed project consists of the demolition of an existing above-grade, 3-level parking structure, and the construction of a new 4-story (above-grade) commercial building containing a mix of parking and general office uses. The existing parking structure that is proposed for demolition provides parking for the adjacent office building located at 9800 Wilshire Boulevard, which requires replacement parking to be provided within the proposed project. Therefore, the proposed project includes a total of 5 levels of parking (2 subterranean and 3 above-grade). The portion of the project's ground floor that fronts on Spalding Drive contains general office space, and the entire fourth floor is made up of general office space. The total floor area of proposed office uses is approximately 9,000 square feet. The proposed project is a code-compliant 45 feet in height (not including allowable rooftop elements), and includes a proposal to realign and widen the existing 15-foot-wide east-west alley to 20 feet. In addition to the proposal to realign and widen the alley, the applicant has proposed specific encroachments within the alley right-of-way. The encroachments include a subterranean encroachment under the alley for parking purposes, and an above-grade encroachment to allow a bridge connection between the top floor of the proposed project and the top floor of the existing 9800 Wilshire Boulevard office building.

### Requested Permits

The applicant is seeking approval of the following:

**Development Plan Review.** A Development Plan Review is required for the construction of any new structure that has a floor area of 2,500 square feet or more. Accordingly, the applicant seeks a Development Plan Review in order to construct the proposed project.

**Alley Vacation.** In order to accommodate remodeling of the adjacent 9800 Wilshire Boulevard office building and the installation of a stone veneer along the alley-facing building wall (which would otherwise encroach into the alley), the applicant proposes to realign the alley by vacating approximately 1 foot of width from the east-west alley. The 1 foot of width lost due to vacation would be offset by an approximately 6-foot dedication of land for alley purposes along the southern edge of the east-west alley. The result would be a 20-foot wide alley. Alley vacation requires final action by the City Council, but the Planning Commission may make a recommendation that the vacation be approved.

**Encroachment Permit.** As noted above in the project description, the applicant proposes a subterranean alley encroachment for parking purposes, and an above-grade encroachment for a bridge connection between the proposed project and the 9800 Wilshire Boulevard office building. The requested encroachment permits require final action by the City Council, but the Planning Commission may make a recommendation that the permits be approved.

## ZONING CODE<sup>1</sup> COMPLIANCE

A detailed review of the proposed project's compliance with applicable zoning standards has been performed. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

---

<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

### Agency Review<sup>2</sup>

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- TRANSPORTATION DIVISION

The City's Transportation Engineer has peer-reviewed the traffic study prepared for the Class 32 Categorical Exemption Report (Attachment E), and has also reviewed the project's internal configuration with regard to parking access and circulation. The City's Transportation Engineer supports the conclusions in the report, and has determined that the parking configuration provides appropriate access for vehicles. Additionally, staff has recommended a condition of approval requiring final review and approval of the parking configuration by the Transportation Engineer prior to the issuance of building permits.

- ENGINEERING

The City's Engineering Division has reviewed the proposal to realign and widen the east-west alley, and supports the concept in order to provide improved circulation and access in and around the project site.

### **GENERAL PLAN<sup>3</sup> POLICIES**

The General Plan includes goals and policies relevant to the Planning Commission's review of the project:

- Policy LU 5.6 Alleys. Maintain existing neighborhood alleys as alternate, safe, well maintained access points to homes that also reduce curb cuts, driveways, and associated pedestrian-automobile conflicts.
- 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 CIR 11.1. Alleys. By virtue of serving as the primary network for utility locations, trash removal, loading and unloading facilities, alternate emergency access, alleys vastly simplify the function of the streets and permit a higher degree of efficiency and visual quality along the streets. Alleys also provide an additional buffer between parcels so as to further insulate incompatible uses and development.

---

<sup>2</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

<sup>3</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

**ENVIRONMENTAL ASSESSMENT**

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15332 (Class 32) of the Guidelines. Specifically, the proposed project qualifies as an in-fill development project that is not anticipated to result in any significant environmental impacts. Additional detail regarding the applicable exemption for in-fill development projects can be found in Attachment D.

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	7/6/2012	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	7/2/2012	7/2/2012	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	7/6/2012	6 Days

Public Comment

As of the writing of this report, no public comments have been received regarding the project.

**ANALYSIS<sup>4</sup>**

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment A and may be used to guide the Planning Commission’s deliberation of the subject project.

The required findings for renewal and amendment of the CUP relate to preserving the character of the existing neighborhood and ensuring that the use does not result in any adverse impacts to surrounding residential properties. In reviewing the project, staff recommends that the Commission consider the following:

**Parking.** The proposed project includes replacement parking for the office building located at 9800 Wilshire Boulevard. The existing parking that is to be replaced is made up of compact and tandem parking spaces. As allowed by code, the replacement parking has been proposed in a similar compact and/or tandem configuration. The proposed configuration provides for improved circulation and accessibility. The parking spaces provided for the new office floor area are fully accessible and meet current code requirements. Therefore, the project will have a mix of standard and substandard parking spaces.

**Alley Realignment and Widening.** The proposed alley realignment and widening improves existing circulation, as the existing east-west alley is 15 feet wide, and would be widened to 20

---

<sup>4</sup> The analysis provided in this section is based on draft findings 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 modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

feet. The widened alley will offer improved visibility, turning movements, and the ability to accommodate two-way traffic. Staff supports the realignment and widening of the alley because it would greatly improve upon existing conditions and is consistent with the goals and policies of the general plan.

**Right-of-Way Encroachments.** Due to the abovementioned alley widening, the applicant seeks to construct a portion of the subterranean parking under the to-be-dedicated portion of the alley. This encroachment allows for wider, code-compliant aisles within the parking garage, and is consistent with encroachments granted for past projects. The subterranean encroachment will not interfere with alley operations, nor with existing utilities within the alley. The above-grade bridge connection proposed over the alley will be located approximately 30 feet above the alley. The elevated nature of the bridge allows for existing alley access to be maintained without impeding the movement of large vehicles and trucks. Staff supports the requested encroachments because they make for a better project with improved parking and connectivity without adversely interfering with the operation of the alley

**Construction Conditions.** The proposed project is located immediately adjacent to the Mosaic Hotel and a short distance from residential properties, and although the construction of the project does not rise to the level of a significant impact under the provisions of CEQA, it is important to recognize the sensitivity of hotels and residential uses to construction activity. In order to support the city's hotels and residential neighborhoods, staff recommends certain conditions of approval intended to minimize disruptions at the hotel and surrounding neighborhood that may be caused by construction of the project. The recommended conditions are discussed below and set forth in Attachment A, and primarily relate to regulating noise, dust, and traffic that may result from construction activities.

#### Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment A):

- *"The approvals to construct a new office building and parking garage shall not become effective unless and until the proposed alley vacation, alley dedication, and encroachment permit for above- and below-grade alley encroachments have been reviewed and approved by the City Council."* (Special Condition 1)

The purpose of the above condition is to ensure that all components of the project are approved prior to the issuance of building permits.

- *"The portion of existing alley to be vacated shall not be abandoned or closed to vehicular circulation unless and until the proposed new alley has been constructed and is operational."* (Special Condition 2)

The purpose of the above condition is to ensure that proper alley access is maintained in and around the project site.

- *"Vacation of the northern strip of the east-west alley shall be conducted in accordance with the Streets and Highways Code Section 8300 et seq."* (Special Condition 3)

The purpose of the above condition is to ensure that alley vacation is carried out in accordance with all applicable laws.

- *“The parking and drive aisle configuration within the project shall be subject to final review and approval by the City’s Transportation Engineer prior to the issuance of building permits” (Special Condition 4)*

The purpose of the above condition is to ensure that the final configuration of the parking garage satisfies the City’s minimum requirements for access and circulation.

- *“The applicant shall submit a construction management plan to the City for review and approval prior to the issuance of any building permits. To the maximum extent feasible, the construction management plan shall identify project timelines and staging, and shall identify methods for reducing noise impacts. At a minimum, the construction management plan shall schedule higher impact construction activities (those that generate the most noise) to occur between the hours of 9:00 AM and 4:00 PM.” (Special Condition 5)*

The purpose of the above condition is to ensure that construction activities that generate the most noise do not occur during the early morning or evening hours.

- *“The applicant shall establish a construction coordinator. The construction coordinator shall be responsible for ensuring satisfactory compliance with all construction conditions set forth in this resolution. Contact information for the construction coordinator shall be posted at the project site, and the construction coordinator shall be available to answer questions regarding the project and respond to any complaints generated by the project’s construction.” (Special Condition 6)*

The purpose of the above condition is to establish a single point of contact for compliance with the conditions of approval and the general public.

- *“The applicant shall submit a worker parking management plan to the City for review and approval prior to the issuance of any building permits. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the project site, the plan shall identify alternate parking locations for construction workers and method of transportation to and from the project site.” (Special Condition 7)*

The purpose of the above condition is to ensure that worker parking does not disrupt hotel operations or the enjoyment of properties within the surrounding neighborhood.

- *“All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.” (Special Condition 8)*

The purpose of the above condition is to limit the amount of noise generated by construction vehicles.

- *“Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.” (Special Condition 9)*

The purpose of the above condition is to limit the need for diesel or gasoline generators, which typically generate additional noise.

- *“Not more than two pieces of diesel equipment shall be operated at the project site at any one time.” (Special Condition 10)*

The purpose of the above condition is to reduce construction vehicle noise associated with the operation of heavy diesel equipment.

- *“Water trucks shall be used during demolition and construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.” (Special Condition 11)*

The purpose of the above condition is to reduce the amount of dust generated at the project site during demolition and construction activities.

## **NEXT STEPS**

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Development Plan Review and recommending the approval of alley vacation and specific alley encroachments.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



---

Michele McGrath, Principal Planner

# ATTACHMENT A

## Staff Recommended Findings and Conditions of Approval

### DRAFT FINDINGS

#### Development Plan Review

1. *The proposed plan is consistent with the general plan and any specific plans adopted for the area.*

The proposed plan complies with all applicable goals and policies set forth in the general plan, and allows for the establishment of a new office and parking facility that will contain desirable uses and generate additional jobs and revenue in the area. The proposed plan is not located within a specific plan area.

2. *The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.*

The proposed plan replaces an aging parking structure with a modern office building and parking facility. The project utilizes high quality design and materials, and meets all applicable development standards. Therefore, the project will be a harmonious addition to the area that will generate high quality jobs without adversely affecting existing and anticipated development in the vicinity of the project site.

3. *The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.*

Residential properties are located a minimum of 100 feet away from the project site. The project will contain general office and parking uses, consistent with the applicable zoning and general plan designations. Because the project is separated from residential uses and is compliant with all applicable City standards, the project is not anticipated to significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

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

A traffic analysis has been prepared for the project, and the analysis demonstrates that the project will not result in any significant traffic or safety hazards. Furthermore, the project eliminates an existing driveway on Spalding Drive, which will reduce interference and potential pedestrian conflicts with the sidewalk.

5. *The proposed plan will not be detrimental to the public health, safety or general welfare.*

The proposed plan is consistent with all applicable City standards, and serves to update an existing commercial property with new, high quality development. Therefore, the project is anticipated to be a benefit to the public health, safety, and general welfare.

## Alley Vacation and Alley Encroachments

1. *The proposed alley vacation and alley encroachments are consistent with the General Plan.*

The alley vacation and alley encroachments further the goals and policies of the City by allowing the City to enhance an existing commercial property and attract an important commercial asset while continuing to provide sufficient access and circulation in and around existing and future developments. Specifically, vacation of a portion of the existing 15-foot wide alley and establishment of a realigned 20-foot wide alley is consistent with General Plan Policy LU 5.6, which states:

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

The Project provides a new, wider alley as a replacement to the existing alley, and thus maintains the City’s alley system as an alternate, safe, well maintained access point to properties. Additionally, the proposed alley encroachments do not interfere with the safe operation of the alley, and are therefore consistent with the goals and policies of the general plan.

## **DRAFT CONDITIONS**

### Project Specific Conditions

1. The approvals to construct a new office building and parking garage shall not become effective unless and until the proposed alley vacation, alley dedication, and encroachment permit for above- and below-grade alley encroachments have been reviewed and approved by the City Council.
2. The portion of existing alley to be vacated shall not be abandoned or closed to vehicular circulation unless and until the proposed new alley has been constructed and is operational.
3. Vacation of the northern strip of the east-west alley shall be conducted in accordance with the Streets and Highways Code Section 8300 et seq.
4. The parking and drive aisle configuration within the project shall be subject to final review and approval by the City’s Transportation Engineer prior to the issuance of building permits.
5. The applicant shall submit a construction management plan to the City for review and approval prior to the issuance of any building permits. To the maximum extent feasible, the construction management plan shall identify project timelines and staging, and shall identify methods for reducing noise impacts. At a minimum, the construction management plan shall schedule higher impact construction activities (those that generate the most noise) to occur between the hours of 9:00 AM and 4:00 PM.
6. The applicant shall establish a construction coordinator. The construction coordinator shall be responsible for ensuring satisfactory compliance with all construction conditions set forth in this

resolution. Contact information for the construction coordinator shall be posted at the project site, and the construction coordinator shall be available to answer questions regarding the project and respond to any complaints generated by the project's construction.

7. The applicant shall submit a worker parking management plan to the City for review and approval prior to the issuance of any building permits. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the project site, the plan shall identify alternate parking locations for construction workers and method of transportation to and from the project site.
8. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
9. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
10. Not more than two pieces of diesel equipment shall be operated at the project site at any one time.
11. Water trucks shall be used during demolition and construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.

#### Standard Conditions

Please see the Draft Planning Commission Resolution (Attachment C).

# **ATTACHMENT B**

## **PUBLIC NOTICE**



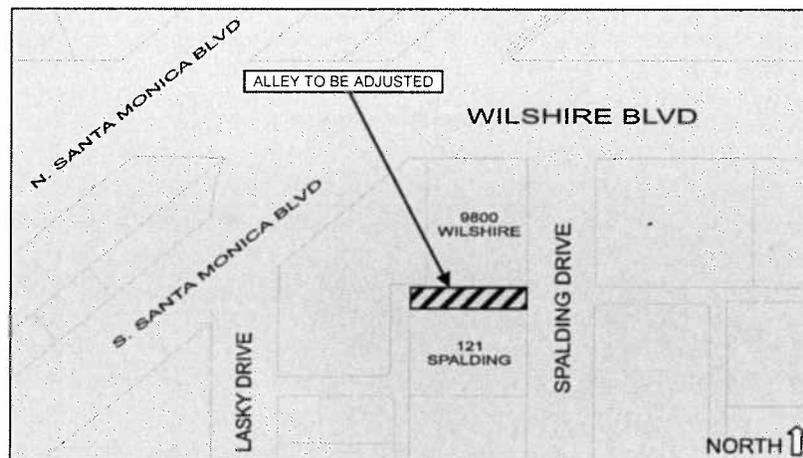
## NOTICE OF PUBLIC HEARING

**DATE:** Thursday, July 12, 2012  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, July 12, 2012, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

A request for a Development Plan Review permit to construct a new parking structure and office space on the property located at **121 Spalding Drive**. The proposed project would replace an existing three-level parking structure with a new structure containing a mix of parking and office uses. The new structure would have two levels of subterranean parking and three levels of above-ground parking. Additionally, the structure includes approximately 9,000 square feet of office space that will be distributed between the ground floor and fourth floor of the project. The structure will be 45 feet tall.

In addition to the Development Plan Review permit outlined above, the project includes a request to adjust the configuration of the existing east/west alley located just north of the project site (shown in the diagram below), and a request to allow certain encroachments into the alley. The existing 15-foot wide alley would be widened to 20 feet, and would be shifted south by approximately 1 foot. The proposed encroachments into the alley include a subterranean portion of the parking garage that would extend underneath a portion of the east/west alley, and an above-ground bridge that would span over the alley and connect the proposed parking and office uses to the existing office building at 9800 Wilshire Boulevard. The proposed bridge would be located a minimum of 30 feet above the alley in order to maintain vertical clearance for truck access.



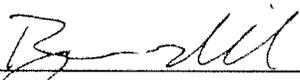
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for Class 1 (Section 15301) and Class 32 (Section 15332) Categorical Exemptions for modifications to existing rights-of-way and in-fill development within an urban area, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@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.

Sincerely,

  
\_\_\_\_\_  
Ryan Gohlich, Senior Planner

Mailed July 2, 2012

# **ATTACHMENT C**

## **DRAFT PLANNING COMMISSION RESOLUTION**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW, AND RECOMMENDING APPROVAL OF AN ENCROACHMENT PERMIT AND PARTIAL ALLEY VACATION TO ALLOW THE DEMOLITION OF AN EXISTING PARKING STRUCTURE AND CONSTRUCTION OF A NEW OFFICE BUILDING ON THE PROPERTY LOCATED AT 121 SPALDING DRIVE.

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

Section 1. The Gores Group, through its agent Tom Levyn, has submitted an application to allow the demolition of an existing parking structure, with subsequent construction of a new office building with parking facilities (the “Project”). The proposed Project consists of the demolition of an existing 3-level parking structure, and the construction of a new 4-story (above-grade) commercial building containing a mix of parking and general office uses. The existing parking structure that is proposed for demolition provides parking for the adjacent office building located at 9800 Wilshire Boulevard, which requires replacement parking to be provided within the proposed Project. Therefore, the proposed Project includes a total of 5 levels of parking (2 subterranean and 3 above-grade). The portion of the Project’s ground floor that fronts on Spalding Drive contains general office space, and the entire fourth floor is made up of general office space. The total floor area of proposed office uses is approximately 9,000 square feet. The proposed Project is a code-compliant 45 feet in height (not including allowable rooftop elements), and includes a proposal to realign and widen the existing 15-foot-wide east-west alley to 20 feet. In addition to the proposal to realign and widen the alley, the Applicant has proposed

specific encroachments within the alley right-of-way. The encroachments include a subterranean encroachment under the alley for parking purposes, and an above-grade encroachment to allow a bridge connection between the top floor of the proposed Project and the top floor of the existing 9800 Wilshire Boulevard office building.

Section 2. The request to demolish the existing parking structure and construct a new office building results in the need for specific entitlements as follows:

1. Development Plan Review. A Development Plan Review is required for the construction of any new structure that has a floor area of 2,500 square feet or more. Accordingly, the Applicant seeks a Development Plan Review in order to construct the proposed Project;
2. Alley Vacation. In order to accommodate remodeling of the adjacent 9800 Wilshire Boulevard office building and the installation of a stone veneer along the alley-facing building wall (which would otherwise encroach into the alley), the Applicant proposes to realign the alley by vacating approximately 1 foot of width from the east-west alley. The 1 foot of width lost due to vacation would be offset by an approximately 6-foot dedication of land for alley purposes along the southern edge of the east-west alley. The result would be a 20-foot wide alley; and
3. Encroachment Permit. The Applicant proposes a subterranean alley encroachment for parking purposes, and an above-grade encroachment

for a bridge connection between the proposed Project and the 9800 Wilshire Boulevard office building.

Section 3. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the City’s environmental guidelines. A Class 32 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15332 (infill development) because the Project meets the following environmental criteria:

- (a) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a Project site of no more than 5 acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered , rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The Project complies with the above-referenced criteria, based on the following information:

- (a) The Project has been found to be consistent with the applicable general plan land use designation and all applicable general plan policies. Additionally, the Project has been reviewed for conformance with the applicable zoning designation and all zoning regulations and development standards.
- (b) The Project is located at 121 Spalding Drive, which is located within the City of Beverly Hills city limits. Additionally, the Project site is substantially surrounded by urban uses on all sides, and the Project site is approximately 0.28 acres in size, which is well within the required 5-acre limit.
- (c) The Project site was previously developed with a three-level parking structure, and has remained as such until present day. Because the Project site is already developed with a commercial building, the site does not hold any value as habitat for endangered, rare, or threatened species.
- (d) A traffic study was prepared in conjunction with the Project, which found that based on the anticipated trip generation of the office uses, the Project will not generate any significant impacts related to traffic. Additionally, a study was prepared to analyze potential impacts related to noise, air quality, and water quality. The study found that minor, short-term impacts may be generated during construction of the Project, but that once complete, the Project would not generate any significant impacts related to noise, air quality, or water quality.

- (e) Because the Project site has been previously developed, and is consistent with the requirements of the general plan, it can be adequately served by all required utilities and public services.

Section 4. Notice of the Project and the public hearing held concerning the Project was mailed on July 2, 2012 to all property owners and residential tenants within a 300-foot radius of the property. On July 12, 2012, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a Development Plan Review, the Planning Commission may approve the Development Plan Review if the Commission finds as follows:

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area;
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;
4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
5. The proposed plan will not be detrimental to the public health, safety or general welfare.

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

1. The proposed plan complies with all applicable goals and policies set forth in the general plan, and allows for the establishment of a new office and parking facility that will contain desirable uses and generate additional jobs and revenue in the area. The proposed plan is not located within a specific plan area;
2. The proposed plan replaces an aging parking structure with a modern office building and parking facility. The Project utilizes high quality design and materials, and meets all applicable development standards. Therefore, the Project will be a harmonious addition to the area that will generate high quality jobs without adversely affecting existing and anticipated development in the vicinity of the Project site;
3. Residential properties are located a minimum of 100 feet away from the Project site. The Project will contain general office and parking uses, consistent with the applicable zoning and general plan designations. Because the Project is separated from residential uses and is compliant with all applicable City standards, the Project is not anticipated to significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;
4. A traffic analysis has been prepared for the Project, and the analysis demonstrates that the Project will not result in any significant traffic or safety hazards. Furthermore, the Project eliminates an existing driveway on Spalding Drive,

which will reduce interference and potential pedestrian conflicts with the sidewalk; and

5. The proposed plan is consistent with all applicable City standards, and serves to update an existing commercial property with new, high quality development. Therefore, the Project is anticipated to be a benefit to the public health, safety, and general welfare.

Section 7. In considering the request for alley vacation and alley encroachments, the Planning Commission may recommend that the City Council approve the vacation if the Commission finds as follows:

1. The proposed alley vacation and alley encroachments are consistent with the General Plan.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the alley vacation and alley encroachments:

1. The alley vacation and alley encroachments further the goals and policies of the City by allowing the City to enhance an existing commercial property and attract an important commercial asset while continuing to provide sufficient access and circulation in and around existing and future developments. Specifically, vacation of a portion of the existing 15-foot wide alley and establishment of a realigned 20-foot wide alley is consistent with General Plan Policy LU 5.6, which states:

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

The Project provides a new, wider alley as a replacement to the existing alley, and thus maintains the City’s alley system as an alternate, safe, well maintained access point to properties. Additionally, the proposed alley encroachments do not interfere with the safe operation of the alley, and are therefore consistent with the goals and policies of the general plan.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Development Plan Review and recommends approval of the alley vacation and alley encroachments, subject to the following conditions:

Project-Specific Conditions

1. The approvals to construct a new office building and parking garage shall not become effective unless and until the proposed alley vacation, alley dedication, and encroachment permit for above- and below-grade alley encroachments have been reviewed and approved by the City Council.
2. The portion of existing alley to be vacated shall not be abandoned or closed to vehicular circulation unless and until the proposed new alley has been constructed and is operational.
3. Vacation of the northern strip of the east-west alley shall be conducted in accordance with the Streets and Highways Code Section 8300 et seq.

4. The parking and drive aisle configuration within the Project shall be subject to final review and approval by the City's Transportation Engineer prior to the issuance of building permits.
5. The Applicant shall submit a construction management plan to the City for review and approval prior to the issuance of any building permits. To the maximum extent feasible, the construction management plan shall identify Project timelines and staging, and shall identify methods for reducing noise impacts. At a minimum, the construction management plan shall schedule higher impact construction activities (those that generate the most noise) to occur between the hours of 9:00 AM and 4:00 PM.
6. The Applicant shall establish a construction coordinator. The construction coordinator shall be responsible for ensuring satisfactory compliance with all construction conditions set forth in this resolution. Contact information for the construction coordinator shall be posted at the Project site, and the construction coordinator shall be available to answer questions regarding the Project and respond to any complaints generated by the Project's construction.
7. The Applicant shall submit a worker parking management plan to the City for review and approval prior to the issuance of any building permits. To the maximum extent feasible, all worker parking shall be accommodated on the Project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the Project site, the plan shall identify alternate parking locations for construction workers and method of transportation to and from the Project site.

8. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
9. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
10. Not more than two pieces of diesel equipment shall be operated at the Project site at any one time.
11. Water trucks shall be used during demolition and construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.

#### Standard Conditions

12. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
13. RECORDATION. The resolution approving the Development Plan Review shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that

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

14. EXPIRATION. Development Plan Review: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
15. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.
16. This approval is for those plans submitted to the Planning Commission on July 12, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
17. 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.

18. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
19. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.
20. 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.
21. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.
22. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.
23. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
24. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.
25. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

26. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
27. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
28. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
29. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
30. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
31. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate

routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

32. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.
33. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
34. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
35. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
36. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

Section 10. 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:

---

Craig Corman, Chair of the Planning  
Commission of the City of Beverly Hills,  
California

Attest:

---

Secretary

Approved as to form:

Approved as to content:

---

David M. Snow  
Assistant City Attorney

---

Michele McGrath  
Acting City Planner